

# C<sup>in</sup> CHAMBERS

THE OFFICIAL PUBLICATION OF TEXAS CENTER FOR THE JUDICIARY, INC. VOLUME 24, No. 2 SPRING 1997

## Panel Tackles Gatekeeping Issue at Conference

During the College of Advanced Judicial Studies in March, attendees were treated to a premiere program entitled *The Judges Role as Gatekeeper*. This moderated panel discussion debated the role of the judge in allowing scientific testimony, especially in relation to the United States Supreme Court *Daubert* decision and the Texas Supreme Court *Robinson* decision.

Judges in the state of Texas experienced the first presentation of a program that the organizers hope to produce in every state. This experimental version of the panel boasted some of the nation's foremost experts in the fields of epidemiology, medicine, and the law.

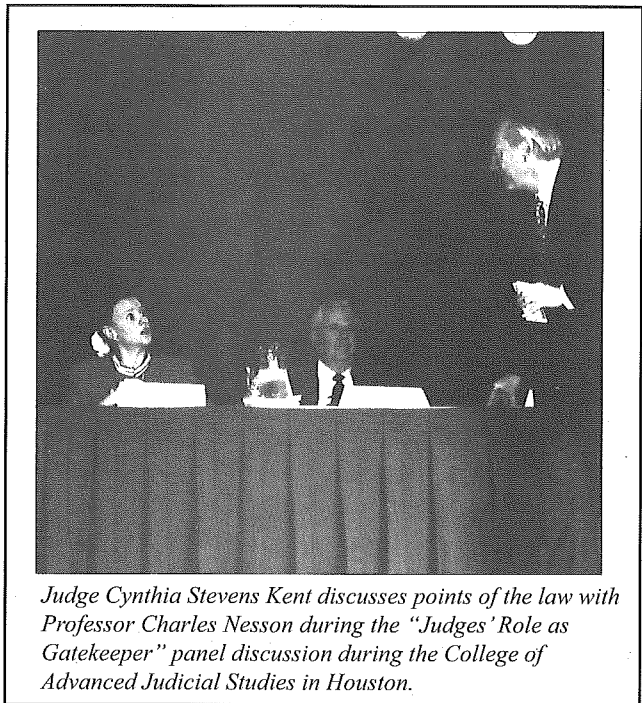
How does a judge know if the numbers given by an expert are significant? How do courts obtain neutral experts? And in what types of cases is the role of an expert required? These questions as well as hypothetical situations were discussed by the panel of experts.

Moderator Charles Nesson, professor of law at Harvard Law School,


proposed legal cases dealing with scientific evidence and asked panelists how they would interpret the admissibility of expert scientific testimony. Texas Judges Cynthia Stevens Kent, John Cornyn, Michael O'Neill and former Chief Justice of the Texas Supreme Court John Hill were questioned about how they would rule in hypothetical situations involving expert testimony. Medical experts Shanna Swan, Ph.D., of the California Department of Health Services, and Marcia Angell, M.D., executive editor of the *New England Journal of Medicine*, were questioned about the viability and validity of scientific testimony in determining the

outcome of court cases. Attorneys Barry Nace, Cathleen Herasimchuk, Fredric Ellis and Robert Dickson offered the lawyers' point of view in bringing in expert scientific testimony during a trial to improve their cases.

*Continued on page 5  
See Panelists*



*Judge Cynthia Stevens Kent discusses points of the law with Professor Charles Nesson during the "Judges' Role as Gatekeeper" panel discussion during the College of Advanced Judicial Studies in Houston.*

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judicial  
notes

**New Videos Available**

The Texas Center has a new set of videos available from the National Center for State Courts. The videos and corresponding material include the following five courses: *Court Organization and Structure; Enhancing Diversity in the Court and Community; Court Automation Design; Case Management for Trial Judges; and Trial Court Performance Standards: Guiding Courts into the Future.* These materials were developed by the Institute for Court Management of the National Center for State Courts

under a grant for "Broadening Educational Opportunities for Judges and other Key Court Personnel," from the State Justice Institute. If you are interested in any of these videos please contact Angela at the Texas Center for the Judiciary at (800) 252-9232.

**New Books and Article Available**

The Texas Center has received a copy of *Sanctions in Juvenile Drug Court: A Continuum of Knots and Lessons* from the Florida State Courts System. The article provides a survey of the law in an area seen as important to the development of juvenile drug courts in Florida and addresses the idea of a treatment-based drug court concept. The article was produced with funding support

from the State Justice Institute.

Another new book in the Texas Center library is *How to Use Structured Fines (Day Fines) as an Intermediate Sanction* from the Bureau of Justice Assistance.

Both the book and article are available for check out. Please contact the Texas Center at (800) 252-9232.

**Justice Honored**

Justice Marilyn Aboussie was honored in February for her outstanding contributions to Scouting and her community. The award was given by the board of directors of the Concho Valley Council of the Boy Scouts of America at the Distinguished Citizen Award Dinner in San Angelo.

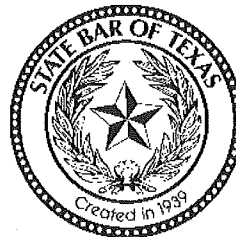
**Exhibitors to Attend Judicial Section Conference**

The Judicial Section Annual Conference takes a step in a new direction this year. In an effort to provide more information and opportunity for Texas judges, vendors will exhibit at this year's conference in Fort Worth for the first time. A variety of businesses have been invited to approach the judiciary with the latest technology and products for the courtroom, office and home.

From software makers and publishers to investment services and audiovisual companies, a variety of exhibitors will offer the latest in their fields to the judiciary. To enable judges to interact with the vendors, special events will be

hosted in the exhibit hall, including a reception and a continental breakfast.

"We want to give judges optimum time to explore the numerous



exhibits and see the newest products on the market," Tana Petrich, Associate Director of the Texas Center, said.

It can be a difficult process trying to

stay up-to-date on the latest products and services. Having exhibitors come to the conference offers a unique opportunity for judges to learn about a wide variety of merchandise that can help them do their jobs better, without even having to leave the hotel. The Exhibit Hall creates an environment conducive to window shopping without pressure, and then further exploring the goods that are of interest.

As this is the Judicial Section's first endeavor at hosting exhibitors, the Texas Center hopes it will be a success, and will begin a new tradition that will further improve the Annual Conference.

# CONTRIBUTIONS

## THANK YOU FOR YOUR CONTRIBUTIONS

*(contributions received as of April 11, 1997)*

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Judge & Mrs. Weldon Kirk

## Nominating Committee Meeting Scheduled

The fiscal year 1997 nominating committee will be meeting in June to slate officers and new members for the fiscal year 1998 Texas Center for the Judiciary, Inc. board of directors and for the Judicial Section executive committee. If you have an interest in serving on either of these boards or recommending a name for nomination, please notify Judge Weldon Kirk, chair of the nominating committee, in writing, no later than May 31, 1997. Also, please provide the Texas Center for the Judiciary a copy of your interest letter (Attn: Mari Kay Bickett). Judge Kirk's address is:  
Presiding Judge  
7th Administrative Region  
PO Box 528  
Sweetwater, TX 79556  
or fax to Judge Kirk at  
915/235-5886.

Three positions are open on the Texas Center board of directors and all three are for district judges. Terms are three years. In addition, the chair-elect and secretary/treasurer will be nominated for a one-year term. This term the chair-elect will be a district judge.

Four positions are open on the Judicial Section executive committee: one for an appellate judge, one for a district judge, one for a county court at law judge, and one for a retired judge or justice. The chair-elect nominee for the Texas Center, if elected, will also serve as the chair-elect of the Judicial Section. The secretary/treasurer position on the Judicial Section executive committee is an appointed position.

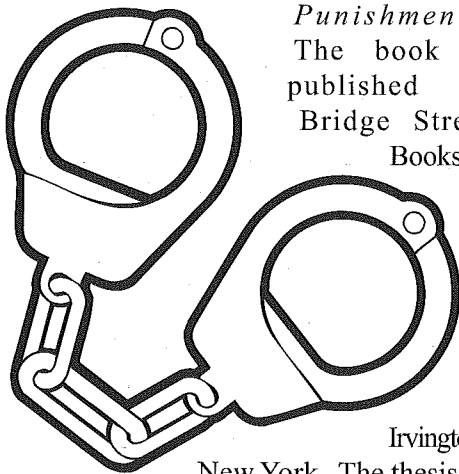
# State Judge Authors Criminal Justice Book

Of all persons under criminal sentence in America today, 75 percent are free on the streets on parole or probation. Of all persons committing crimes in the U.S., 40 percent are on probation or parole at the very time they commit their crimes. Many convicted, violent criminals receive little or no real punishment, and those who do receive prison sentences serve only a small fraction of their sentences before they are released back on the streets.

In the opinion of Chief Justice William Cornelius, these statistics show that the criminal justice system is failing. Justice Cornelius addresses this issue in his recent book on the subject, *Swift and Sure: Bringing Certainty and Finality to*

## *Criminal Punishments.*

The book is published by Bridge Street Books of



Irvington, New York. The thesis of the book, states Justice Cornelius, is that the swiftness and certainty of criminal punishment, rather than the severity, is the best deterrent of crime.

Cornelius wrote the book in response to the often asked question, 'what

can we do about crime?' As he tried to find an answer he developed the swift and sure thesis he believes will remedy the current problems in the criminal justice system.

Cornelius cites specific problems with the current system such as parole, probation, good-time credit, and other early release programs; endless appeals; bail; exclusionary rules that bar perfectly good evidence; archaic and non-sensical defenses, such as the insanity and abuse excuse defenses; the method of selecting juries in criminal cases; and the failing juvenile justice system.

In order to alleviate some of the current problems, Justice Cornelius has several recommendations:

- ◆ End all early release programs. Cornelius doesn't advocate longer sentences; he simply says criminals should serve all their sentences, whatever they are.
- ◆ Prohibit collateral review of state convictions by federal courts on habeas corpus.
- ◆ Substitute examining trials for bail in most cases.
- ◆ Repeal the exclusionary rules.
- ◆ Abolish the insanity and the abuse excuse defenses and substitute a guilty but insane adjudication that would require confinement to a mental hospital.
- ◆ Eliminate peremptory challenges

in criminal cases.

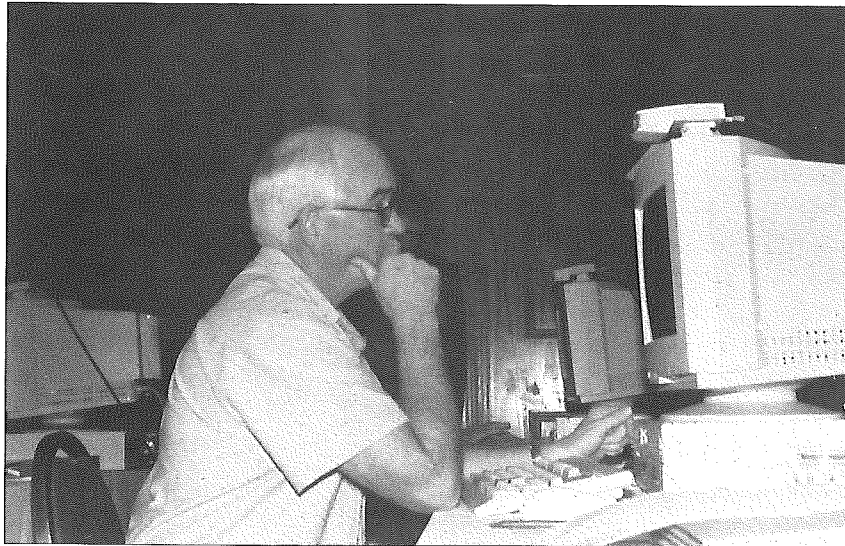
- ◆ Treat juveniles who are 14 years and older the same as adults, except for offenses requiring incarceration, send them to boot camps instead of adult prisons.

In order to address the issue that keeping offenders in prison for their full time would cause overcrowding, Cornelius' book suggests that we no longer imprison non-violent and non-dangerous offenders, but rather punish them by other means. The book also advocates not imprisoning drug and alcohol repeat offenders (excluding drug traffickers), but rather sending them to confined medical treatment centers so they may be treated for their addictions.

To alleviate the backlog in the criminal justice system, Cornelius favors plea bargaining, but only when it lessens the penalty; not if it "bargains down" the charges offense to a lesser offense.

Although these ideas may be viewed as somewhat radical, Justice Cornelius says he's received an overwhelmingly favorable response. He has attended several book signings and has appeared on local television programs and several national radio shows.

The book is available at book stores, but if it is not in stock can be purchased directly from the publisher by calling toll free 800-914-8186.



*Surfin': Judge Billy John Edwards explores the capabilities of the computer and the Internet during The Computer: The Basics at the College of Advanced Judicial Studies in Houston in March.*

## IN MEMORIAM

For those who served  
our state courts

### *Judge Marvin E. Blackburn, Jr.*

Marvin E. Blackburn, senior district judge, passed away April 1, 1997 in Junction, Texas. Judge Blackburn was appointed to the district court in 1958, and served on this bench until 1977 when he retired. Judge Blackburn served as the administrative judge for the sixth region for eight years. He was a charter member of the Hill County Bar Association, was a member of the State Bar College and served as chairman of the Senior and Former Judges Section of the Texas State Judiciary.

### *Judge Clayton Evans*

District Judge Evans of Burnet passed away March 6, 1997. Judge Evans served on the 33rd District Court from 1984 to 1996 when he retired. While serving as district judge his major interest was the protection of abused and neglected children. He supported the Hill County Children's Advocacy Center and CASA. He was elected CASA Judge of the Year in 1996 for the state of Texas. Judge Evans established the Intermediate Sanction Facility for the 33rd Judicial District, Community Service Program, Drug and Alcohol Treatment Programs and a G.E.D. program for probationers. Judge Evans was serving on the Supreme Court Task Force on Foster Children and was recently honored by the Highland Lakes Bar Association.

## CRIMINAL JUSTICE CONFERENCE SCHEDULE

### WEDNESDAY, MAY 7

Golf Tournament  
9:30 a.m.

Conference Registration  
4-5:30 p.m.

Kick-off reception  
5:30 - 7:00 p.m.

### THURSDAY, MAY 8

Class session  
8:30 a.m. - 4:30 p.m.

### FRIDAY, MAY 9

Class session  
8:30 a.m. - 12 noon

Conference  
Adjourns  
12 noon



## Panel Offers Insight

*Continued from page 1*

All of these panelists interacted to discuss how judges serve as "gatekeepers" in the role of either admitting or not admitting different forms of testimony and how much significance that testimony is given. This role of gatekeeper obviously can have an enormous impact on the outcome of a trial. By approaching the subject from both an academic and practical standpoint, the panel attempted to examine many sides of this debate and give those in attendance something concrete to apply to their daily decisions.

"With this impressive panel, we hoped to give Texas judges a premier program that is both entertaining, informative and practical," Mari Kay Bickett, executive director of the Texas Center, said.

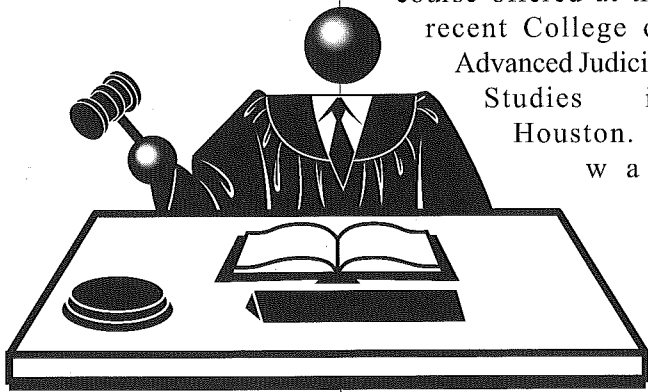
This program was sponsored by the Texas Center for the Judiciary, the Texas Bar Foundation, and the Harvard Law School Center for Law and Information Technology, through a Kellogg Foundation grant.



# Building Leadership Excellence

## One Judges Experience

By Judge Mark Owens



As we look at various public forums calling for restructuring of the Texas court system it is important to recognize that it is so easy to say no to new ideas. New ideas cause change, they disrupt the status quo, they create uncertainty. After all, isn't it less work to do it the way we have always done it? Less work — maybe. More dangerous — definitely! Good ideas are often shot down by those who think the future is merely an extension of the past.

Those statements opened the Building Leadership Excellence for Judges course offered at the recent College of Advanced Judicial Studies in Houston. It was

presented by Dr. Walt Natemeyer of North American Training & Development, Inc. and proved to be an outstanding course that strayed from the routine "case update" theme that is the meat and potatoes of our seminars.

As judges, we are all

employers and as such we must all train and lead our staff to handle their responsibilities under varied conditions. Often, we become oblivious to our immediate work conditions and surroundings as a consequence of our demanding schedules, case loads and decisions. As one who obtained some business training prior to seeking a legal career, I have always strived to keep up with current philosophy of business management and applied it to my experience as a judge. I am often reminded of the teachings of John Gardner, executive, teacher, and leadership guru. "Pity the leader who is caught between unloving critics and uncritical lovers. Leaders need advisors who will guide them lovingly but candidly through the minefields of arrogance, overwhelming pride, fixed ideas, vindictiveness, unreasoning anger, stubbornness and egoism."

Tom Peters, another well known "guru" offers advice that is as true for our everyday office management as it is for our next reelection campaign, "If you luck out and find something that works, you're in trouble. You'll most likely try to make history repeat itself,

which can hardly ever be made to happen. Circumstances change and the strengths that led to your first success often become weaknesses." The Leadership seminar in Houston was directly on point in how we, as judges, interact with our staff, the public and each other. Got your attention yet?

The recent leadership course was a wake-up call for many of us in attendance and was very refreshing indeed. The program opened by introducing to those present how we evaluate new ideas and anticipate change. What is it that keeps us from accepting new ideas? The course offered the answer as: Paradigms. Paradigms were described as sets of rules and regulations that establish boundaries and show you how to solve problems within those boundaries. Paradigms act as filters that screen data that our minds absorb. We were shown, through historical case studies, how data that agrees with our paradigms has an easy pathway to recognition and acceptance. We were also shown the negative side of our paradigms: data that does not match up with our expectations is either ignored or distorted. In short, they filter our incoming experiences.

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

Attendees were shown how we select from the world around us that data that best fits our rules and regulations and how we ignore the rest.

What may be perfectly obvious to a person with one paradigm may be totally imperceptible to someone with a different paradigm. This was identified as the "Paradigm Effect" and it can blind each of us to creative solutions to difficult problems. Whether it's "mom's way of cleaning the house" or "we've always done it this way in our county" — we deal with paradigms everyday.

Those in attendance were shown how some of these unwritten rules and regulations are what keep us from successfully anticipating the future, and how you can no longer anticipate the future by looking at the world through old paradigms. Think about it. How many of us remember the phrases such as, "a woman's place is in the home," "cheap gas forever," "cable TV will never catch on," or "Japanese products will always be junk." The program established how paradigms can sometimes keep us from seeing what is really happening. It also reasserted the maxim that new ideas mean new opportunities.

Once we were initiated into the world of paradigms and the need to look beyond them, the program led through the various leadership styles and techniques for managing people. Participants were seated five to a table and discussed case studies to assess leadership styles and

understand interpersonal relationships. Dr. Natemeyer was an excellent speaker and elicited a high level of audience response and interaction.

Each person in attendance underwent what is known as "Leadership Style Analysis" by completing a questionnaire. Then the results of the analysis for each attendee was "scored" with some startling revelations. Almost all results were on target in identifying our leadership styles and how we relate to those who work with us. More importantly, harmful leadership traits were identified and the course offered strategies for blending a capitalizing on our good individual leadership traits and how to tailor them to a specific situation. It was a most enjoyable and rewarding experience for seasoned and junior judges alike.

*The Building Leadership Excellence for Judges* course was both insightful and inspirational. Participants recognized that the number one leadership skill is the ability to develop others. That's not a new idea, but the methods taught on how to follow through with the idea and how to capitalize on our leadership strengths in the process, was a breath of fresh air indeed. I heartily recommend that

each of you partake of this type of course. It will prove invaluable in more ways than one.

This program, sponsored by the Texas Association for Court Administration received a 4.83 out of 5 ranking by attendees.

"Pity the leader who is caught between unloving critics and uncritical lovers. Leaders need advisors who will guide them lovingly but candidly through the minefields of arrogance, overweening pride, fixed ideas, vindictiveness, unreasoning anger, stubbornness, and egoism."  
--John Gardner

## ETHICS OPINIONS

**No. 204** Issued March 27, 1997

*Q* May an active, sitting judge accept employment to appear in a television program portraying a judge presiding over simulated court proceedings based on actual trials? Program credits would indicate that the judge is presently a member of the Texas judiciary.

*Q* May an active trial judge accept employment to consult with the producers of such a television proceeding, sharing his experiences with the producers and writers of such program and advise them as to proper court decorum and procedures?

**A** No, to both questions, but only because the judge is being paid. Canon 1 of the Code of Judicial Conduct calls upon the judiciary to maintain high standards of conduct. Canon 4D(1) states that a judge shall refrain from exploiting his or her judicial position. Both activities in Question 1 and 2 would exploit a judge's position for financial gain.

The subject activity is not prohibited if the judge is not paid so long as all other portions of the Code are followed, i.e. does not demean the judiciary, etc. Canon 4(B) specifically allows the judge to participate in activities concerning the law, the legal system, and the administration of justice.

**No. 205** Issued March 27, 1997

*Q* May judges participate in county bar association fundraiser "auctions" by donating such items as dinners with the judge or golfing rounds with the judge, to be awarded to the highest bidder?

## ETHICS Q & A OPINIONS

**A** No. This conduct would violate Canon 2B. A fundraiser auctioning dinner or golf with a judge would lend the prestige of judicial office to advance the private interests of others. It would also convey or permit others to convey the impression that they are in a special position to influence the judge.

A judge is allowed to participate in civic and charitable activities if those activities do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. Canon 4C. A judge is prohibited by Canon 4C(2) from soliciting funds for any educational, religious, charitable, financial or civic organization. See Opinion 165.

*Q* May judges participate in political party fundraiser "auctions" by donating items to be auctioned off where the proceeds benefit the sponsoring political party?

**A** No. The conduct would violate Canon 2B as stated in the answer to Question 1 because this would lend the prestige of judicial office to advance the private interests of the judge or others. It would also convey or let others convey the impression they are in a special position to influence the judge. Participation in "political party fundraiser auctions" where the prestige

of the judicial office is not used is permissible. Where the items donated are attributable to a judge, such as dinner or golf with a judge, a violation of Canon 2B would occur.

A judge may indicate support for a political party and attend political events. Canon 5(3). Canon 4C(2) prohibits solicitation of funds only for education, religious, charitable, fraternal or civic organizations. Under previous codification of this section, political solicitation was also prohibited. This change appears to allow political solicitations. See opinion 162. A judge may participate in political party fundraisers but the level of participation is limited by Canon 2B.

**No. 206** Issued January 28, 1997

To address a 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** No. Canon 2(B) provides that a judge should not lend the prestige of judicial office to advance the private interests of others. By



ordering a defendant to attend one designated counseling service, or to select from among two or three such services, the judge is advancing, or gives the appearance of advancing the business interests of these providers.

Canon 2(B) also provides that a judge shall not allow any relationship to influence judicial conduct. We note that a defendant's fate is dependent on whether the counselor certifies that defendant successfully completed the course or failed to cooperate; any appearance of a relationship between the judge and the preferred provider might suggest the ability of that counselor to influence the judge's decision to dismiss the charges against defendant to trial.

**No. 207**

Issued April 7, 1997

*Q May a judge file a "Character Affidavit" on behalf of a person seeking a pardon from the President of the United States?*

*A No. This would be a violation of Canon 2B, where "A judge shall not testify voluntarily as a character witness."*

**No. 208**

Issued April 7, 1997

*Q Can a justice of the peace serve as a court appointed special advocate (CASA volunteer) in the county in which he or she serves as a justice of the peace or in other counties?*

**Background Information**

The CASA program consists of community citizens trained and appointed by district judges to serve as volunteers to advocate for the best

interests of children who are involved in the court system due to abuse, neglect or abandonment, and to aid in reducing the time spent by these children in foster care. According to the Texas CASA, Inc. Annual Report, FY96, there are currently 44 CASA programs covering 85 counties in Texas, serving approximately 6,537 children. CASA volunteers serve without compensation.

*A Yes, to both parts of the question. Canon 6(C) provides that a justice of the peace shall comply with all provisions of the Code of Judicial Conduct, except that he or she is not required to comply with several specified provisions, such as Canon 4(F) (acting as an arbitrator or mediator) or Canon 4(G) (practicing law, if an attorney). It would appear that serving as a court appointed special advocate for a child in a court proceeding would be similar in nature to these non-prohibited activities, and it is the opinion of the ethics committee that a justice of the peace would therefore not be in violation of the Code of Judicial Conduct by serving as a CASA volunteer, provided further that he or she complies with Canon 3A (requiring that the judicial duties of a judge take precedence over the judge's other activities).*

**CORRECTION**

The previous issue of In Chambers incorrectly stated that Hon. Susan Lowery of the County Court at Law #3 in Richmond was a newly designated court, when in reality she succeeded Gary C. Franks.

**New Judges & Judicial Appointments**

*(As of April 2, 1997)*

**Hon. Belinda Hill**  
230th District Court  
Succeeding Judge Joe Kegans

**Hon. Jimmy Hulett**  
317th District Court  
Succeeding Judge Jim Farris

**Hon. Susan Rankin**  
301st District Court  
Succeeding Judge Robert O'Donnell



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The New Texas Rules of Appellate Procedure  
New Rules for the 21st Century

by Lee Parsley, Staff Attorney, Supreme Court of Texas

On March 20th, 1997, the Supreme Court and the Court of Criminal Appeals signed orders adopting the new Rules of Appellate Procedure. The rules are entirely rewritten so that procedure is simplified and technicalities are eliminated. The rules are written in clear, concise language that should help achieve clarity in meaning and consistency in the application of the rules.

There are a number of important substantive changes to be found in the new rules. Most of the changes help ensure that cases are decided on substantive grounds and not on procedural technicalities. The following are the most important of these changes. All appeals are perfected by filing a notice of appeal with the clerk of the trial court — this includes accelerated appeals (quo warranto, interlocutory appeals, and other appeals accelerated by statute) and restricted appeals (formerly known as the appeal by writ of error). The notice of appeal is a simple document designed to invoke appellate-court jurisdiction. A cost bond is no longer necessary.

Any party “who seeks to alter the trial court’s judgment” must file a notice of appeal. “The appellate court may not grant a party who does not file a notice of appeal more favorable relief than did the trial court except for just cause.” There may be more than one notice of appeal in any case.

The appeal by writ of error is repealed and in its place is substituted a “restricted appeal.” The restricted appeal must be perfected within six months of the date of the judgment. It is available to a party who did not participate in the hearing that resulted in the judgment and did not file a post-judgment motion, a request for findings of fact, or a prior notice of appeal.

The new rules make the clerk of the trial court and the court reporter responsible for timely filing the record. The clerk of the appellate court is responsible for monitoring the filing of the record. This will eliminate the need for filing a motion for extension of time to file the record since it will be the duty of the court reporter, the trial court clerk, and the clerk of the appellate court to make sure the record is timely filed. The appellant’s responsibility is to timely request the preparation of the record and to either pay for — or make arrangements with the clerk or reporter to pay for — the record. The nomenclature of the rules is changed — the *transcript* is now the *clerk’s record* and the *statement of facts* is now the *reporter’s record*. Together, they make up the *appellate record*.

The briefing rule is rewritten and the form more precisely stated. Any party who filed a notice of appeal is an appellant and is entitled to file an appellant’s brief. Any party adverse to that appellant may file an appellee’s brief. Thus, a party may be both an appellant and an appellee

in the court of appeals and will brief accordingly. But a party cannot file more than 90 pages total of briefs.

The motion for leave to file is no longer necessary in an original proceeding. Rather, a party must simply file the petition. The petition must be accompanied by an appendix that must contain all items relevant to the proceeding. Sanctions may be imposed for filing a groundless petition, a petition or appendix with glaring omissions.

An “appeal” to the Supreme Court is accomplished by filing a *petition for review* rather than an *application for writ of error*. The petition and response will be no more than 15 pages in length. If the petition is granted, a brief on the merits will be allowed. The brief on the merits and any response will be no more than 50 pages in length.

The copy of the new rules are available from the Clerk of the Supreme Court, or are available in electronic form on the Court’s electronic bulletin board and the Court’s web site. The rules will be effective on September 1, 1997. Comments may be made to Justice Nathan L. Hecht at the Supreme Court of Texas.

The new Rules of Appellate Procedure are a great improvement over the current rules and are some of the best rules in the nation. They are truly rules for the 21st Century.

## Meet the Texas Center Staff

### Lela Nickel

*Registrar*



Growing up traveling around the country making documentary films with her parents gave the Texas Center's registrar Lela Nickel a worldly education at a young age. This early start exploring the Smithsonian in Washington DC started Lela on her continuous quest for knowledge.

With a degree in social science with an emphasis on Mayan Anthropology from the University of North Texas, Lela still enjoys studying hieroglyphics and going on

archeological digs in the Hill Country in her spare time.

Lela's employment background is centered on education as well. Prior to coming to the Texas Center in October, Lela worked for the Collin County Training and Employment Program in McKinney as a job developer. In this capacity she assisted welfare mothers in finding jobs after receiving training.

As registrar at the Texas Center, Lela's job entails the constant challenge of maintaining an accurate database with correct records on all judges' judicial education hours.

"My favorite part of the job is getting to know the judges at conferences, and being able to put a face with a name," Lela said.

When not working or exploring the Hill Country, Lela enjoys spending time with her two daughters Samantha, 17 and Katie, 13, as well as her two Russian Blue cats.

Besides diving and traveling, Melanie enjoys snow skiing, going out on Lake Austin and reading.

As assistant to the director, Melanie handles a broad variety of tasks--from planning spouse and guests excursions to performing receptionist and administrative duties. "With my wide range of responsibilities, I have the opportunity to interact with every staff member and broaden my skills further," Melanie said.

Before joining the Texas Center staff, Melanie worked for the Texas Young Lawyers Association for two years. She likes her new position because she's "exposed on a daily basis to people whom I admire and respect and hope to someday emulate. The judges have a level of professionalism that makes them worthy role models."

Melanie has a degree in English from the University of Texas at Austin. Originally from Orange, Texas, she loved Austin so much she didn't want to leave after graduating from the university.

When not globe-trotting or scuba diving, Melanie enjoys playing with her little dog Madeleine.

### Melanie Buckley

*Assistant to the Director*



The Texas Center's newest staff member is somewhat of a world traveler. Melanie Buckley, assistant to the director, traveled to England and France last year and is journeying to Australia this May to scuba dive the Great Barrier Reef.

An avid scuba diver, Melanie has been certified for four years and has been diving in the Cayman Islands and Cozumel.

*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

1997

**CRIMINAL JUSTICE  
CONFERENCE**

May 7-9, 1997  
Hyatt Regency Austin  
Austin

**PROFESSIONAL  
DEVELOPMENT PROGRAM**

June 16-20, 1997  
Huntsville

**JUDICIAL SECTION  
ANNUAL CONFERENCE**

September 23-26, 1997  
Worthington & Radisson Hotels  
Fort Worth

**COLLEGE FOR  
NEW JUDGES**

December 7-12, 1997  
Dallas

1998

**JUDICIAL SECTION  
ANNUAL CONFERENCE**

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



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its conferences, offer suggestions, link to the  
Texas Commission on Judicial Efficiency and send  
any staff member e-mail.



## *in* CHAMBERS

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