

IN CHAMBERS



THE OFFICIAL PUBLICATION OF THE TEXAS CENTER FOR THE JUDICIARY, INC. VOLUME 26, No. 1 WINTER 1999

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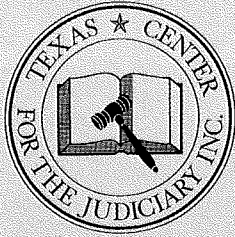
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In Chambers Editorial Board

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105th District Court, Corpus Christi

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277th District Court, Georgetown

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283rd District Court, Dallas

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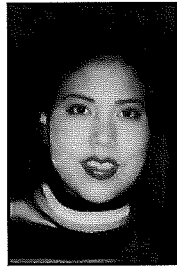
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Meet the Staff of the Texas Center



Ceci French is the Financial Officer for the Texas Center for the Judiciary, Inc. she was born and raised in El Paso, TX, where she graduated from J.M. Hanks High School and continued

her education at the University of Texas at El Paso. She became an Austinite in 1994 and gained experience in the ac-

counting field as a financial officer at World Gym and Innovative Marketing Solutions.

When she is not at work, Ceci enjoys reading, appreciating the sounds of local live music venues and having her dalmation, Dottie, take her for a walk in the park.

Ceci enjoys her position at the Texas Center, but most of all she enjoys working closely with her co-workers which allows her to get to know each of them very well.

In the Texas Center Library

Managing Notorious Trials, National Center for State Courts

An updated version of *A Manual for Managing Notorious Cases*, published in 1992. The original edition was hailed as "must reading" by court personnel who faced a high-profile trial. Much has happened since 1992, and the authors have drawn on the experiences of the courts responsible for the O.J. Simpson, Susan Smith, Louise Woodward and Timothy McVeigh trials to expand the information in the first edition.

Improving Citizen Response to Jury Summonses, American Judicature Society

The perceived "O.J." effect--the notion that there has been an erosion in the public's confidence in the courts due to recent high-visibility trials--seems to have little influence over whether or not citizens respond to jury service, according to this study conducted by the American Judicature Society. Economic barriers prevent citizens from serving on juries according to this study which contains insights into the beliefs and attitudes of citizens toward the jury system, courts and jury service.

Child Support and the Courts Video, U.S. Department of Human Services

The cooperation of the courts is vital for the successful implementation of the State Case Registries (SCR) and the Federal Case Registry (FCR). The purpose of this video is to help the judicial audience, comprised of Justices, Judges Court Administrators, Clerks of Court and Attorneys understand their crucial role in the child support enforcement program as mandated by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

Get On Line with TCJ

Visit the Texas Center website at www.yourhonor.com. Access information about the Texas Center and its conferences, offer suggestions and send any staff member e-mail. Also, go to the website www.tx.judicial.net for access to the new Bench Book.

Notable Websites

Visit these sites for helpful information!

Office of Court Administration www.courts.state.tx.us
 State Bar of Texas www.texasbar.com
 State Bar of Texas Computer Section www.sbot.org
 Texas Department of Criminal Justice www.tdcj.state.tx.us
 National Center for State Courts www.ncsc.dni.us
 American Judicature Society www.ajs.org
 American Bar Association www.abanet.org

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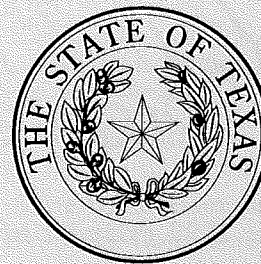
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In Chambers is the official publication of the Texas Center for the Judiciary, Inc. The quarterly newsletter is funded by a grant from the Texas Court of Criminal Appeals. The staff of *In Chambers* strives to provide current information about national and local judicial education issues and course opportunities for Texas judges. Readers are encouraged to write letters to the editor and submit questions, comments, suggestions and story ideas for the newsletter. Contact the editor, Renea Overstreet, by calling 512-463-1530, 800-252-9232 (in Texas), faxing 512-469-7664, or e-mailing at renea.o.tcj@netrange.com. The Texas Center's address is 1414 Colorado, Suite 502, Austin, TX 78701-1627.



The Texas State
Commission on
Judicial Conduct
is accepting
applications for
the position of
Executive Director

Applications
should be faxed to:

SJCJ

888-785-1333

Job description and
application may be obtained
by calling 512/463-5533.

*The Commission wishes to
express its gratitude to its
Executive Director*

Bob Flowers

*who has announced his
retirement
effective July 1, 1999, for
his years of
distinguished service.*

E.O.E.

Letter from the Chair

Progress and Expansion in 1999

by Judge Cynthia Stevens Kent

The 1999 calendar of activities for the Texas Judiciary is becoming quite crowded. It appears that this year will hold great opportunities for educational excellence through programs produced by the Curriculum Committee and the staff of the Texas Center for the Judiciary, Inc. Additionally, the legislative session will address a number of important funding issues and our Long Range Planning Committee is hard at work on the proposed project to expand services and resources for the judges of Texas.

Chief Justice Marilyn Aboussie has graciously agreed to serve as the Chair of the legislative Resource Committee. This large committee stands ready to respond to legislative questions and issues as they arise in Austin this Spring. Justice Aboussie is well respected among the members of the Texas Legislature based on her calm, intelligent and careful analysis of legislative and judicial issues. In order to assist the legislature in receiving clear, concise and accurate information from the judiciary to assist them in making their important legislative decisions, I would ask that if you have an issue where judicial resource information might help the Texas Legislature, please contact Justice Aboussie at the 3rd Court of Appeals in Austin at 512/463-1733. A number of other legislative committees have been established in the Judicial Section and the Texas Center and the chairs of these committees are listed on the next page.

Judge Lamar McCorkle and Chief Justice Rex Davis have performed yeoman's work, along with the members of the Long Range Planning Committee, in organizing and evaluating the proposal to expand the services to the judiciary, educational programs and communications to the membership of the Texas Center for the Judiciary, Inc. The Board of Directors will approve a firm to conduct a formal feasibility study and to assist or direct capital fund raising campaigns for the Texas Center, subject to the continued approval of the membership of the Texas Center. A detailed proposal will be submitted to the membership during the March College of Advanced Judicial Studies in a special called meeting of the Judicial

Section of the State Bar of Texas and the Texas Center for the Judiciary, Inc. Please make your plans to attend this important meeting during our super regional judicial conference in Austin.

There are many other committees that are hard at work this year. A listing of those committees and their Chair appear on the next page. Please contact me if you see an area in the judiciary which needs to be addressed and I will be happy to work with you in looking into the problem and helping to formulate a response.

William Bennett wrote in his book *Our Sacred Honor* that:

American Justice, as the Founders knew, offered the world something new. They realized that the eyes of mankind were upon them to see if it was possible to have a government without religious persecution, without artificial privilege, without titles, without arbitrary rule. One foreign observer from an aristocratic country worried that America may not have all the ornaments that come with a privileged class but was consoled by the fact that equality in America was more pleasing to God and thus more just, "and in its justice lies its greatness and beauty."

I look forward to this year's progress as we continue to work hard as public servants dedicated to law and justice. Our pursuit of educational advancement, judicial excellence and judicial independence will help keep justice alive.

Your friend in the judiciary,



Honorable Cynthia Stevens Kent
Chair, Judicial Section of the State Bar of Texas
Chair, Texas Center for the Judiciary, Inc.
114th District Court, Tyler

JUDICIAL SECTION COMMITTEES & CHAIRS

**Annual Conference
Special Events Committee**
Hon. Molly M. Francis
283rd District Court, Dallas

**Appellate Judges
Legislative Committee**
Hon. Mark Whittington
5th Court of Appeals, Dallas

**Assigned Judges Legislative
Committee**
Hon. Patricia Lykos
Houston

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

Civility Committee
Hon. Linda Thomas
5th Court of Appeals, Dallas

Committee on Judicial Ethics
Hon. Suzanne Stovall
221st District Court, Conroe

**Funding Issues Legislative
Committee**
Hon. Emil Karl Prohl
198th District Court, Kerrville

**Judicial Retirement
Legislative Committee**
Hon. Nathan E. White
366th District Court, McKinney

Juvenile Justice Committee
Hon. Jean Boyd
323rd District Court, Fort Worth

Legislative Resource Committee
Hon. Marilyn Aboussie
3rd Court of Appeals, Austin

**Performance Measures
Liaison Committee**
Hon. Raul Vasquez
111th District Court, Laredo

Resolutions Committee
Hon. Diane DeVasto
241st District Court, Tyler

Site Selection Committee
Hon. M. Kent Sims
Wheeler

**State Bar Liaison &
Resource Committee**
Hon. Jim Parsons
3rd District Court, Palestine

**Statutory Courts
Legislative Committee**
Hon. Thomas Bacus
County Court at Law # 2
Wichita Falls

Student Scholarship Committee
Hon. Susan Lowery
County Court at Law #3
Richmond

**Trial Judges Legislative
Committee**
Hon. Mickey Pennington
38th District Court, Uvalde

TEXAS CENTER FOR THE JUDICIARY, INC. COMMITTEES & CHAIRS

**Appellate Judges Education
Fund Committee**
Hon. Adele Hedges
1st Court of Appeals, Houston

**Associate Judges Issues
Committee**
Hon. Frank Sullivan
322nd Family District Court
Fort Worth

Budget Committee
Hon. Emil Karl Prohl
198th District Court, Kerrville

**Court Reporters & Staff Issues
Committee**
Hon. Weldon Kirk
32nd District Court, Sweetwater

Contributions Committee
Hon. Bascom Bentley, III
369th District Court, Palestine

Curriculum Committee
Hon. Mark D. Atkinson
County Criminal Court at Law #13
Houston

Judicial PEER Committee
Hon. John J. Specia
225th District Court, San Antonio

Long Range Planning Committee
Hon. Lamar McCorkle
133rd District Court, Houston

Personnel Committee
Hon. Stephen B. Ables
216th District Court, Kerrville

**Regional Conference &
Special Events Committee**
Hon. Robert Francis
Criminal District Court #3, Dallas

Scholarship Committee
Hon. Paul Davis
200th District Court, Austin

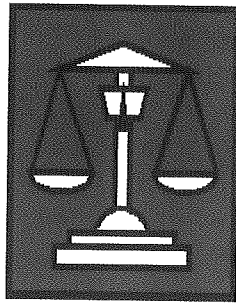
**Supreme Court & Court of
Criminal Appeals Liaison on
Rules & Procedures Committee**
Hon. J.C. Zbranek
75th District Court, Liberty

Technology Committee
Hon. Curt Henderson
219th District Court, McKinney

Judge-Mentality

Diary of a New Judge

by Judge Caroline Baker
151st District Court
Houston



Every year, one of the new judges at the College for New Judges is selected to keep a diary for their first year as a judge and then present it a year later at the next

College of New Judges. After keeping a diary for a year, I would recommend to all new judges that they keep one. It is a wonderful retrospect of the beginning of your judicial career and it allows you to look back over the year and see how you have grown as a judge. Here are some highlights of my diary that I touched upon at the opening dinner for the College of New Judges on December 5, 1998:

January 1, 1997:

I almost missed my swearing in at The Wortham. I walked into the auditorium as everyone was reciting "The Pledge of Allegiance." One of my family members later told me that all they saw was this orange blur (I had on an orange suit) running up the aisle to join everyone on stage. Ah, well, I will certainly never forget this day (for that and many other reasons)! I am glad that I decided be sworn in with the group. It was a memorable and somewhat overwhelming event. When you stand up with your colleagues and take the oath, you cannot help but feel what an honor and a privilege it is to become a judge.

January 2, 1997:

First day of work. I had been told that the first few days would be light so that I could unpack and get my bearings.....wrong! I had my first "emergency" hearing (on what would turn out to be one of the longest and most complex cases that would be tried during my first year on the bench) in a case that was very heated and had nu-

merous parties. In retrospect, it was probably a good thing because I literally had no time to be nervous. I had to put on the robe, get on the bench and start listening to the motion.

January 6, 1997:

My first law day docket. You realize very quickly how different your role is now than it was as a trial lawyer. Previously, I was a passionate advocate for my client. Now, my "client" is the system of justice. One of the first things I thought about when an attorney made a silly argument in response to a motion was, "Oh, dear, did I sound like that or make an argument like that when I was a lawyer?" and then, in dismay, I realized, "Yes, I probably did at some point...."

January 16, 1997:

It is hard to get used to the fact that I have a new first name—"Judge." It takes a while to adjust to the fact that everyone seems to know you and will come up to you in the strangest places just to say "Hi." I am impressed and touched by how supportive the other judges are while I am getting acclimated. They are always available with helpful advice and to answer any questions. I understand that this can be a very isolating job, and it is comforting to know that your colleagues are there to support you.

January 17, 1997:

My investiture ceremony. A day I will never forget because it gave me an opportunity to recognize and thank my friends and family for all that they have done for me over the years that brought me here today. It also gave me an opportunity to acknowledge the honor, privilege and awesome responsibility that I have been given as a judge and to confirm that I will always treat it as such.

Judge-Mentality is an
In Chambers guest column
written by a judge.
Opinions presented in the
column are not
necessarily those
of the Texas Center for the
Judiciary, Inc. Please call
Renea Overstreet,
800-252-9232, if you
would like to submit a
column or a letter in
response to a column.

January 21, 1997:

My first trial as a judge. Another realization about the difference between being a judge and being a trial lawyer. As a lawyer in trial, I never really listened to the instructions the judge gave the jury panel before *voir dire* and to the jurors at the beginning of trial — I used that time to review my materials. Now, all of a sudden, I have “lines.”

January 27, 1997:

The *voir dire* and the trial went smoothly (the Bench Book is a big help and a great resource). It also helped to remember a story that a judge told me at one of the other judge's investiture. He said that during his first trial as a judge, after the lawyers had conducted *voir dire*, he said, “We will now have closing arguments.” One of the lawyers tentatively raised his hand and said, “Judge, do you mind if we put on some evidence first?” I found this story a good reminder that we are all human and that we shouldn't forget that....

February 4, 1997:

After a few trials, I am encouraged to see how hard the juries really work and how seriously they take their job. It is also instructive to us and to our profession as a whole that jurors consistently comment that they do not like it when the lawyers are rude to each other or disrespectful to the respective parties. It is a reminder that it is incumbent upon all of us (the bench AND the bar) to bring back to our profession some of the dignity and respect that has been lost....

March 17, 1997:

Had my first experience with a juror who said, “What happens if I don't come back tomorrow?” I explained, “Well, then, I have to send someone to come get you and bring you to court. Please don't make me do that.” He agreed to return the next day. Skirmish over. I'm sure there are MUCH more difficult ones ahead....

April 1, 1997:

After several months on the bench, I truly realize how wise the advice of “you can rarely say too little, but you can always say too much” is for a judge. Lawyers will try to engage you on the record and it is amazing how different something looks in print than it sounded at the time. For instance, something that sounded humorous at the time may seem very “unfunny” in print....

May 14, 1997:

Have gotten inundated in the routine of hearings and trials. Unfortunately, I did have a discouraging experience. A lawyer tried to have an *ex parte* communication with me. Fortunately, I stopped it before it started. It's amazing how visceral your reaction is to an *ex parte* communication. I had been warned that some lawyers will try to have *ex parte* communications with judges; nevertheless, it's disappointing and discouraging when you witness it.

June 3, 1997:

I survived my first experience in ancillary. From the panther in the subdivision to a case involving ducks and chickens and a dispute over a lottery ticket, it sometimes seemed like I might be on candid camera; but, these disputes were very real to the litigants...and it gave me extra training for my judicial poker face....

July 23, 1997:

It's summertime and no one wants to go to trial...vacation letters galore. At the same time, I am reminded of advice that another judge gave me early on. This is a very brain tiring job and you need to take time to recharge. Just as it is important for lawyers to have their vacation time, judges need it, too. It will keep you from burnout and, after a vacation, you come back with renewed spirit.

September 20, 1997:

I am in my ninth month as a judge, and I enjoy this job more than I ever imagined. Sure, it's frustrating and draining some-

times, but it is also interesting and rewarding. What comes to mind is something that one of the judges at the College for New Judges said to us early on in the course, “Can you imagine a more wonderful and rewarding job than one in which your purpose is to be fair?” I think about that from time to time and my answer then was and after this time on the bench is, “I cannot.”

November 23, 1997:

A lawyer actually argued to the bench that I should not consider the opposing party's response to the motion because it had been faxed and the first five pages came over their fax machine at 4:58 p.m. and the last two pages came over the fax machine at 5:02 p.m! Just when you think Rambo tactics might have started to wane....

December 15, 1997:

Someone asked me, “After a year of being on the bench, do you still like it and do you miss being a trial lawyer?” I replied, “I loved being a trial lawyer and sometimes I miss trying cases. However, being a judge feels right to me. I feel blessed to be able to do what I do and I look forward to coming to work every day. On a light note, two things that I don't miss about being a trial lawyer and that are different now that I am a judge are: (1) I no longer jump through the roof when the jury buzzer goes off; and (2) I no longer wake up in the middle of the night in a panic and wonder, ‘Did I designate my experts in that case?’ and then call my office phone to leave myself a voice mail to remind myself in the morning to check the file!”

December 31, 1997:

I hope that everyone feels as I do after my first year on the bench. I can't imagine a more wonderful job and I truly feel blessed to be here. I wish every one of the new judges a long and rewarding judicial career.

College for New Judges Receives High Marks

New judges attending the 1998 College for New Judges gave the conference an overall rating of 4.75 on a scale from 1 to 5.

All newly-elected, appointed or elevated judges were invited to attend the conference which was December 6-11 in Dallas. The week-long college covered a wide range of topics including the role of the judge, judicial writing, ethics, family violence,

trial management, the media and court administration.

Here is a sample of the comments made by new judges at the conference:

“What an inspiring group of instructors. I wish I could come every year! I know I have met colleagues that I will be able to contact to help me solve problems for years to come.”

“The College exceeded any ex-

pectation that I had. This program and the interaction with faculty and attendees provided me with a sense of transition that is vital.”

“This was a wonderful experience. It made me start ‘thinking like a judge.’”

“This course really made me focus on the transition from advocate to judge. I received many good ideas for becoming an effective judge.”

New Judges participated in small discussion groups which allowed them an opportunity to discuss issues in depth. Pictured below: (l-r) Faculty member Judge Molly Francis, and new judges, Martha Huerta, Alex Hernandez, Pamela Sirmon and Dean Loughmiller.



Judge Steve Ables (middle) facilitates a discussion group with new judges including Janet Leal (l) and Gary Michael Block (r).



Participants made new acquaintances and enjoyed sharing information with other new judges from across the state. Pictured above: (l-r) Judges Alex Gonzalez, M. Sue Kurita, Bonnie Rangel and Sergio Gonzalez.



Newly elected judge, Lora Livingston (l) participates in a discussion group facilitated by faculty member, Judge Paul Davis (r).

Hon. Marilyn Aboussie
Chief Justice
3rd Court of Appeals, Austin
Succeeding Hon. E. Lee Yeakel

Hon. Elsa Alcalá
338th District Court, Houston
Succeeding Mary Bacon

Hon. Alfonso Alonso
Co. Court at Law #1 & Prob., San Antonio
Succeeded Tony Ferro

Hon. Mike Anderson
262nd District Court, Houston
Succeeding Hon. Doug Shaver

Hon. Terry D. Bailey
County Court at Law, Carthage
Succeeding Hon. Eric Scott McPherson

Hon. Jane Bland
281st District Court, Houston
Succeeding Hon. William Bell

Hon. Gary Michael Block
County Civil Court at Law #2, Houston
Succeeding Hon. Tom Sullivan

Hon. Patrick J. Boone
57th District Court, San Antonio
Succeeding Hon. Charles Gonzales

Hon. Jan Breland
County Court at Law #6, Austin
Succeeding Hon. David Puryear

Hon. Joe Bridges
County Criminal Court #4, Denton
New Court

Hon. Gerald M. Brown
County Court at Law #3, Temple
New Court

Hon. Susan Brown
185th District Court, Houston
Succeeding Hon. Lon Harper

Hon. Lisa G. Burkhalter
County Court at Law #1, Lufkin
Succeeding Hon. Joseph E. Martin III

Hon. Gladys B. Burwell
County & Probate Court, Galveston
Succeeding Hon. Jerome Jones



Note: This list also includes
appointed and elevated judges.

Hon. Chap Cain III
253rd District Court, Liberty
Succeeding Hon. W.G. Woods, Jr.

Hon. Joan Campbell
248th District Court, Houston
Succeeding Hon. Werner Voigt Jr.

Hon. M'Liss Christian
County Court at Law #6, San Antonio
Succeeding Hon. Ray Harris Adams

Hon. Danny Clancy
County Criminal Court #1, Dallas
Succeeding Hon. Henry Wade

Hon. Carole Clark
321st District Court, Tyler
Succeeding Hon. Ruth Blake

Hon. Sarah Tunnell Clark
County Court at Law, Crockett
Succeeding Hon. Lynn E. Markham

Hon. Elizabeth E. Coker
258th District Court, Groveton
Succeeding Hon. Joe Ned Dean

Hon. Elia Cornejo-Lopez
County Court at Law #2, Brownsville
Succeeding Hon. Migdalia Lopez

Hon. Susan Criss
212th District Court, Galveston
Succeeding Hon. Miles Whittington

Hon. Jamie Cummings
County Criminal Court #5, Fort Worth
Succeeding Hon. Mamie Bush Johnson

Hon. Richard W.B. Davis
County Court at Law #2, Bryan
Succeeding Hon. Sarah L. Ryan

Hon. Michael Denton
Travis County Court at Law #4, Austin
New Court

Hon. Pam Derbyshire
County Criminal Court #7, Houston
Succeeding Hon. Shelly Price Hancock

Hon. Robert T. Dry
199th District Court
Succeeding Hon. John Roach

Hon. Steven R. Emmert
31st District Court, Wheeler
Succeeding Hon. M. Kent Sims

Hon. David Evans
193rd District Court
Succeeding Hon. Michael O'Neill

Hon. Drue Farmer
County Court at Law #2, Lubbock
Succeeding Hon. G. Thomas Cannon

Hon. Michael R. Fields
County Criminal Court #14, Houston
Succeeding Hon. James Barkley

Hon. David Finn
County Criminal Court #10, Dallas
Succeeding Hon. Marshall Gandy

Hon. Craig M. Fowler
255th Family District Court, Dallas
Succeeding Hon. Judge Don Koons

Hon. Brenda Freeman
County Court at Law, New Braunfels
Succeeding Hon. Fred Ray Clark

Hon. Alex Gabert
229th District Court, Rio Grande City
Succeeding Ricardo Garcia

Hon. Brent Gamble
270th District Court, Houston
Succeeding Hon. John Richard Hall

Hon. David Garcia
County Criminal Court #3, Denton
New Court

Texas' New Administrators of Justice, cont.

Hon. Ernest Garcia
126th District Court, Austin
Succeeding Hon. Joseph H. Hart

Hon. Floyd T. Getz
County Court at Law #3, Tyler
Succeeding Hon. Sam Griffith

Hon. David R. Gibson
County Court at Law #1, Dallas
Succeeding Hon. David W. Evans

Hon. Al R. Gonzalez
Texas Supreme Court, Austin
Succeeding Hon. Raul Gonzalez

Hon. Alejandro Gonzalez
County Court at Law #4, El Paso
Succeeding Hon. Kitty Schild

Hon. Julie Gonzalez
County Court at Law #2, El Paso
Succeeding Hon. John L. Fashing

Hon. Sergio J. Gonzalez
County Court at Law, Del Rio
Succeeding Hon. James Simmonds

Hon. Tom Gray
10th Court of Appeals, Waco
Succeeding Hon. Bob Cummings

Hon. Gordon H. Green
287th District Court, Muleshoe
Succeeding Hon. Jack D. Young

Hon. Deborah Hankinson
Texas Supreme Court, Austin
Succeeding Hon. John Cornyn

Hon. Catharina Haynes
191st District Court, Dallas
Succeeding Hon. David Brooks

Hon. Alex R. Hernandez
County Court at Law, Port Lavaca
Succeeding Hon. Michael Fricke

Hon. Belinda Hill
230th District Court, Houston
Succeeding Hon. Joe Kegans

Hon. Martha Huerta
319th District Court, Corpus Christi
Succeeding Hon. Max Bennett

Hon. Joan Huffman
183rd District Court, Houston
Succeeding Hon. Jay W. Burnett

Hon. K. Randall Hufstetler
300th District Court, Angleton
Succeeding Hon. Ogden Bass

Hon. Robert C. Jenevein
County Court at Law #3, Dallas
Succeeding Hon. Victoria Welcome

Hon. Cheryl Johnson
Court of Criminal Appeals, Austin
Succeeding Hon. Morris Overstreet

Hon. Philip W. Johnson
7th Court of Appeals, Amarillo
Succeeding Hon. Carlton B. Dodson

Hon. Molly Jones
County Criminal Court #6, Fort Worth
Succeeding Hon. Rufus Adcock

Hon. Sam Katz
186th District Court, San Antonio
Succeeding Hon. Terry McDonald

Hon. Philip Kazen
227th District Court, San Antonio
Succeeding Hon. Mike Machado

Hon. Mike Keasler
Texas Court of Criminal Appeals, Austin
Succeeding Hon. Charles F. Baird

Hon. Margaret Keliher
44th District Court, Dallas
Succeeding Hon. Candace G. Tyson

Hon. M. Sue Kurita
County Court at Law #6, El Paso
New Court

Hon. Janice Law
Co. Criminal Court at Law #5, Houston
Succeeding Hon. Hannah Chow

Hon. Janet Leal
County Court at Law #1, Brownsville
Succeeding Hon. Everardo Garcia

Hon. Lora J. Livingston
261st District Court, Austin
Succeeding Hon. Pete Lowrey

Hon. Migdalia Lopez
197th District Court
Succeeding Hon. Darrell Hester

Hon. Dean Loughmiller
County Court at Law, Paris
New Court

Hon. Mark R. Luitjen
144th District Court, San Antonio
Succeeding Hon. Susan D. Reed

Hon. Robert B. Mayfield
County Court at Law #1, Cleburne
Succeeding Hon. Tommy Alteras

Hon. C.H. McCall
11th Court of Appeals, Eastland
Succeeding Hon. Bob Dickenson

Hon. Sam Medina
237th District Court, Lubbock
Succeeding Hon. John McFall

Hon. Randy Michel
County Court at Law #1, Bryan
Succeeding Hon. Steve Smith

Hon. Alvino Morales
County Court at Law #1, Laredo
Succeeding Hon. Raul Vasquez

Hon. Thomas F. Mulvaney
279th District Court, Beaumont
Succeeding Hon. Robert P. Walker

Hon. Cynthia L. Muniz
293rd District Court, Eagle Pass
Succeeding Hon. Rey Perez

Hon. John E. Neill
18th District Court, Cleburne
Succeeding Hon. Kit Cooke

Hon. Rory R. Olsen
County Probate Court #3, Houston
Succeeding Hon. Jim Edward Scanlan

Hon. Harriet O'Neill
Texas Court of Criminal Appeals, Austin
Succeeding Hon. Rose Spector

Hon. Michael O'Neill
5th Court of Appeals, Dallas
Succeeding Ron Chapman

Texas' New Administrators of Justice, cont.

Hon. Jan Patterson
3rd Court of Appeals, Austin
Succeeding Hon. John Powers

Hon. Peter Peca
County Court at Law #7, El Paso
New Court

Hon. Sherry Radack
55th District Court, Houston
Succeeding Hon. Kathleen S. Stone

Hon. Bonnie Rangel
171st District Court, El Paso
Succeeding Hon. Peter Peca

Hon. Susan Rankin
301st District Court, Dallas
Succeeded Hon. Robert O'Donnell

Hon. David B. Read
County Court at Law, San Angelo
Succeeding Hon. Ronald L. Blann

Hon. Rose Guerra Reyna
206th District Court, Edinburg
Succeeding Hon. Joe B. Evins

Hon. John Roach
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Succeeding Hon. Deborah Hankinson

Hon. Daniel T. Robles
County Court at Law #3, Harlingen
New Court

Hon. Susan Scolaro
County Court at Law #1, Lubbock
Succeeding Hon. Sam Medina

Hon. Patrick Edward Sebesta
Co. Court at Law #2 & Probate, Angleton
Succeeding Hon. Garvin Germany

Hon. Edward L. Self
242nd District Court, Plainview
Succeeding Hon. Marvin Marshall

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Succeeding Hon. Kenneth D. Daniel

Hon. Rebecca Lynn Simpson
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Hon. Steve Smith
361st District Court, College Station
Succeeding Hon. Carolyn Ruffino

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Succeeding Hon. J.R. Musslewhite

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274th District Court, Seguin
Succeeding Hon. Bill Bender

Hon. Suzanne Stovall
221st District Court
Succeeding Hon. Lee Alworth

Hon. Don Taylor
County Court at Law, Liberty
Succeeding Hon. Chap B. Cain III

Hon. Larry Thorne
317th District Court, Beaumont
Succeeding Hon. Jimmy D. Hulett, Jr.

Hon. John Jay Thorpe
County Court at Law, Canyon
Succeeding Hon. Darrel Carey

Hon. Charles H. Van Orden
Bell County Court at Law #3, Killeen
New Court

Hon. Raul Vasquez
111th District Court, Laredo
Succeeding Hon. Tony Zardenetta

Hon. Rose Vela
148th District Court, Corpus Christi
Succeeding Hon. Robert Pate

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292nd District Court, Dallas
Succeeding Hon. Mike Keasler

Hon. Kristin Wade
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Succeeding Hon. Samuel Vaughn

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Ethics Opinions Q&A

No. 213, Issued November 10, 1998
Multiple Candidates Endorsed or
Advertised in Single Publication

Facts: A political party, a Political Action Committee (PAC), a speciality bar association, and/or an individual endorse several candidates in one publication.

Question: May a judge or judicial candidate contribute toward the publication of the advertisement?

Answer: Political Party, Yes. A judge and a judicial candidate may contribute to a political party. If the political party uses that contribution to pay for campaign publicity and decides to include only candidates who helped pay for the advertisement, this does not violate the Judicial Code.

Answer: PAC, Yes. Unless the judge or judicial candidate participates in the selection of candidates promoted by the PAC, the Code of Judicial Conduct does not prohibit the judge or judicial candidate from contributing to the PAC. The Committee would draw attention to Texas Election Code Section 253.1611 which severely limits contributions by a judge or judicial candidate to a PAC.

Answer: Specialty Bar, Yes. Unless the judge or judicial candidate participates in the specialty bar's selection of candidates, the Code of Judicial Conduct does not prohibit

the judge or judicial candidate from contributing to the specialty bar to promote the publication of the advertisement.

Answer: Individual, Yes. Unless the judge or judicial candidate participates in the individual's selection of candidates the Code does not prohibit a judge or judicial candidate from contributing to the publication.

Question: May two or more judges conduct a joint campaign that includes a mailed brochure and a newspaper ad? The judges invite only certain other judges to participate. The campaign is funded totally by the participating judges' campaigns. All funds are given to the political party, which actually pays the campaign expenditures. Is such a campaign permissible under the Judicial Code of Conduct?

Answer: No. Since the judicial candidates selected the candidates with whom they advertised, it is the opinion of the committee that this constitutes an endorsement prohibited by Canon 5(3) and 2(b). Additionally, it constitutes a joint campaign as prohibited in Opinion 100.

In responding to these inquiries the Committee referred to Canons 2(b) and 5, and Committee Opinions Nos. 100, 170 and 180. Canon 2(b) provides that a judge shall not lend the prestige of office to anyone's private interest. Canon

5(3) provides that a judge or judicial candidate shall not publicly endorse another candidate for public office. Committee Opinion No. 100 prohibits joint campaigns by judges; Opinion No. 170 prohibits a judge handing out material that advertises candidates other than the judge; Opinion No. 180 prohibits a judge from using the judge's name to promote a spouse's candidacy. (It should be noted that Texas Election Code Section 253.1611 sets limits on political contributions by a judge or judicial candidate.)

To avoid the appearance of impropriety, judges should request, that in any multiple candidate material a prominent disclaimer be included that states that the inclusion of any judge or judicial candidate does not constitute an endorsement by that judge or judicial candidate of any other candidate. Any contribution permitted by this opinion that is intended as a subterfuge for joint campaigning forbidden by Opinion No. 100, constitutes an endorsement that would violate Canon 5(3).

No. 238, Issued January 12, 1999
Judge as Fund Raiser for Texas
Center for the Judiciary, Inc.

Question: May a judge solicit contributions to the Texas Center for the Judiciary, Inc., a not-for-profit organization dedicated to the education and service of Texas judges, from individuals, businesses, foundations and

other organizations? These contributions would be used to promote judicial education and to improve the resources and services provided by the Texas Center for the Judiciary, Inc. to the judiciary.

Answer: Yes. This is the third opinion on this subject. In Op. No. 58 (1982), this Committee considered then Canon 4C as an exception to the absolute prohibition against judicial fund raising found in then Canon 5B(2), and determined that a judge could solicit contributions for the Texas Center for the Judiciary from charitable and educational foundations and other donors who would not ordinarily come before the court.

In 1994, the language found in former Canon 4C was dropped from the Code. Therefore, in 1996, we issued Op. No. 199, which held that a judge could no longer solicit funds for the Texas Center for the Judiciary and similar organizations. See Op. No. 196 (1996).

Effective January 1, 1998, the Supreme Court amended the code to readopt the language of former Canon 4C, now designated as Canon 4B(2), which provides:

A judge may assist such an organization [devoted to the improvement of the law, the legal system or the administration of justice] in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities.

Because this language was re-adopted into the Code, we now follow the reasoning set forth in Op. No. 58 (1982) to hold that

once again a judge may assist in raising funds for one of the organizations described in Canon 4B(2), specifically in this case the Texas Center for the Judiciary, Inc. However, Canon 4B(2) prohibits the judge from "public fund raising activities." This restricts the manner in which the judge may assist with fund raising, and we adopt the limits set forth in Op. No. 58:

1. a judge may solicit contributions only from charitable and educational foundations and other donors who would not ordinarily come before the court;
2. the organization for which funds are sought must be one which is devoted to the improvement of the law, the legal system or the administration of justice;
3. any solicitation by the judge should be made as an authorized representation for the organization and not as a personal solicitation; and finally,
4. any judge assisting a Canon 4B(2) organization must strictly comply with the admonition found in Canon 1 to preserve the integrity and independence of the judiciary and the prohibition in Canon 2B against:
 - a. lending the prestige of office to advance the interests of others, or
 - b. conveying the impression that any donor would be in a position to influence the judge.

1999 College of Advanced Judicial Studies

The College of Advanced Judicial Studies will be February 28 through March 3, 1999 at the Marriott and Omni Hotels in downtown Austin.

Nicknamed the "Super Regional," this conference convenes in Austin during legislative years taking the place of the 5 regional conferences which are convened during the non-legislative years.

Topics covered at the conference include updates, evidence, judicial writing, family law, child abuse and neglect cases, appellate issues and ethics. There will be a session on Judicial Wellness for the New Millennium as well as a course on Building Leadership Excellence. The conference will also feature basic and advanced computer classes.

Judges will also have an opportunity to participate in community service during the conference.

In Memoriam for Those
Who Served Our
State Courts
Hon. Miron A. Love
Hon. Russell Austin
Hon. Carl Anderson

Public Opinion Survey of Texas Courts and Lawyers Reveals Overall Favorable Views

By Brenda Forsythe, State Bar of Texas

In response to growing state and national concern about public support and respect for the courts and the legal profession, the Texas Office of Court Administration recently collaborated with the Research and Analysis Division of the State Bar of Texas to study how Texans view the courts and the legal profession.

The particularly good news discovered by the research indicates that Texans have an overall favorable impression of the state's courts and the legal profession, especially when they have had first-hand experience with the courts or lawyers. The vast majority of survey respondents with previous courtroom experience, 82 percent, indicated that they were satisfied with the process and the judges they observed during their courtroom experience. Nearly three-quarters, 73 percent, of surveyed respondents who have sought legal advice or have been represented by a lawyer were satisfied with the assistance or representation they received from their lawyer.

Courts Viewed as Positive Experience

Most Texans believe that the court is the best place to settle disputes and gave favorable ratings on honesty and ethics and quality of performance.

"We are extremely pleased by the results which show that compared to other professions, judges are highly regarded and considered to be one of the most ethical and honest professions," said Supreme Court Justice Greg Abbott. "The positive results of the survey directly reflect the commitment of Texas' judges and other court personnel who work daily in courtrooms throughout Texas to ensure that we have a justice system based on integrity and professionalism."

The results are based on a telephone survey of 1,215 Texans conducted by the University of North Texas' Survey Research Center over a six-week period and have been compiled in a comprehensive report, *Public Trust and Confidence in the Courts and the Legal Profession in Texas*. Justice Abbott and State Bar of Texas President Richard Pena announced the results at a news conference on January 26, 1999.

The report was conducted to provide baseline information about how Texans feel about the courts and the legal profession, which can then be used by judicial and bar leaders and policymakers to recommend changes to improve the state's justice system.

The public survey report is the first part of a multi-dimensional study. Opinions will also be obtained from lawyers, judges and court personnel to determine their perceptions of the justice system.

"This study is a benchmark of the public's perception of the courts in Texas and gives insight into what the public considers to be important," said Justice Abbott. "This information will assist in our continual effort to improve Texas' justice system."

In addition to the positive news about Texas courts, the survey highlights specific areas that Texans believe need improvement.

Areas Cited for Improvement

One area of concern indicated by the study pointed to public perceptions of equality in the justice system. Only 41 percent of the respondents agreed that Texas courts treat all people alike regardless of race and only 22 percent of Texans felt that the courts treat poor and wealthy people alike. This perceived disparity in treatment is not unique to Texas courts and other states that have investigated equality issues found similar results.

Overall, Texans did feel that if they had business with the Texas courts, they would be treated fairly. About 73 percent of Texans felt they would be treated fairly compared to just 19 percent who did not feel they would receive fair treatment.

Despite the tendency to relate fairness and equity problems to judicial campaign contributions, the majority of Texans believed that judges should be elected. Forty-three percent of the respondents felt that campaign contributions have a "very significant" influence on courtroom decisions and another 40 percent felt that campaign contributions have a "fairly significant" influence. Yet about 70 percent

of the respondents indicated that judges should be elected. The second most popular judicial selection option preferred by 20 percent was a system in which judges are appointed by the governor and subject to retention elections.

The report also shows that the public thinks that court costs and filing fees are not affordable to the average person and that there are too few female judges and racial/ethnic minority judges on the bench in Texas.

State and National Efforts

The Supreme Court has already started addressing some of the issues cited in the report. For example, the Court recently adopted new discovery rules, effective January 1, 1999, which will reduce the time and cost of pre-trial discovery in civil cases.

Also in October 1998, the Supreme Court appointed a Judicial Campaign Finance Study Committee to determine whether the Court can improve the administration of justice by promulgating or amending rules for judicial campaign finance. The Committee may also recommend legislative initiatives in addition to or in support of rules changes. The committee is expected to make a final written or oral report to the Court by February 1, 1999.

The Court hopes to work with the Governor and the Texas Legislature, through the Texas Judicial Council, to resolve other issues as well.

"By taking the first step and identifying areas of public concern, we hope this sends a message that we care about the public's trust and confidence in the judicial system," said Justice Abbott.

Under President Pena's leadership, the State Bar of Texas has been working on a public education campaign to restore public trust and confidence in the legal profession. Many of survey's findings regarding the public's perception of the legal profession will be incorporated into the communications plan.

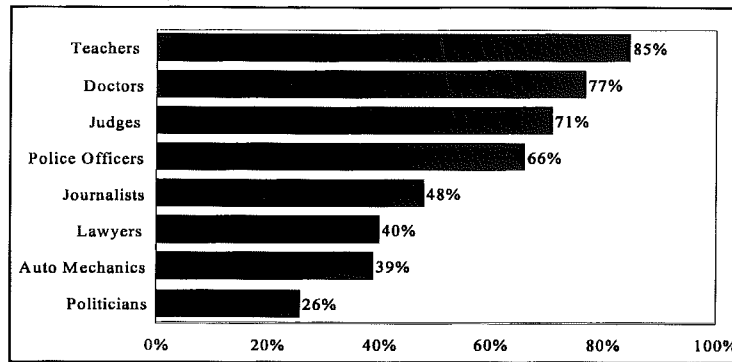
The Supreme Court recently appointed a state Committee on Public Trust

and Confidence in the Justice System. This is a broadly representative committee that will consider and prioritize public trust issues in Texas. Also, a state leadership team will attend the National Conference on Public Trust and Confidence in the Justice System on May 13-15, 1999, in Washington, D. C. The primary goal of the conference is to develop a national strategic plan and model state strategies to enhance public trust and confidence in the justice system.

The Conference of Chief Justices, the American Judges Association, the Conference of State Court Administrators, and the National Association for Court Management have designated public trust and confidence in the courts as their top priority for a multi-year period. Moreover, the American Bar Association has declared its support for the courts' top priority and assigned public trust and confidence in the legal profession as a priority for the bar as well.

For more information on the study or to obtain a copy, please contact Mary Cowherd, Office of Court Administration, at 512/463-1629.

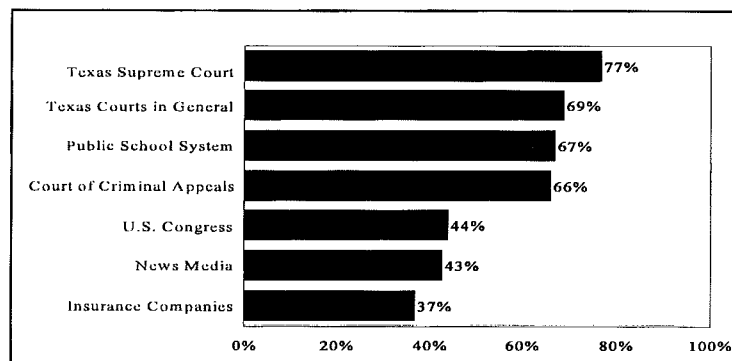
Figure 4
Texans Rating Persons in Various Professions as Honest and Ethical



Source: Survey of Texans Regarding Trust and Confidence in the Courts and the legal Profession of Texas, 1998

Survey respondents were also asked which institutions or industries are honest and ethical. Of the seven groups included in the question, two judicial branch entities (the Texas Supreme Court and Texas courts in general) were rated to be the most honest and ethical, while insurance companies and the news media were rated to be the least honest and ethical (See Figure 5).

Figure 5
Texans Rating Various Institutions and Industries as Honest and Ethical



Source: Survey of Texans Regarding Trust and Confidence in the Courts and the legal Profession of Texas, 1998

Thank you for your

Contributions to the Texas Center for the Judiciary, Inc.

Includes contributions received as of January 13, 1999

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The Texas Center expresses apologies to Hon. J.L. Smith and Hon. John F. Onion for not including their memorial contributions in the Fall 1998 issue of In Chambers.

Memorial Contributions

Charles R. Borchers Memorial
Alvino "Ben" Morales
J. Curtiss Brown Memorial
Max Osborn
Russell Austin Memorial
Barbara Clack
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LOOKING AHEAD: JUDICIAL CONFERENCE CALENDAR

1999

COLLEGE OF ADVANCED JUDICIAL STUDIES

February 28-March 3, 1999

Marriott & Omni, Austin

CRIMINAL JUSTICE CONFERENCE

May 5-7, 1999

Hyatt Hotel, Austin

PROFESSIONAL DEVELOPMENT PROGRAM

June 14-18, 1999

Criminal Justice Center, Huntsville

JUDICIAL SECTION ANNUAL CONFERENCE

September 26-29, 1999

Renaissance Hotel, Austin

COLLEGE FOR NEW JUDGES

December 5-10, 1999

Crowne Plaza Suites, Dallas

2000

PROFESSIONAL DEVELOPMENT PROGRAM

June 12-16, 2000

Criminal Justice Center
Huntsville

JUDICIAL SECTION ANNUAL CONFERENCE

September 24-27, 2000

Hyatt at Reunion
Dallas

COLLEGE FOR NEW JUDGES 2000

December 3-8, 2000

Crowne Plaza Suites
Dallas

ATTENTION JUDGES:

Watch for a letter in your February mail regarding the upcoming Professional Development Program for court support personnel June 14-18 in Huntsville.

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