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THE OFFICIAL PUBLICATION OF TEXAS CENTER FOR THE JUDICIARY, INC. VOLUME 22, No. 3 SUMMER 1995

JUDICIAL EXCHANGE: Texas Center meets with Australia colleague

In June, the Texas Center for the Judiciary, Inc. was the first stop on a nationwide tour of prestigious judicial education centers.

Stephen Lloyd, a minister-counselor [legal] in the Australian Foreign Service of Washington, D.C., met with Texas Center leaders to gather information about creating a national judicial college in Australia. Lloyd is part of a team that is developing plans for one.

Lloyd talked to Linda B. Thomas, 5th Court of Appeals Chief Justice and secretary-treasurer of the Texas Center Board of Directors; Mari Kay Bickett, executive director of the Texas Center, and Tricia Hall, director of education conferences and operations for the Texas Center.

"What we want to have is a(n) (educational) body that would be open to all judges," Lloyd told the Texas Center leaders. "We want a national center which will cater to state and federal courts."

Lloyd began the judicial exchange by providing an overview of the court system in Australia, the country's two

See Judicial exchange, page 2



Photo taken by Matthew Reeves

CRIMINAL JUSTICE CONFERENCE '95

John Fashing, judge of County Court at Law #2 in El Paso, asks Matthew Ferrara, Ph.D., an Austin psychologist, some questions after Ferrara concluded a half-day session on Understanding Sexual Violence. The conference was held May 17-19 in Austin. See conference photos, evaluation results, pages 6-7.

Annual Conference draws closer

Judges across the state are heading to San Antonio to meet with their colleagues during the Judicial Section Annual Conference at the Hyatt Regency Hotel Sept. 24-27, 1995.

Brochures with final meeting agendas and times will be mailed to all active judges in Texas the first week of August.

The Texas Center for the Judiciary, Inc. is sponsoring the education portion of the conference. Registration is scheduled Sunday, Sept. 24 from 2 to 5 p.m., and classes start Monday morning from 8:30 to 11:30 a.m. Classes will be divided into family, civil, criminal and juvenile sections, each focusing on

See Annual Conference, page 2



Judicial Excellence
Through Education

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**THIS
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Judicial Exchange

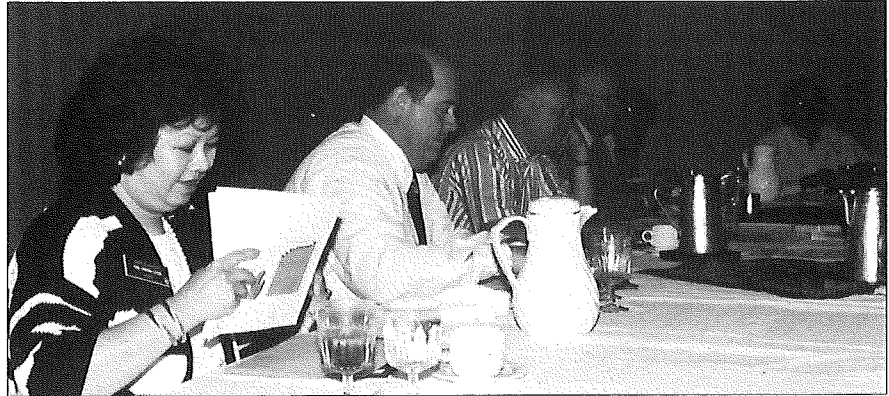
Continued from page 1

judicial administrative bodies and the beginnings of a plan to start a judicial education center.

The Australia judicial system is comprised of local, intermediate and supreme courts as well as federal courts. All federal criminal matters are tried in state courts while federal courts hear tax, intellectual property, corporate law and immigration cases. Judges are appointed to the bench at all jurisdictional levels until the age of 70, Lloyd said.

Lloyd then posed several operational and structural questions to Thomas, Bickett and Hall.

The Texas Center was one of only three judicial education organizations in



The Texas Center for the Judiciary, Inc. Board of Directors held a meeting at the conclusion of the Criminal Justice Conference in May.

the nation with whom the Australian Embassy requested a meeting.

"I asked the National Center for State Courts to give me three of the best contacts, and the Texas Center was one," Lloyd said.

After leaving Texas, Lloyd also met with leaders from The National Judicial College in Reno, NV and the California Center for Judicial Education and Research (CJER) in Emeryville, Calif. ■

NEXT JUDICIAL EDUCATION STOP:

Continued from page 1

legislative updates and significant decisions.

On Tuesday, Sept. 26, the Texas Bar Foundation is sponsoring an education session from 8:30 to noon. It will be followed by a luncheon with the presentation of the Texas Bar Foundation Outstanding Jurist Awards. Judicial business meetings will be scheduled Tuesday afternoon.

On Wednesday, Sept. 27, the curriculum will be comprised of family & juvenile, civil, criminal and appellate sections. DNA, evidence, the ultimate courtroom, child witness, discovery & sanctions, *pro se* and mass torts are some of the topics planned for presentation. The appellate section topics also will include collegiality and writing shorter appellate decisions.

In addition, the conference will provide social activities, including golf, tennis and bridge tournaments. ■

ANNUAL CONFERENCE AT A GLANCE

SUNDAY, SEPT. 24

- Registration 2:00-5 p.m.
- Reception 5:00-6:30 p.m.

MONDAY, SEPT. 25

- Sunrise Breakfast 7:00-8:15 a.m.
- Education Program 8:30-11:30 a.m.
- Golf, Tennis & Bridge Tournaments 1:30 p.m.

TUESDAY, SEPT. 26

- Texas Bar Foundation Education Program 8:15-11:45 a.m.
- Texas Bar Foundation Luncheon Noon-1:30 p.m.
- Texas Center Business Meeting & Judicial Section Business Meeting 1:30 p.m.
- Administrative Judicial Region Meetings 3:30 p.m.
- District Judges Meeting 4:30 p.m.
- County Court at Law Judges Meeting
- Senior and Retired Judges Meeting
- Appellate Justices Meeting
- FIESTA 7:00-10:00 p.m.
- Silent Auction

WEDNESDAY, SEPT. 27

- Education Program 8:30 a.m. - Noon
- Chair's Lunch Noon-1:15 p.m.
- Education Program 1:30-4:00 p.m.

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, *County Criminal Court #9 (Dallas)*.

judicial
notes

CJE reports go out

Continuing Judicial Education (CJE) credit transcripts were mailed the third week of July. If you have not received a transcript or have a question concerning the transcript, please contact Anneya Duron at **800-252-9232**.

CJE transcripts are mailed three times per year. The next mailing date is in Dec. (1995) followed by a third mailing in April (1996).

The Texas Center for the Judiciary, Inc. is continually updating its records. Please contact Duron about any recent job status and address changes to ensure Texas Center materials get to you in a timely fashion.

Leadership nominations out

The Texas Center for the Judiciary, Inc. and Judicial Section Nominating Committees met June 23 to select nominees for positions on the Texas Center's Board of Directors and the Judicial Section's Executive Committee.

Nominations for the 1995-96 Texas Cen-

ter Board of Directors were: *Chair*-Bob Dickenson, justice on the 11th Court of Appeals in Eastland; *Chair-Elect*-Mike Keasler, judge of 292nd District Court in Dallas; *Secretary-Treasurer*-Linda Thomas, chief justice on the 5th Court of Appeals in Dallas; *Place 2*-Adele Hedges, justice on the 1st Court of Appeals in Houston; *Place 6*-Karl Prohl, judge of 198th District Court in Kerrville and *Place 9*-Raul Vasquez, judge of County Court at Law #1 in Laredo.

Nominations for the 1995-96 Judicial Section Executive Committee were: *Chair*-Bob Dickenson; *Chair-Elect*-Mike Keasler; *Place 6*-Barbara Walther, judge of the 51st District Court in San Angelo; *Place 7*-Robert Garza, judge of 138th District Court in Brownsville and *Place 9*-Glen Harrison, judge of County Court at Law in Sweetwater.

The secretary-treasurer position is appointed by the Judicial Section Chair each year.

Judicial Section membership fees due

Judicial Section membership dues packets were mailed to active and retired judges at the end of June.

Dues are now payable for the period June 1, 1995 through May 31, 1996, and the amount has been set by the Executive Committee at **\$25.00** for active judges and **\$12.50** for retired and former judges.

Only Judicial Section members who are current with their dues will be allowed to vote in the annual meeting.

If you have not sent in your dues for this past year and for the new fiscal year, please do so now. Checks should be made payable to "Judicial Section, State Bar of Texas" and remitted to: Hon. Tom Bacus; Judge, County Court at Law #2; Secretary-Treasurer, Judicial Section; County Courthouse, Room 353; Wichita Falls, TX 76301.

Bylaw changes

Proposed Texas Center for the Judiciary, Inc. and Judicial Section bylaw amendments should be submitted to Hon. Ray Anderson, Texas Center Board of Directors and Judicial Section Chair, no later than **Sept. 4, 1995**. Proposed resolutions should be submitted in writing to Hon. Billy John Edwards, Resolutions Committee Chair, 104th District Court, Taylor County Courthouse, Abilene, TX 79602, no later than **Sept. 4, 1995**.

Texas Center to go ONLINE

We are in the process of working with the State Bar to become a part of BarLink, the new 24-hour online service which provides message boards, libraries, E-Mail and other valuable information.

It's a way to communicate instantly.

We will be demonstrating this new service at the Judicial Section Annual Conference this September in San Antonio!

See Judicial Notes, next page

TEXAS' NEWEST ADMINISTRATORS OF JUSTICE

Hon. Micaela Alvarez
139th District Court, Edinburg
Succeeding Judge Raul L. Longoria

Hon. Ernie Armstrong
132nd District Court, Snyder
Succeeding Judge Gene L. Dulaney

Hon. William D. Beggs
88th District Court, Kountze
Succeeding Judge Earl B. Stover

Hon. William H. Brigham
2nd Court of Appeals, Fort Worth
Succeeding Justice H. Tod Weaver

Hon. Harvey G. Brown, Jr.
152nd District Court, Houston
Succeeding Justice Harriett O'Neill

Hon. Steven M. Dowd
123rd District Court, Carthage
Succeeding Judge Bennie C. Boles

Hon. Brenda Garrett Green
256th District Court, Dallas
Succeeding Judge Carolyn Wright

Hon. Ben Hardin
23rd District Court, Angleton
Succeeding Judge Neil Caldwell

Hon. William W. Harris
233rd District Court, Fort Worth
Succeeding Judge William H. Brigham

Hon. Steven Ray Herod
91st District Court, Eastland
Succeeding Judge Jim R. Wright

Hon. Dwight E. Jefferson
215th District Court, Houston
Succeeding Judge Eugene Chambers

Hon. Paul C. Murphy
Chief Justice, 14th Court of Appeals, Houston
Succeeding Chief Justice J. Curtiss Brown

Hon. Harriett O'Neill
14th Court of Appeals, Houston
Succeeding Justice Paul C. Murphy

Hon. Robert C. Pate
28th District Court, Corpus Christi
Succeeding Judge Eric G. Brown

Hon. Wayne F. Salvant
Criminal District Court #2, Fort Worth
Succeeding Judge Lee Ann Dauphinot

Hon. Milton Gunn Shuffield
136th District Court, Beaumont
Succeeding Judge Jack R. King

Hon. Jimmy L. White
76th District Court, Mount Pleasant
Succeeding Judge B. D. Moye

Hon. Carolyn Wright
5th Court of Appeals, Dallas
Succeeding Justice Linda B. Thomas

Hon. Jim R. Wright
11th Court of Appeals, Eastland
Succeeding Justice Bud Arnot

AICPA awards grant

The Texas Center for the Judiciary, Inc. is most grateful for the support of the American Institute of Certified Public Accountants, which provided a grant enabling the Texas Center to offer a course in *Financial Statements in the Courtroom*.

Grant funds allowed for a limited number of participants in the program, which was held July 6-7 in Arlington. Each presiding judge of the nine Texas administrative judicial regions submitted a list of recommended judges for participation.

New videos arrive

Three educational video tapes and two video series recently arrived to the Texas Center for the Judiciary, Inc. library.

Justice...And People Like You, *Silent Hostage: Victims of Domestic Violence* and *Managing Trial Court Exhibits: A Practical Guide*, projects made possible by grants from the State Justice Institute, are on the shelves of the Texas Center library.

The Texas Center also holds a copy of *Custody and Visitation Decision-Making When There Are Allegations of Domestic Violence*, a four-part video series created by the National Council of Juvenile and Family Court Judges.

Another new addition to the Texas Center library is *Children of Divorce: Improving Parenting Plan Decisions*, a six-hour videoconference for domestic relations judges, referees and commissioners. The three-part series was produced by The Center for Divorce Education and Ohio University.

Call 800-252-9232 to checkout videos.

ABA offers judges activities in JAD

All judges should be aware of the advantages of membership in the American Bar Association (ABA) and its "home" for judges, the Judicial Administration Division (JAD).

Dues in the Division are only \$25.00 per year, and members get 25 percent off on ABA dues and one-third off on annual meeting registration. JAD membership allows the opportunity to participate directly in developing national policies on trial delay reduction, trial management, judicial ethics and disciplinary proceeding, court technology, judicial pay, working conditions as well as many other topics of interest to judges.

The JAD is made up of six conferences, of which the Appellate Judges Conference for state and federal appeals court judges, and the State Trial Judges Conference for general jurisdiction trial judges, and the Special Court Judges Conference for judges of special or limited jurisdiction courts would appeal to Texas judges. Members also receive a subscription to *Judges Journal* and conference newsletters, which bring updates on ongoing and contemplated activities.

Many members of the Judicial Section also are active members of the JAD. For further information, call the ABA at 312-988-5690 or fax 312-988-5709.

Judge Max W. Boyer

Max W. Boyer, a senior district judge of San Antonio, passed away May 3, 1995.

Boyer presided over the 84th District Court for 16 years. He continued to serve the state's district courts by appointment after retirement. He earned a LLB degree from Cumberland University Law School. Boyer had served in the Texas House of Representatives and as Ochiltree County Attorney, city attorney of Perryton and first president of the Northeast Panhandle Bar Association. He also was a former member of the Executive Committee of the Judicial Section of the State Bar.

IN MEMORIAM

For those who served our state courts

Judge George L. Walker

Judge George L. Walker, a senior district judge of Houston, passed away Jan. 1, 1995.

Walker presided over the 185th District Court between 1969 and 1987. After leaving the bench in January, 1987, he served as a visiting judge. Walker was a member of

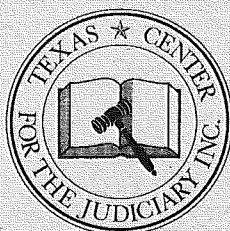
the Executive Committee of the Judicial Section of the State Bar and the former chair of the Retired and Former Judges Section.

Judge Glen R. Lewis

Judge Glen R. Lewis, a retired district judge of Colorado Springs, Colo., and formerly of San Angelo, passed away Jan. 19, 1995.

Lewis was elected judge of 119th District Court in 1964, and he served for ten years before retiring. Lewis was a longtime San Angelo attorney and served as district attorney and city attorney of San Angelo.

THANK YOU
for YOUR
CONTRIBUTIONS



Judicial Excellence
Through Education

Philip S. Barker
Robert F. Barnes
Bill Bender
Mari Kay Bickett
Charles D. Carver
James M. Farris
Molly Francis
Morris Hassell
Charles Ben Howell
Faith Johnson
Richard Johnson
F. B. McGregor
Walter S. McMeans
Joseph Ann Ottis
Neel Richardson
Charles Sherrill
Antonio A. Zardenetta

JUSTICE JAMES K. ALLEN

Tom B. Thorpe

JUDGE MAX W. BOYER MEMORIAL

Grainger McIlhany

JUDGE THOMAS CLINTON MEMORIAL

Sam M. Paxson

JUDGE SAM HALL MEMORIAL

John Luther Smith

JUDGE G. P. HARDY MEMORIAL

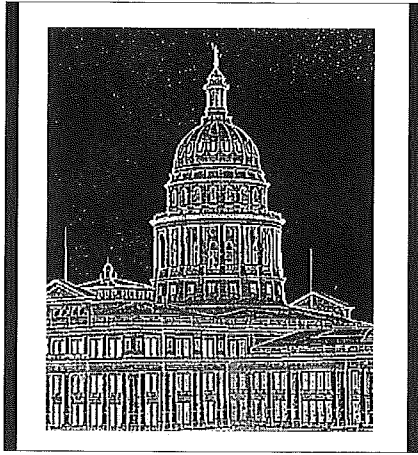
Joe Ned Dean

JUDGE GUY HAZLETT MEMORIAL

Don E. Cain

Legislators overhaul judicial campaign finance rules

CAPITOL WATCH



Texas Legislature '95

† **Editor's Note:** The following text only contains highlights of the new requirements. Call 800-325-8506 to get a comprehensive guide on the new law.

Judicial election reporting requirements, fund-raising restrictions and expenditure limits comprise Senate Bill 94, which was signed into law June 16.

The authors of the Judicial Campaign Fairness Act call it "a comprehensive effort to reduce the influence of money in Texas judicial elections."

The act provides civil penalties for offenses and prohibits year-round fund raising for all judicial offices. It also prohibits transfer of funds raised for a nonjudicial office into a race for a judicial office, and vice-versa. In accordance with the law, fund raising can only begin 210 days before the filing deadline for judicial office and must end within 120 days after the election.

Judicial candidates of the 1996 elections may accept contributions now if they have filed a *Campaign Treasurer Appointment* and a *Judicial Declaration of Intent—Expenditure Limits* (forms available from the Texas Ethics Commission, 800-325-8506) indicating their intent to comply with or to exceed the

voluntary expenditure limits set by the Judicial Campaign Fairness Act.

For all contributions accepted on or after July 1, 1995, judicial candidates must keep records about the contributor's occupation, job title and employer; the name of the law firm, if any, of which the contributor or the contributor's spouse is a "member" as defined in the law and if the contributor is a child, the name of the law firm, if any, of which either of the child's parent is a member.

The Texas Ethics Commission serves as the filing authority for candidates for and officeholders on the Supreme Court, the Court of Criminal Appeals, courts of appeals and multi-county district courts. As the enforcement agency, the Texas Ethics Commission may collect penalty fines not to exceed three times what was spent or accepted in violation after a formal hearing. The fines will be deposited into a

fund, which will be used for voter education projects relating to judicial campaigns, including publication of a *Voter Information Guide*.

*Individual contributions (including those from a spouse or dependent child of the contributor) are limited based on the size of the judicial district. As aggregate limits, they limit the total contributions an individual or entity may make to a candidate. (See details on chart, this page)

An additional restriction is placed on contributions from persons and entities associated with law firms. A judicial candidate may not accept a contribution of more than \$50 from a member of a law firm if the total of all contributions already accepted from members of the law firm exceeds or would cause the limits (See details on chart, page 5) to be exceeded. **Persons and entities associated with law firms means any

See campaign reform, page 9

Texas Judicial Campaign Fairness Act Summary †	
Caps on individual contributions*	\$5,000 for the Supreme Court and Court of Criminal Appeals \$5,000 for other courts serving a population greater than 1 million \$2,500 for other courts serving a population between 250,000 and 1 million \$1,000 for other courts serving a population less than 250,000.
Caps on aggregate contributions from members of the same law firm**	\$30,000 for the Supreme Court and Court of Criminal Appeals \$30,000 for other courts serving a population greater than 1 million \$15,000 for other courts serving a population between 250,000 and 1 million \$6,000 for other courts serving a population less than 250,000.
Caps on aggregate general-purpose political committee contributions *** (page 9)	\$300,000 for the Supreme Court and Court of Criminal Appeals \$75,000 for courts of appeals serving a population greater than 1 million \$52,500 for courts of appeals serving a population of 1 million or less \$52,500 for other courts serving a population greater than 1 million \$30,000 for other courts serving a population between 250,000 and 1 million \$15,000 for other courts serving a population less than 250,000.
Limits on reimbursement of campaign loans from political contributions	\$100,000 for the Supreme Court or Court of Criminal Appeals \$25,000 for other courts serving a population greater than 1 million \$12,500 for other courts serving a population between 250,000 and 1 million \$5,000 for other courts serving a population less than 250,000.
Campaign expenditure limits (voluntary)	\$2 million for the Supreme Court and Court of Criminal Appeals \$500,000 for courts of appeals serving a population greater than 1 million \$350,000 for courts of appeals serving a population of 1 million or less \$350,000 for other courts serving a population greater than 1 million \$200,000 for other courts serving a population between 250,000 and 1 million \$100,000 for other courts serving a population less than 250,000.

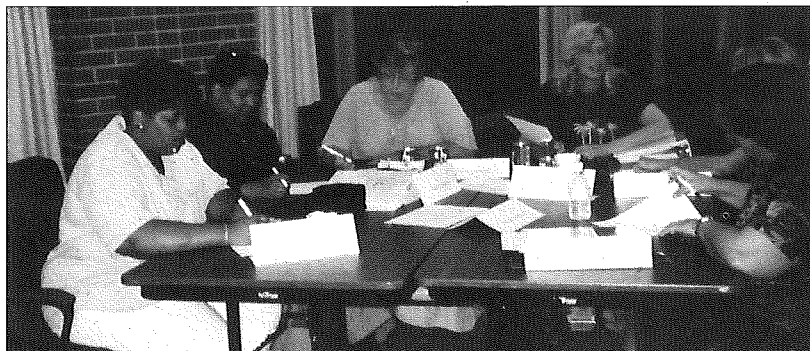
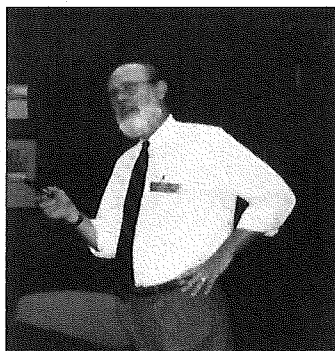
Texas Center spring, summer

"Our conferences have improved greatly in past 18 months. More professio



RIGHT: PDP participants gather materials for their collages, which they made to describe their roles in the justice system.

BELOW: Dr. Charles Friel, professor of criminal justice at Sam Houston State University, presents a creative thinking and statistical analysis presentation to trial court administration participants.



ABOVE: Another group of PDP participants from courts across the state develop ideas for their individual collages.



ABOVE: Members of the trial court coordination course enjoy a class presentation.

MIDDLE RIGHT: Trial court management participants prepare responses to issues discussed in class.

CRIMINAL

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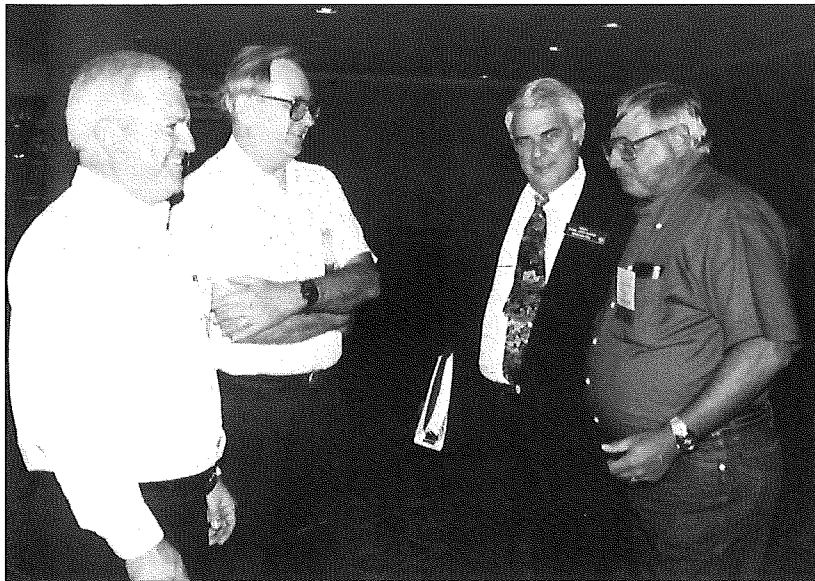
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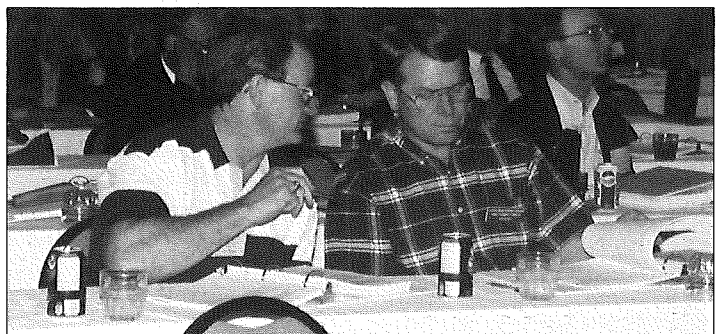
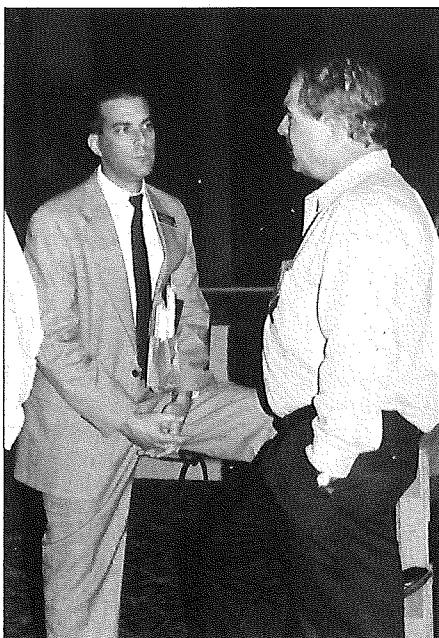
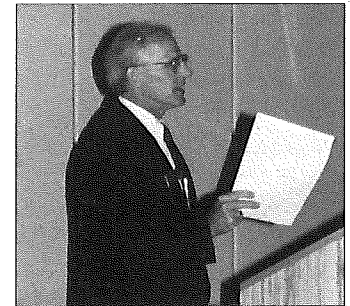
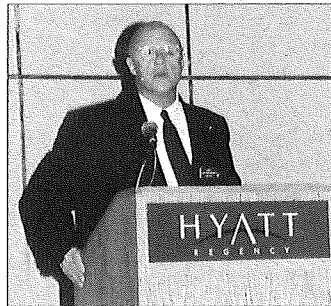
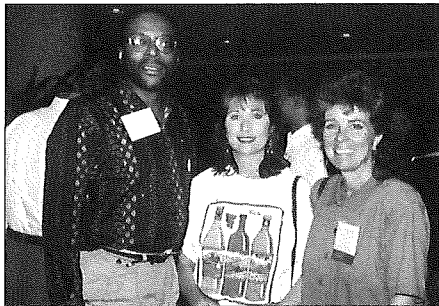
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ediocre; 1=Poor



CRIMINAL JUSTICE CONFERENCE

LEFT: James Morgan, judge of 220th District Court; George Thurmond, judge of 63rd District Court; John Carter, judge of 277th District Court and James Simmonds, judge of County Court at Law in Del Rio, visit during a break.

BELOW: Karl Prohl, judge of 198th District Court in Kerrville, conducts a presentation on State Habeas Corpus (noncapital cases section).



ABOVE: County court at law judges of Wichita Falls, Jim Hogan and Tom Bacus, refer to their course binders during class.

LEFT: John Bradley, a State Jail Felony presenter and assistant district attorney in Williamson County, answers a question from Phil Zeigler, judge of 52nd District Court in Gatesville.

MIDDLE LEFT: Dallas area judges Larry Baraka, Sherry Hill and Molly Francis prepare to head back to class.

MIDDLE RIGHT: Frank Maloney, a judge on the Court of Criminal Appeals in Austin, opens the Criminal Justice Conference with welcoming remarks.

HIGH-TECH COURTROOM:

Texas court reporters communicate via real-time technology

By Judy D. Miller
President, Texas Court
Reporters Association

When it comes to high-tech courtrooms, Judge Ito has nothing on the Texas judicial system.

Texas has several "Judge Ito courtrooms." Part of the technology has been used for hearing impaired jurors and litigants in Fort Worth, Houston and Beaumont.

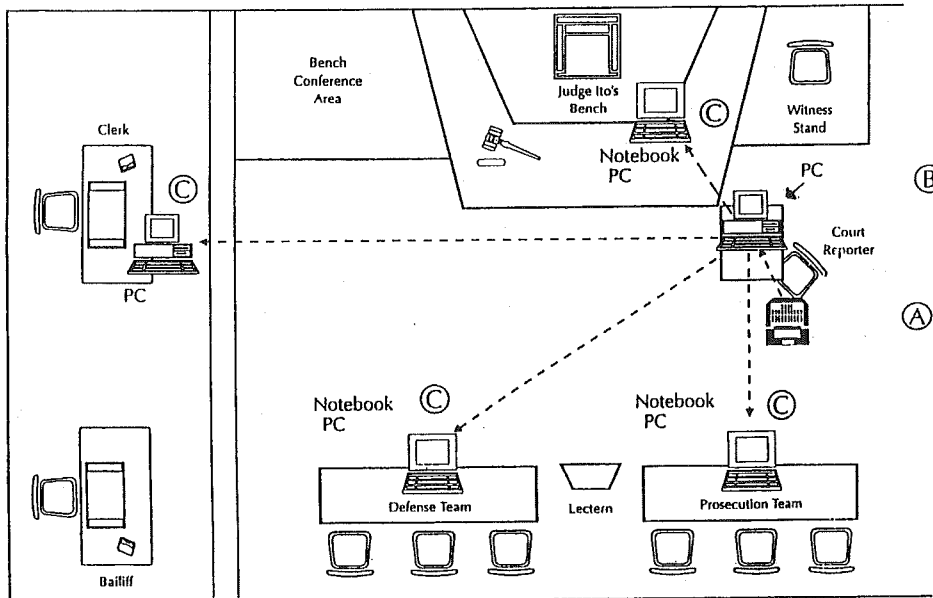
The nucleus of the O.J. trial technology and these courts in Texas is the full-time "real-time" translation provided by the court reporters. Testimony in a trial appears instantly on computer terminals in front of the attorneys and the judge. As testimony appears, each side is able to make transcript notes and send via modem the marked testimony outside the courtroom for co-counsel and paralegals to review.

Real-time technology allows court reporters to instantly convert their stenographic notes into English text. Within seconds of the time the words are spoken, the text is displayed on computer monitors or large projection screens. The steno machines used today

by court reporters are fully computerized and use real-time software to translate the stenographic symbols, allowing reporters to keep courtroom records in a digital format. The digital data is stored for later retrieval at the virtual push of a button.

Real-time technology was used in the Exxon Valdez trials and the Robert Keating case, and now the highly publicized trial of O.J. Simpson. These computerized courtrooms can be found

LAYOUT OF JUDGE ITO'S COURTROOM FOR O.J. SIMPSON TRIAL



(A) Computerized Steno Machine

The computerized steno machine is the most critical component to the court reporter's real-time writing process. It allows the court reporter to write at very high speeds in a phonetic shorthand style and then converts the notes to English instantaneously (real time). The text is then displayed for "readback" purposes on all shown Notebook PCs.

(B) Computer Aided Transcription (CAT)

The court reporter's CAT software receives real-time input from the steno writing machine, translates the notes into a text format and pushes the text out to an unlimited number of Notebook PCs instantaneously.

(C) Litigation Support

Litigation support software receives and displays the real-time transcript from the court reporter's CAT system. Any user is then able to highlight portions of the transcript, search for any key words or phrases, attach notes to any parts of the testimony text, review previous questions and answers while accessing other computer programs simultaneously. This instantaneous access and interaction assists attorneys in cross-examination, trial preparation and accessing prior days' testimony, making the entire judicial process more efficient.

in nearly 30 states across the nation, including Texas.

During a trial the judge and attorneys can review and mark portions of testimony and make notes within the transcript on their computer screens, without interrupting the proceedings. They can perform searches for specific words, phrases, roots of words, and other more complicated information in one or more documents simultaneously.

See Real time, page 9

Walk into an actual "Judge Ito courtroom," experience the benefits of leading edge equipment and learn how this technology can be yours for the asking during the Judicial Section Annual Conference. The Texas Court Reporters Association will conduct a seminar in San Antonio, Wednesday, Sept. 27.

Continued from previous page

Searches through a file can be made forward or backward, or the search can be set to tag or highlight certain words as the trial proceeds.

Through real-time technology court reporters can print rough transcripts of testimony or copy them in ASCII format onto floppy disks for attorneys and judges during breaks in the trial. Final copy can be delivered in either printed text or on disk at the end of the day. Real time also provides the capability for the text of transcripts to be faxed or electronically transmitted anywhere in the world on a daily basis to law firms or attorneys involved in a case.

In addition, in-court computerization based on real-time technology opens a world of research capabilities. Attorneys and judges can call up depositions to compare with current testimony. Using a modem attorneys can send the trial proceedings off-site, access on-line

legal research programs, or communicate with co-counsel and consult expert witnesses off site.

The litigation support software on the market today also offers a feature called compressed transcripts. A traditional transcript can be compressed with up to 15 pages on one sheet of paper, duplex printed. Word concordances and indexes can also be created using this technology.

Considering that storage is one of the biggest and most costly items in court administration, a computerized database provided by court reporters is a positive answer to future judicial operations. Millions of pages of documents are created every day, presenting the court system with a paper storage nightmare. With the introduction of affordable CD-ROM storage media, the cost savings to the court system in storage alone is astronomical.

A compact disk will hold approxi-

mately 300,000 pages of text—or a stack of 8.5 X 11" sheets about 10 stories high. Testimony, exhibits, court rulings, jury charges, case files, and all administrative data can be stored in a compact, virtually indestructible mode. The information can be retrieved in seconds in the most economical and efficient use of data a court system could embrace.

The final advantage of real time is access of trial proceedings to late-deafened adults. As mentioned earlier, Texas court reporters have provided real time for this purpose in courtrooms for both jurors and litigants. Outside of trials, court reporters use this real-time technology to caption television for viewing by the hard of hearing. The deaf or hard of hearing population in the U.S. is estimated to exceed 20 million persons. This technology provides a large, often overlooked segment of society the same legal benefits hard of hearing persons find in a court setting. ■

Campaign reform

Continued from page 5

general-purpose political committee (GPPC) established and controlled by a law firm or by members of a law firm, including any partner, associate, shareholder or employee of the law firm and any spouse or minor child of one of the members of the group.

***Although the law does not set limits on the amount of contributions a candidate may accept from a GPPC, the total contributions from GPPCs, including those from a political party, are limited. (See details on chart, page 5) Some political party contributions count toward the limit on aggregate GPPC contributions, except when used as part of a generic get-out-the vote campaign or for slate cards that do not refer to campaign issues and are not used in paid public advertisements.

In addition, caps are placed on the amount candidates and officeholders may reimburse themselves for campaign loans or personal funds spent. (See details on chart, page 5)

The campaign expenditure limits of the act are voluntary because the U.S. Supreme Court has ruled limits on campaign expenditures, independent expenditures and a candidate's use of personal funds must be voluntary. (See details on chart, page 5)

Expenditures by someone other than the candidate or political party have a voluntary cap of \$25,000 for the Supreme Court and Court of Criminal Appeals and \$5,000 for all other courts. The voluntary cap on expenditures does not apply in a third-party's expenses incurred in contacting its own members. An independent expenditure made on behalf of more than one candidate is prorated for purposes of determining the value of the expenditure as it relates to the limit.

Candidates who accept the voluntary limits may note on campaign materials that they comply with the Judicial Campaign Fairness Act, while candidates who reject the limits must so note their rejection of the limits on their campaign materials. A candidate or independent group planning to exceed the voluntary

expenditure limits must file notice of intent to exceed the limits at least 60 days before the election.

The Texas Ethics Commission must suspend the contribution and expenditure limits for all complying candidates in a particular race if one of the candidates does one of the following: declares an intent to exceed the limits; declares an intent to comply with the limits but in fact exceeds them; makes an agreement to evade the limits by having a noncomplying candidate enter the race or knowingly misrepresents that another candidate is a noncomplying candidate.

A complying opponent of a noncomplying candidate is not required to comply with the restrictions on contributions from individuals and members of a law firm, expenditures or reimbursement of personal funds. However, the limits on contributions from GPPCs apply to all judges and judicial candidates, even if the limits on contributions and reimbursement from political contributions have been suspended for complying candidates. ■

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Tuesday evening celebration, September 26, 1995
(Judicial Section Annual Conference)

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for 1995 Silent Auction

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in cooperation with the Texas Court Reporter's Association

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Let's make our **FIESTA** a special night for the judiciary. So, donate your time, your talent, and remember, all proceeds will benefit the Texas Center for the Judiciary, Inc.

Mail only the information form below by September 1, 1995 to: Texas Center for the Judiciary, Inc.; 1414 Colorado Street, Suite 502; Austin, TX 78701-1627. Instructions on when and where to mail or deliver your donation will be provided to you after Sept. 1, 1995.

1995 Judicial Section Annual Conference
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ETHICS OPINIONS

No. 180

Issued April 24,

Q May a judge whose spouse is a candidate for elective office: 1) allow the judge's name and title to be used in press releases or campaign literature identifying the candidate as the judge's spouse?; 2) attend campaign functions with the candidate?; 3) be introduced by name and title as the candidate's spouse? and 4) speak at public gatherings generally in support of the spouse's candidacy?

A 1) No. Canon 2B provides that a judge should not lend the prestige of judicial office to advance the private interests of the judge or others. Additionally, the use of the judge's name and title in campaign literature could be perceived as a public endorsement of another candidate for public office in direct violation of Canon 5(3). 2) Yes. A judge may attend political events so long as any views expressed by the judge comport with the applicable canons. Canon 5(3). 3) No. Identifying the judge by title would lend the prestige of judicial office to advance the private interests of another. Canon 2B. 4) No. The judge's public support of the spouse's candidacy would violate Canon 2B and Canon 5(3). See opinions No. 60, 73, 130.

No. 181

Issued April 24,

Q May a judge elected in 1994 and who does not plan to seek judicial office in 1996 have a fund-raising event in November 1995?

A No. In Opinion 176, the committee concluded that section 4(ii) of new Canon 5, the 120 day post-election fund-raising deadline, did not apply to judges and candidates in the 1994 elections because it did not take effect until January 1, 1995. To have applied the new Canon to 1994 candidates would have required that the deadline period begin to run on November 9, 1994, which was before the new Canon took

effect. There is no such problem, however, in applying section 4(i), the 210 day pre-election fund-raising deadline, to candidates in the 1994 election, as well as to all other judges and candidates.

Section 4(i) provides a date when persons expecting to be candidates in the 1996 election may begin to raise funds. It allows fundraising after that date only by persons who, in good faith, expect to be candidates for judicial office in the 1996 election, and allows only such persons to begin raising funds 210 days before the filing deadline for the office to be sought in the 1996 election.

Because the judge who posed this question does not plan to seek office in 1996, she may not have a fund-raising

ETHICS Q & A OPINIONS

event on November 11, 1995. We further conclude, however, that the judge in question, like all candidates in the 1994 general election, may raise funds until the 210th day before the filing deadline for the 1996 elections. See Opinion 176.

No. 182 Issued May 8, 1995

Q *The Texas Human Resources Code* provides that the county judge and the district judges in the county shall comprise the county juvenile board. The Code requires the board to appoint an advisory council consisting of not more than nine citizens.

By practice, the board has allowed each board to appoint one member of the council. May a district judge, sitting as a member of the county juvenile

board, appoint his brother-in-law to the county juvenile advisory council?

A No. Canon 3C(4) provides that, "A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism." In Opinion No. 83 (1986), we found the canon prevented a judge from appointing the lawyer-employee of his father and brother to represent the indigent. Although Opinion No. 83 is primarily concerned with the extent to which the lawyer's compensation would benefit the father and brother, and thereby accomplish indirectly that which cannot be done directly, it is not based solely on the pecuniary benefits that would accrue to the judge's relatives. Opinion No. 83 is equally concerned with the appearance of impropriety and perception of favoritism inherent in the arrangement, which concerns, together with nepotism, are more obviously present in the instant case.

Although we do not render legal opinions, and therefore do not decide whether Section 573.041 of the *Texas Government Code* answers the question posed, we note that a brother-in-law is within the degree of affinity commonly addressed by nepotism statutes. See *Tex. Government Code Ann. § § 573.041, .002, .024* (Vernon 1994). Thus, by appointing his brother-in-law, the judge would engage in nepotism. Because Canon 3C(4) proscribes nepotism, the judge may not appoint his brother-in-law to serve on the advisory council.

Additionally, such an appointment would run afoul of Canon 2B's requirement that a judge not allow any relationship to influence judicial conduct or judgement and of Canon 2A's requirement that a judge act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

See you at the
annual meeting!!

LOOKING AHEAD

JUDICIAL CALENDAR

1995

JUDICIAL SECTION ANNUAL CONFERENCE

September 24-27, 1995
Hyatt Regency Hotel
San Antonio

COLLEGE for NEW JUDGES

December 3-8, 1995

1996

SOUTHEAST TEXAS CONFERENCE

February 7-9, 1996
Huntsville

SOUTH TEXAS CONFERENCE

March 6-8, 1996

CENTRAL TEXAS CONFERENCE

March 20-22, 1996

NORTHEAST TEXAS CONFERENCE

April 1-3, 1996

WEST TEXAS CONFERENCE

April 24-26, 1996

CRIMINAL JUSTICE CONFERENCE

May 1996
Dallas

PROFESSIONAL DEVELOPMENT PROGRAM

June 10-14, 1996

JUDICIAL SECTION ANNUAL CONFERENCE

September 24-27, 1996
Corpus Christi

COLLEGE for NEW JUDGES

December 8-13, 1996

1997

JUDICIAL SECTION ANNUAL CONFERENCE

September 23-26, 1997
Fort Worth

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