



THE OFFICIAL PUBLICATION OF THE TEXAS CENTER FOR THE JUDICIARY

In Chambers

SPRING 2021

**Criminal
Discovery and
Watkins v.
State**

**Zoom Best
Practices**

**Pro Bono
from the
Bench**

**Of Note:
Awards and Honors**

**Letter from
the CEO**

**Regional
Conference**

Contributors



Judge Mark D. Atkinson took the bench in 1987 and served 24 years as a judge in a Harris County criminal court. After six terms, he retired and was named Judicial Resource Liaison under the Texas Center for the Judiciary's Texas Department of Transportation Traffic Safety Grant Program. He served two years in that capacity before being named Executive Director (now CEO) of the

Texas Center. He has been active in state and national judicial leadership and education, serving as Chair of the Texas Center as well as the Judicial Section of the State Bar. Judge Atkinson was first licensed to practice law in 1980, and for seven years developed a practice focused on criminal, family, and civil trial law. He earned his BA from the University of Texas at Austin and his law degree from South Texas College of Law Houston. Judge Atkinson has been awarded the National Association of Probation Executives George M. Keiser Excellence in Leadership Award, the Texas Center for the Judiciary's Judicial Excellence in Education Award, the Texas Center for the Judiciary Chair's Award of Excellence, the Houston Police Officers Association's Judge of the Year Award, the Houston Council on Alcoholism and Drug Abuse Award, the Mexican-American Bar Association of Houston's Amicus Award and the League of United Latin American Citizens' Certificate of Recognition. He also was elected to serve as the president of the Texas Association of County Court at Law Judges. Judge Atkinson and his wife, Vicki, have raised four sons together.

Christie Dotolo oversees IT needs and vendor contracts for the Texas Center. She maintains the association website and produces conference materials as well as the association magazine. In Austin since 1998, she has also lived across the globe thanks to her military background. She's mom to two grown sons, two cats and a needy dog. A member of two salsa dance teams, when she's not working or dancing, she enjoys travel with her husband, spending time with friends, and reading.



Professor Elizabeth M. Fraley is a Professor at Baylor Law School, teaching Practice Court and serving as co-director of the Executive LL.M. in Litigation Management. She serves as faculty at the Academy of the Advocate in St. Andrews, Scotland. Liz is a practicing attorney with more than 30 years of trial and mediation experience representing health care providers and businesses. She has been named a Texas Super Lawyer every year starting in 2004 and has been a *D Magazine* "Best Lawyers in Dallas" annually since 2011. Liz is a frequent author and speaker on trial skills, virtual advocacy, leadership, civil procedure and evidence. An avid runner and traveler, she is the mother of three children.



Hon. Laura Livingston is a 1982 graduate of the UCLA School of Law. She began her legal career as a Reginald Heber Smith Community Lawyer Fellow assigned to the Legal Aid Society of Central Texas in Austin. After completion of the two-year program, she continued to work in the area of poverty law until 1988 when she entered private practice. In 1993, she and S.

Gail Parr formed a partnership and opened Livingston & Parr and engaged in a general civil litigation practice with an emphasis on family law. In January, 1995, she was sworn in as an Associate Judge for the District Courts of Travis County. She was elected to Judge and sworn in as Judge of the 261st District Court in January, 1999. She is the first African-American woman to serve on a district court in Travis County. Judge Livingston spearheaded the creation of the Travis County Self-Help Center and remains active in her efforts to ensure access to justice for all. In 2015, Judge Livingston received the Distinguished Service Award from the National Center for State Courts. Judge Livingston is active in several local, state and national bar association activities and serves on several boards.

Hon. David Newell was elected to the Texas Court of Criminal Appeals November 4, 2014. He earned his undergraduate degree in English with a concentration in Creative Writing at the University of Houston. He graduated magna cum laude, earning University honors and honors in his major. He received his JD from the University of Texas School of Law in 1997 and went to work in the Fort Bend County District Attorney's Office. He served as an appellate prosecutor for 16 years until his election to the Court. Judge Newell has twice served as the Chairman of the Editorial Board for the Texas District and County Attorney's bi-monthly journal, *The Texas Prosecutor*. He also co-authored a regular byline for the journal, "As the Judges Saw It," a column that analyzed and summarized the significant decisions of the Court of Criminal Appeals and the U.S. Supreme Court. He has served on various committees as well as presented at numerous conferences. Judge Newell is board certified by the Texas Board of Legal Specialization in both criminal law and criminal appellate law. He currently serves on the Criminal Appellate Specialization Exam Committee for the Texas Board of Legal Specialization. He is also the co-course director for the Annual Robert Dawson Conference on Criminal Appeals, and serves as the chair of the Court of Criminal Appeals Rules Advisory Committee. He is licensed by the State Bar of Texas and admitted to practice before the Fifth Circuit Court of Appeals and the United States Supreme Court. In 2013, Judge Newell received the C. Chris Marshall Award for Distinguished Faculty from the Texas District and County Attorneys' Association. He and his beautiful wife, Shayne, live in the Houston area with their two sons.



Staff

CHIEF EXECUTIVE OFFICER
Judge Mark D. Atkinson

CONFERENCE COORDINATOR
Gail Bell

TXDOT PROGRAM DIRECTOR
Holly Doran

INFO / TECH DIRECTOR
Christie Dotolo

CJA PROGRAM ASSISTANT
Steve Geiser

CURRICULUM DIRECTOR
Courtney Gilason, JD

REGISTRAR
Aaron Gutierrez

EXECUTIVE ASSISTANT
Shirley Irvin

DIRECTOR OF FINANCE
Bruce Lawrence

SENIOR ACCOUNTANT
Debra Malkiewicz

CJA PROGRAM DIRECTOR
Heidi Penix

JUDICIAL RESOURCE LIAISON
Judge Laura Weiser

In This Issue

IN CHAMBERS
 The official publication of the
 Texas Center for the Judiciary

Spring 2021

FEATURES



**GOT TO GIVE IT UP, PART I:
 CRIMINAL DISCOVERY AND WATKINS VS. STATE**
 by Hon. David Newell

**BAYLOR LAW'S ZOOM BEST PRACTICES SERIES:
 PROVIDING SUPPORT FOR ONLINE COURT**
 by Prof. Elizabeth M. Fraley



PRO BONO FROM THE BENCH
 by Hon. Lora Livingston

THE BIG PIVOT: DIVING IN HEAD FIRST
 by Christie Dotolo, CAE



This is the the official publication of Texas Center for the Judiciary. The magazine is funded in part by a grant from the Texas Court of Criminal Appeals. *In Chambers* strives to provide the most current information about national and local judicial educational issues and course opportunities available for Texas judges. We keep the Texas Center's mission of "Judicial Excellence Through Education" as our guiding premise. Readers are encouraged to write letters and submit questions, comments, or story ideas for *In Chambers*. To do so, please contact Christie Dotolo via email at christied@yourhonor.com. Articles subject to editing for clarity or space availability. Layout and design by Christie Dotolo. The Texas Center for the Judiciary is located at 1210 San Antonio Street, Suite 800, Austin, TX 78701.

EDITORIAL COMMITTEE

Hon. Lee Gabriel
 Hon. Cliff Brown
 Hon. Judy Parker
 Hon. Robert Ramirez
 Hon. Ben Woodward

All the Usual Things

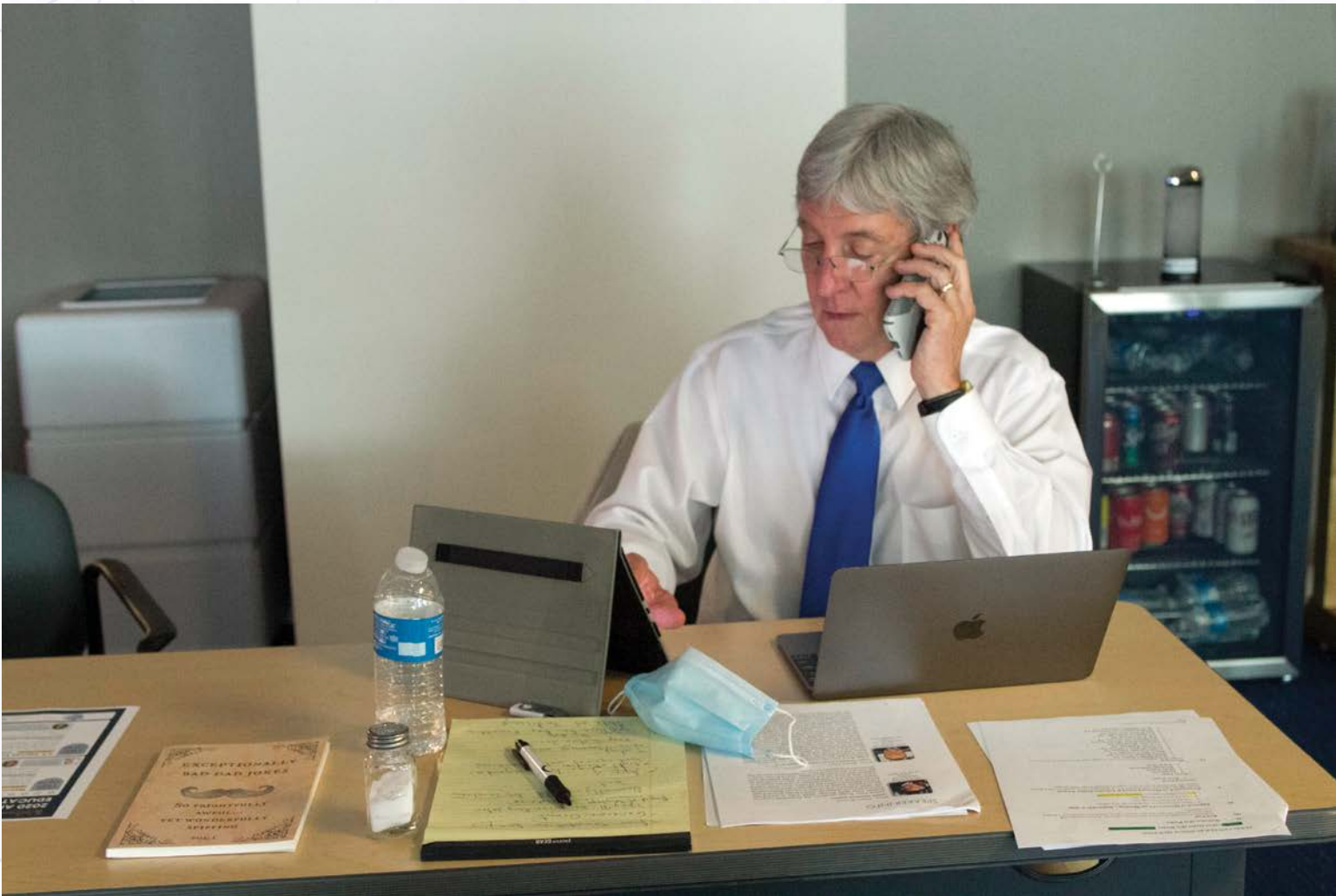
LETTER FROM THE CEO.....	4	CONTRIBUTORS	18
REGIONAL CONFERENCE	10	OF NOTE	20
UPCOMING CONFERENCES	14	NEW JUDGES.....	24
AMAZON LINK	14	IN MEMORIUM.....	27
CHECKING TRANSCRIPTS	14		

The content and opinions included in the articles submitted for our publication are the work and opinions of the author(s) and do not necessarily reflect the position or opinions of the Texas Center for the Judiciary, Inc.

Letter from the CEO

What a messed up 12 months it's been. I'd like to start this letter in an upbeat fashion, but it's just not appropriate. The insidious COVID virus took the lives of so many, including valued members of our judiciary. You just can't put a good spin

on it. Yes, the courts and justice system in general rallied and creatively worked to keep things moving. And Texas Center staff certainly rose to the occasion. They worked harder than ever to learn about and implement new ways of delivering education to our judges. I've said it before — they're truly amazing.



Judge Atkinson manages the broadcasting of the 2020 Annual Conference from TCJ's Education Room.

Having said that, I hope that I can write about anything other than COVID in the future. And, as to the future, the Federal Reserve Chair's recent words are similarly descriptive of our own. The headline read *US economy nears full reopening — but of a 'different economy.'* Just as the courts will, TCJ will end up retaining some of our new technologies and educational delivery methods.

Now, on to something more positive. Several years ago, it was suggested that the Texas Center could benefit from a Strategic Plan document. What emerged was a cataloging of the overall goals and values of the Center. Our Board Chair at the time, Justice Lee Gabriel, took the proposed document to the Board for input and approval. The resulting document was adopted by the Board.

Five categories were established as areas of TCJ practices, goals and values. The five broad categories in the document are Education, Governance, Communication and Technology, Staff Development and Values. The Board of Directors reviews the document, at a minimum, annually, and has treated it as a "living, breathing document."

The events and conditions of the past 12 months will undoubtedly dictate necessary updates in the detailed description of the goals. Right off the bat, I can see big revisions and additions to language in the categories of Communication/Technology and Education in view of our new virtual conference delivery modes. As to Staff Development, our folks have continued to learn or acquire new skills. They continue to be encouraged to seek relevant education and certifications. And, thankfully, they're still here. There's not one of them we could do without and we're so grateful for their service. None of our office family has departed in years.

Two categories that likely won't need changed wording are those of Governance and Values. These two

provide our most comprehensive guidance as to TCJ's overall approach to mission-achievement.

The Governance category is defined in the document as "Ensuring compliance with State and Federal requirements, as well as TCJ governing documents." These include IRC 501(c)(3) requirements, Texas Business Organizations Code statutes and regulations, TCJ Articles of Incorporation, TCJ By-laws, the TCJ Employee Handbook, TCJ State and Federal Grant requirements, the Court of Criminal Appeals-drafted Rules of Judicial Education, compliance with annual external audits, and commitment to maintaining healthy ties and relationships with related governmental and non-governmental entities and organizations. This list keeps TCJ in compliance with the law and contractual requirements.

Finally, and arguably the most important category of TCJ's Strategic Goals is that called, simply, Values. Our Values category contains a list defining TCJ's objectives and aspirations. They include transparency, accountability, diversity, inclusiveness, ethicality, legality, mission-compliance, awareness of and responsiveness to member needs, maintenance of balanced budgets and adequate cash reserves, and non-partisanship.

I write this to remind all of us of this big-picture description of our wonderful association. All of us, both in the operation of the courts and the Texas Center itself, have spent a year just making things work in a sea of never-ending change. Hopefully, we will, sooner rather than later, see our surrounding landscapes become more stable and tranquil, although in ways changed forever. And now is a good time to remember what the Texas Center really stands for.



feature



Got to Give It Up, Part I Criminal Discovery and *Watkins vs. State*

By Hon. David Newell

I admit that sometimes I have been too nervous to really get down.¹ But the Court of Criminal Appeals recent decision, *Watkins v. State*, should not make you nervous despite its lengthy run-time. And, like the hit song referenced in the title of this article (the bass line of which I cannot get out of my head right now), the opinion is only the first part of a larger work by the Court. Though the opinion leaves many issues open for future development, it does make clear that after the statutory amendments to Article 39.14 of the Code of Criminal Procedure, criminal defendants have a general statutory right to discovery that is broader than the due process guarantees set out in *Brady v. Maryland*.² And while the opinion does not interpret the newly amended Article 39.14 as a codification of a statewide open-file policy, it does hold that the statute requires prosecutors to turn over any evidence having a logical connection to a consequential fact upon a timely request from a defendant. Hopefully, this article can work as an easy-to-access single that will encourage you to check out the full album, er, opinion.

WHAT'S GOING ON?³

Just to put the case in perspective, some background might be helpful. The State charged Ralph Watkins with possession of a controlled substance with intent to deliver. The State also alleged that Watkins had been previously convicted twice before. Watkins' lawyer sent a discovery request asking for "any other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the case." He also requested notice of the State's intent to offer any extraneous offenses. The State provided the notice, but not the exhibits.

At the punishment phase of the trial, the State sought to introduce 34 exhibits consisting of booking records, pen packets, and judgments and sentences. Watkins objected that these exhibits should have been disclosed pursuant to his discovery request. The trial court initially excluded 33 of the exhibits (one had been previously disclosed), but then allowed the State to introduce them. Appellate litigation ensued.

The State argued that the legislature's retention of the phrase "material to any matter involved in the action" in the amended version of Article 39.14 should be interpreted according to the Court of Criminal Appeals' previous case law applying the due process concept of "materiality" to a trial court's refusal to order discovery. Watkins argued that the word "material" should be read according to its ordinary meaning because the due process concept of materiality was limited to exculpatory evidence, the disclosure of which falls under the new subsection (h) of Article 39.14. The State Prosecuting Attorney's Office wrote an amicus brief opining that the plain text of the statute has

never incorporated the due process concept of "materiality" because the word "material" is not limited to the issues of guilt or punishment while the due process concept of "materiality" is. The Texas Criminal Defense Lawyer's Association also wrote an amicus brief arguing essentially "material, schmaterial" — the new statute mandates a statewide open file policy, and the State must turn over everything regardless of the character of the evidence.⁴

The court of appeals assumed that the phrase "material to any matter involved in the action" applies to every category of evidence listed in the discovery stat-

ute. It acknowledged that if it were to construe the statute according to its text, it would hold that "material" would at least include any item the state intends to offer into evidence. But, it went on to explain that it was constrained to follow Court of Criminal Appeals precedent interpreting the previous version of Article 39.14. Under that precedent, evidence was "material" if it satisfied the due process standard for "materiality." So, the court held that the State was not required to disclose the evidence because it was not "material."⁵



YOU'RE ALL I NEED TO GET BY⁶

The Court of Criminal Appeals disagreed with the court of appeals in a 7-2 opinion based upon a purely textual analysis of the statute.⁷ The Court recognized that the word "material" is plain on its face, albeit broad in its applicability. Black's Law Dictionary defines "material" as a modifier for evidence as "having some logical connection with the consequential facts," and Merriam-Webster's Legal Dictionary defines it as both "having real consequence or importance" and "being relevant to a subject under consideration." And, given that the word "material" is not tied to the outcome of the proceedings under the text of the statute, the distinction between the word "material" and "relevant" is untenable. The phrase "material to any matter involved in the action" means that evidence must be disclosed if it has some logical connection to a fact of consequence to any matter in the case, not just the ultimate issues of guilt or punishment.

Further, the Court disagreed with the State's argument that the "prior construction canon" applied in this case given the shape of its precedent interpreting the previous version of Article 39.14. In past cases, the Court had applied the due process "materiality" standard to a trial court's refusal to order disclosure of evidence even while holding that the evidence at issue was "material to any matter involved in the action." Moreover, the Court had alternated between views of "materiality" by using the due process standard when

the evidence at issue was "exculpatory" and requiring disclosure of inculpatory evidence that may have been potentially exculpatory so long as it was deemed "material to the defense." It only made matters more confusing that the original statute had borrowed the phrase "material to any matter involved in the action" from a civil rule of procedure years before the United States Supreme Court set out the due process "materiality" standard.

But wait, there's more. The previous version of the statute required a



“Under the new version of the statute, there is no longer a “good cause” requirement. Neither is there any need to have a trial court order disclosure.”

showing of "good cause" before a trial court was required to order disclosure of evidence, even if that evidence might have been "material." Under the new version of the statute, there is no longer a "good cause" requirement. Neither is there any need to have a trial court order disclosure. Considering the origins of the statute, the inconsistency in the Court's case law interpreting the previous version of the statute, and the changes to the statute that

removed trial court involvement, the Court held that it could not presume the legislature intended to rely upon a specialized definition of the word "material" beyond its ordinary meaning.

Similarly, the Court also held that the legislative history did not support a reading different than the plain text of the statute. The Court assumed that the text was ambiguous and look at the legislative history behind the amendments to the statute. As the State even agreed, the entire act was an overhaul of criminal discovery in Texas. There was no indication from extratextual sources regarding

the legislative intent regarding the continued use of the word "material." And while the language "material to any matter involved in the action" appeared in both the new and amended version of the statute, the legislature did remove trial court involvement from discovery along with the good cause requirement. This suggested a rejection of the Court's past precedent interpreting the statute.

Moreover, the ordinary definition of "material" includes "relevant" so it was as possible that the legislature could have kept the word "material" because it was synonymous with relevant as it was possible that the legislature intended the use of the word "material" to mean something different than "relevant." Because there was no clear indication from the legislative history regarding the intended meaning of the word "material," the Court deferred to the legislature by interpreting the word according to its ordinary meaning.

Ultimately, the Court held that the evidence at issue was “material” under the statute because the exhibits had a logical connection to consequential facts at punishment, namely the enhancements and extraneous offenses. Under *Beham v. State*, the exhibits at least helped establish subsidiary facts at punishment that could help the jury make the normative determination of the proper punishment for Watkins crime. In so doing, the Court demonstrated how this new holding requires a prosecutor, faced with a discovery request, to look forward from the time of the request to determine how evidence could be used at trial rather than backwards from the ultimate outcome.

BLURRED LINES⁸

Of course, the Court held back from answering a number of related questions that were not properly presented. First, the State never challenged the adequacy of the request. Even under the civil discovery regime (upon which statutory criminal discovery was purportedly based), broad motions for discovery were insufficiently specific to require disclosure.⁹ Here, the defense merely tracked the broadest portion of the statutory language, but it would have been easy, especially after the State’s notice of the intent to introduce extraneous offense evidence, to have requested the types of records typically used at punishment. Would that have made a difference? Second, there was no argument that the State’s lack of disclosure was done in bad faith. Generally, exclusion of evidence is only required when the State willfully withholds it.¹⁰ Will this rule still apply under the amended version of the statute? Which leads to a third issue, what is the appropriate remedy for the State’s failure to disclose evidence subject to a valid request? In this case, the defense argued that the violation of Article 39.14 required exclusion of the evidence. The Court held that there was a violation and that the trial court erred in admitting the evidence. But it was fairly coy about whether that necessarily requires exclusion of evidence because the defense only asked for that remedy, and the trial court ultimately rejected that request.¹¹ What if the trial court had agreed that there was error, but had taken a recess to allow time for examination of the exhibits? Fourth, is the defendant required to request a continuance to preserve error on a discovery violation? Some courts of appeals have held that this is a necessary step to raise the claim on appeal. The court of appeals was specifically asked to address this issue and declined to do so. And, of course, it remains to be seen

whether Watkins can show that he was harmed by the State’s lack of disclosure given the State’s notice and the lack of a defensive motion for continuance. The Court remanded the case to the court of appeals for resolution of that issue.

MERCY, MERCY ME¹²

So perhaps this was more of a 7” single than a classic 45, but I hope this encourages you to [check out the album version](#). There is much more to pull from the opinion than this article has time to discuss. And, as you can gather, there is still likely to be a part two, perhaps even a part three or four. But for right now it is enough to remember the hook that criminal defendants now have a broad statutory right to discovery in contrast to the previous statutory scheme. As the Court notes, disclosure is now the rule and non-disclosure is the exception. So, upon a proper request for evidence, the State has got to give it up.

(Endnotes)

1. *Marvin Gaye*, “Got to Give It Up (Pt. 1)” (Tamlam 1977) (Aaliyah concurring).
2. *Watkins v. State*, 2021 WL 800617 at * 20 (Tex. Crim. App. Mar. 3, 2021).
3. *Marvin Gaye*, “What’s Goin’ On?” (Tamlam 1971) (Cyndi Lauper concurring). See what I did there?
4. Okay, so they actually argued that Article 39.14 was its own “shibboleth” not “material, schmaterial.” I got the “s” right. And hey, I’m not really a big H.P. Lovecraft fan.
5. So many words in quotes. Oh, so many. See also *Thor: The Dark World* (Marvel Studios 2013) (“Oh, so many.”)
6. *Marvin Gaye and Tammi Terrell* “You’re All I Need to Get By” (Tamia 1968) (Mary J. Blige concurring, joined by Method Man).
7. To be fair, the Court’s disagreement with the court of appeals opinion essentially resulted in an interpretation of the statute that matched the court of appeals’ desired reading of the term material in Article 39.14. I am sure that makes it all better.
8. *Robin Thicke (featuring T.I. and Pharrell Williams)* “Blurred Lines” (Star Trak Recordings 2013) (Marvin Gaye dissenting).
9. See, e.g., *Sonderup v. State*, 418 S.W.2d 807, 808 (Tex. Crim. App. 1967).
10. See, e.g., *Francis v. State*, 428 S.W.3d 850, 855 (Tex. Crim. App. 2014).
11. As of the writing of this article, the State has filed a motion for rehearing to ask the Court to consider this issue.
12. *Marvin Gaye* “Mercy Mercy Me (The Ecology)” (Tamlam 1971) (Robert Palmer concurring).



Don't miss out!

REGISTER FOR THE ALL REGIONS VIRTUAL REGIONAL CONFERENCE IN MAY!

Highlights include:

- * U.S. Supreme Court Case Law Update
- * Legislative Update
- * A Witness' Approach to Forensic Alcohol Testimony
- * An In-Depth Look at Jail Based Competency Restoration
- * A Practical Guide to the New Mandatory Discovery Rules
- * DWI Legislative and Case Law Update
- * Options in Indigent Defense and What's on the Horizon
- * What Judges Need to Know About Anti-Government Extremists
- * Custody Considerations in Cases with Domestic Violence (1.0 FV)
- * What Would You Do? Current Ethical Dilemmas Facing Judges (1.0 ethics)
- * Turnover and Turnover Receiverships
- * The Path Forward: Remote Proceedings After the Pandemic
- * Actual Innocence Case Study: Hannah Overton
- * Civil Case Law Update
- * Criminal Case Law Update
- * Family Case Law Update

[Find out more and register on the TCJ website.](#)



feature

Baylor Law's Zoom Best Practices Series:

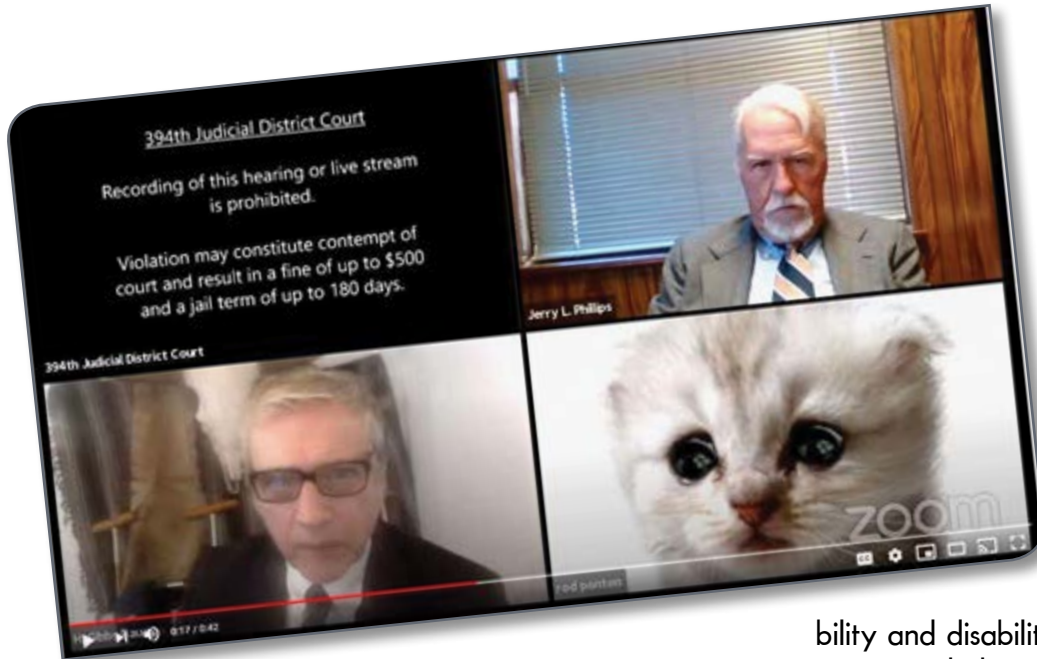
Providing Support for Online Court

By: Elizabeth M. Fraley, Professor of Law, Baylor Law School

As COVID-19 vaccines roll out more widely, the profession looks forward to the new normal following a year of disruption to the court system. Zoom, a word previously used by cartoon characters to describe speedy movement, became the videoconferencing application of choice for online hearings and trials. While the move to online court felt abrupt for Texans, legal futurists had advocated for online courts prior to any hint that a pandemic would have life-altering effect.¹ It is unlikely we will return fully to in-person hearings. The Office of Court Administration predicts and has committed to continuing online court to address the backlog of civil cases requiring judicial attention. Moreover, clients have recognized the tremendous cost-savings from virtual hearings, mediations and depositions rather than those held in person and are predicted to require virtual when possible to control legal spending. Zoom, it seems, will be part of the post-COVID landscape for courts and litigants alike.

A problem both during the pandemic and beyond, however, was that few judges, court staff members, lawyers or litigants had used Zoom before. They had neither experience nor proficiency with the technical aspects of setting up meetings, using Zoom's functionality, arguing to a computer screen, determining virtual courtroom decorum, introducing evidence, and dealing with bandwidth issues. Once judges started holding virtual hearings, they quickly learned of the need for local rules regarding courtroom decorum as parties and lawyers alike appeared for court looking more ready for bed than for a hearing. Many learned the basics after some early trial and error, but courts were eager for a set of best practices in an easy-to-use format. Even a year into virtual hearings, one poor Texas lawyer's cat filter appearance at a hearing went viral, highlighting in a humorous way that Zoom proficiency still was not universal.

The need for effective online court has both cost-saving and ethical implications which outweigh the growing pains of learning Zoom. Attorneys and courts must



be technologically proficient. Adopted in 2012, ABA Model Rule 1.1¹² required that attorneys maintain technological competence. Texas incorporated this ethical requirement long before the pandemic, but it was neither enforced nor measured in any discernable way. While trepidation about virtual hearings is understandable across the bench and bar, that reluctance cannot trump the reality: virtual proceedings are here to stay. As such, judges and those appearing before them must adapt to make virtual proceedings accessible and meaningful or the integrity of judicial proceedings and the rights of litigants both suffer. The need to produce learning tools that facilitate the move to online court became clear, and Baylor Law professors volunteered for the task.

In early 2020, Baylor Law garnered state and national attention by its rapid move to virtual advocacy literally over the weekend following the shelter in place orders. As such, both in-school trials and two national mock trial competitions were held in an online format. This move required a deep dive into how Zoom worked, starting from basic instruction to more sophisticated options. The school had to educate students, professors and the practitioners who served as judges in both the technical aspects of online advocacy and in the art of effective online argument. During this process, Baylor created videos demonstrating Zoom basics (where the camera and microphone functions lived, naming your onscreen window, adding your name, sharing screens) to more complex features (creating, entering and exiting breakout rooms, sharing and annotating exhibits and creating demonstrative evidence). Baylor Practice Court students conducted online jury selection and then tried cases to online juries they had selected. They were challenged to find creative and efficient ways to handle both admissible and demonstrative evidence. In short, Baylor Law

went through a Zoom crucible before emerging with a useful toolkit of Zoom knowledge which the professors felt could be helpful in the broader context of online hearings.

To gauge how best to share these Zoom skills across the court system, Baylor Law professors met with representatives from the Office of Court Administration, the Center for Judicial Education, leadership at the Texas Access to Justice Commission and specialists in the fields of language accessibility and disability access issues to see what resources were needed to create a better online experience for all involved. What emerged from those meetings was a consensus that a series of court-specific “how to” videos were needed. Zoom and YouTube had some useful generic videos, but they did not address courtroom-specific issues. Moreover, the group felt that more targeted videos would best help the different user groups. Judges would need a series of instructional videos not only on the mechanics of Zoom meetings but addressing other questions judges might need answered: How would notice of the hearing be sent and provided to witnesses? Who would be responsible for creating the Zoom invitation? Would all parties be able to share screen or only with the judge’s permission (akin to asking to approach the bench)? The judiciary could also benefit from videos offering best practices for marking, accessing, and admitting evidence and getting exhibits into the record. Should the court require that the parties exchange all potential exhibits in advance of the hearing, or would that requirement violate the attorney work product privilege and require attorneys to divulge strategy for the hearing? What about self-represented litigants who did not have the technology (smart phone, tablet or computer), expertise or bandwidth to offer evidence that could have been probative?

Judges were not the only ones in need of resources. Many relied on their court staff for the technical aspects of setting up Zoom hearings, and court staff fielded many calls with questions about how virtual hearings would work. Despite the demand on staff, many were having to learn on the job while handling their duties and, in many cases, working remotely while doing so. Finally, lawyers and litigants had little guidance about what the court expected of them, how

the hearing would work, how to use the technology and, importantly, how to advocate effectively for their clients.

Baylor Law is thus creating a court-specific series of videos highlighting Zoom basics and best practices. The series will include a handbook with step-by-step instructions which also answer frequently asked questions. The videos, generally 2-5 minutes in length, will target the different audiences who use Zoom for courtroom appearances. The initial series will be directed to the judiciary, with additional videos for court staff, lawyers and self-represented litigants. The videos for lawyers and litigants could be appended to notices of hearing or hosted on the court's website as a resource. The goal is to enhance the experience and minimize the frustra-

tion and disruption inherent in new use of technology. Certainly, Baylor's experience was that students quickly became very effective advocates on Zoom and created polished demonstrative exhibits which facilitated their communication of legal and factual points. As the technology evolves, additional videos can be created to adapt to the changes.

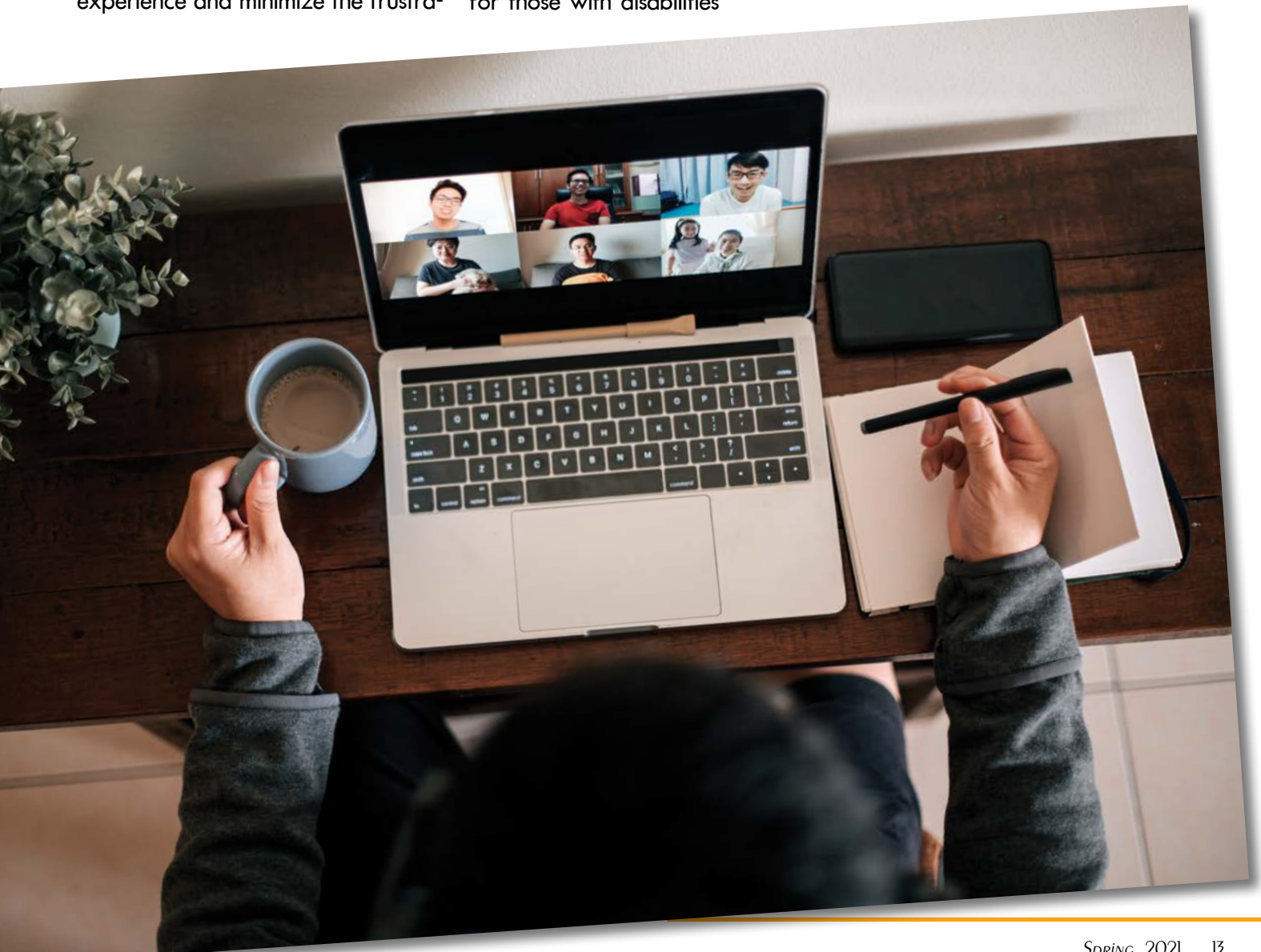
Once the basic series is finalized, Baylor Law plans to create videos designed to address access issues including language barriers and translation options. The series would also include Zoom instruction for those with disabilities and explore options for those for whom digital inequity bars their ability to receive justice. We plan to work with those lawyers and groups who routinely advocate for those with disabilities

and other language or poverty barriers in developing these materials.

Zoom has opened new horizons in litigation. The challenge going forward will be to keep and improve that which has worked well while providing resources to allow a meaningful experience in the virtual courtroom. We look forward to developing this resource.

(Endnotes)

1. See Richard Susskind, *Online Courts and the Future of Justice*, Oxford Press, 2019.
2. According to the [ABA Rule 1.1](#) comment [8] "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with *relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject."



UPCOMING CONFERENCES

(For your security, dates and locations are behind a firewall log in)

Virtual Regional Conference

May 2021

Magistrate Judges

Conference

July 2021

College for New Court

Professionals

July 2021

Court Professionals

Conference

July 2021

Impaired Driving Symposium

August 2021

Annual Judicial Education Conference

September 2021

College for New Judges

December 2021

Family Justice Conference

January, 2022

DWI Court Team Basic Training and Advanced

Conference

February 2022

Criminal Justice

February 2022

Regional A Conference

Regions 2,5,6,7,9 and 11

March 2022

Regional B Conference

Regions 1,3,4,8 and 10

April 2022

Annual Judicial Education Conference

September 2022

One of the ways the Texas Center for the Judiciary is able to operate is through your generous donations. We're always pleased to receive donations, and now we've come up with a way to make them even more effortless. By shopping at Amazon through this link: <https://smile.amazon.com/ch/74-2131161> any time you purchase what you normally would, .5% of your purchase is donated to the Center. While it's not a lot, every little bit adds up. Please consider shopping through this link whenever you make an Amazon purchase. Thank you!

Support Texas Center for the Judiciary

When you shop at smile.amazon.com,
Amazon donates.

[Go to smile.amazon.com](https://smile.amazon.com)

[amazon smile](https://smile.amazon.com)

Do you know how to check your transcript?

1. Go to the TCJ website, www.yourhonor.com.
2. Click "Sign In" at the top of the page. Once logged in you'll see your name "Hi [your name]" at the top of the page.
3. Click on your name to get to your profile.
4. Click on the "Transcripts" tab to see your current CJE hours.

If you think you have hours missing, and it's been more than two weeks since you reported your hours, please contact Aaron at registrar@yourhonor.com.



feature

Pro Bono from the Bench

By Hon. Lora Livingston

Judges are an essential component of a flourishing pro bono culture. In fact, according to [Supporting Justice](#), a 2018 report based on a survey of lawyers in Texas and 23 other states, encouragement from the judiciary was the number one response to the question about what would increase pro bono participation.

[Rule 3.7\(B\) of the American Bar Association Model Code of Judicial Conduct](#) states: “A judge may encourage lawyers to provide pro bono publico legal services.” Currently, five states have adopted identical language to Rule 3.7 and 29 states have similar language. [Comment 5 on Rule 3.7](#) explains that judges may encourage lawyers to participate in pro bono legal services as long as the judge does not employ coercion or abuse the prestige of judicial office. Judges may provide lists of pro bono programs, train lawyers to provide pro bono legal services, and participate in events recognizing lawyers who have provided pro bono legal services.

Further, [Texas Code of Judicial Conduct Canons 4B and 4C](#) permit judges in limited circumstances to engage in extra judicial activities to improve the law, the legal system, or the administration of justice. [Texas Judicial Ethics Opinion No. 203 \(1996\)](#) explains: a judge who

advertises the existence of a lawyer referral service is promoting meaningful access to our legal system for all persons, regardless of their economic condition.”

It also states, “By informing the public of this bar sponsored service, the judge is improving the administration of justice, as permitted under the Code, not misusing the influence of her office.” Judges may also send out a letter signed by all judges to all members of the local bar association requesting that they consider volunteering with pro bono legal service organizations to promote access to justice. [Texas Judicial Ethics Opinion No. 258 \(2000\)](#).

Here are five simple ways Texas judges can help promote pro bono:

“A judge may encourage lawyers to provide pro bono publico legal services.”

1 GET TO KNOW YOUR PRO BONO PROGRAMS

The first thing any judge interested in access to justice might consider is to make sure you know your local legal aid providers. This includes any traditional legal aid organization as well as any other organization providing free legal services to people living in poverty. Free legal services are often provided by bar associations and local or statewide non-profit organizations. If you don't know who these organizations are in your area, please take the time to find out more about these helpful programs.

Once you know the organizations that serve your area, reach out to them. Find out what kind of services they provide and what kind of pro bono program they have, if any. Ask them how you can become a helpful resource.

2 SUPPORT PRO BONO PROGRAMS

Obviously, judges cannot represent pro bono clients, but that doesn't mean they cannot participate in pro bono programs. For example, with the help of volunteer judges, some pro bono programs offer clients the opportunity to finalize their case at an evening clinic rather than taking time off work to attend a court hearing during the work day.

Judges can also volunteer to help train volunteers. Let your local pro bono program know you are available to assist with continuing education, training or developing materials such as forms or checklists for volunteers. There are also programs that offer free CLEs to lawyers who agree to take on pro bono cases. If there isn't a similar program in your area, perhaps you could help start one. Similarly, if your local bar has a pro bono committee, consider joining it. If it doesn't have one, consider starting one.

If you're looking for a more direct way to support pro bono efforts in your community, make it a point to attend events put on by your local pro bono provider and encourage your colleagues to attend as well. Finally, pro bono providers happily accept donations from judges and other donors in your community.

3 ENCOURAGE PRO BONO VOLUNTEERISM

One of the best ways to support pro bono efforts in your area is to encourage lawyers, law students, paralegals, and court reporters to volunteer. One easy way is simply to talk about pro bono. Whenever you speak to lawyers, law students, and other groups at events, make pro bono one of your talking points. This topic is easily incorporated at CLE programs and visits to law schools. Encouraging lawyers who aren't already volunteering requires promoting pro bono to lawyers outside the litigation arena. Transactional lawyers and lawyers in many different practice settings can provide valuable advice and counsel to pro bono clients. Judges can highlight the importance of meaningful access to justice to those potential volunteers who are not already dedicated to access to justice. Otherwise, we will always be preaching to the choir.

Another way to help promote volunteerism is to post a sign or poster in your courtroom or your office encouraging lawyers to get involved in pro bono. Your local provider may have pro bono marketing materials for you or you may wish to create your own. It can be

something as simple as, "Let us know if you're interested in pro bono." You or your staff can connect interested lawyers with the coordinator at your local pro bono provider. Some judges, particularly in rural areas where there are fewer pro bono organizations, keep lists of lawyers for pro bono referrals.

You can help encourage volunteer participation among lawyers by writing about pro bono in your local bar association newsletter or a local newspaper, magazine, or blog. Highlight attempts in your community to create a culture of volunteerism. Organize the judges in your area to sign a letter encouraging attorneys to volunteer. Mail it out annually to all the newly licensed lawyers in your area, publish it in your local bar newsletter, or enlarge it and post it in the courthouse.

Also, judges can encourage other legal professionals to volunteer, such as stenographers or interpreters. These types of volunteers help reduce costs for pro bono lawyers, which makes them more likely to participate. If you know a court reporter or other professional who might be willing to volunteer or offer reduced rates, talk to them about working with pro bono lawyers in your area or connect them with your local pro bono provider.



4 ACCOMMODATE PRO BONO VOLUNTEERS

Some courts get creative when it comes to encouraging pro bono by accommodating pro bono lawyers whenever possible. For example, some courts will call pro bono cases first or allow volunteer lawyers to schedule hearings close to

when they have to appear on other cases to avoid a separate trip to the courthouse or prolonged waiting time. Some courts allow pro bono lawyers to attend routine hearings by phone or set aside a specific time each week for pro bono matters. Habitual volunteers or your local pro bono provider may have ideas about policies or procedures you can create in your court to accommodate pro bono volunteers.

5 RECOGNIZE PRO BONO VOLUNTEERS

Judges have a special role to play when it comes to recognizing volunteers. First, whenever possible acknowledge pro bono volunteers in open court when their colleagues are present. This serves the dual purpose of rewarding the volunteer and emphasizing the importance of pro bono service.

Try organizing your local judges to take turns calling pro bono lawyers and thanking them for volunteering or publish a note from the local judges thanking and listing all the volunteers in the local bar newsletter. Younger lawyers may especially appreciate a letter of appreciation to the senior partners of the firm where they work, with special thanks to the firm if it allows the attorney to count some amount of pro bono as billable hours or un-

derwrite the expenses.

If you don't already, host an annual reception with your colleagues just for attorneys who have volunteered for pro bono service. Some courts even have a reserved parking spot for the pro bono volunteer of the month or quarter. You could randomly select a winner from a list of all the volunteers or ask your local pro bono programs to nominate a winner.

The bottom line is that when judges send the message that pro bono is important, it elevates pro bono in the eyes of the attorneys who appear before them. Think about what you can do that will resonate in your community.

Lawyers and judges can help enhance the public perception of the legal profession by participating in pro

bono activities. We all have a role to play!

If you need additional information or assistance with talking points or other tools, contact the Legal Access Division of the State Bar at probonotx@texasbar.com or your local provider.

CONTRIBUTIONS IN HONOR

In Honor of Judge Lori Hockett
Hon. Perry Chrisman

In Honor of TCJ
Hon. Paul Ferguson

In Honor of Judge Carolyn Wright, Judge Douglas Lang, Judge Elizabeth Lang-Miers, Judge David Evans, Judge Craig Stoddart, Judge Ada Brown
Hon. Molly M. Francis

In Honor of Judge Fancy Jezek. Thank you for your service to Bell County.
Hon. John Gauntt

In Honor of Judge Dean Rucker
Hon. Lee Hamilton

In Honor of Judge Susan F. Harris
Faye Harris

In Honor of Aaron Gutierrez. He is always a genuine gentleman and is very helpful!
Hon. Eleanor Janice Law

In Honor of Ms. Shirley Irwin of the Texas Center has always been a joy to work with day in and day out for many years, as have many others with the Center. Thank you. Many blessings.
Hon. F. Bob McGregor

In Honor of Judge Patrick Pirtle for his distinguished service as chair of the Texas Center for the Judiciary, 2019-2020.
Hon. Judy Parker

In Honor of Judge John Board 181st Retirement
Hon. Pamela Cook Sirmon

In Honor of Chief Justice Sandee Marion
Hon. Jim Wright

CONTRIBUTIONS IN MEMORY

In Memory of Judge B.B. Schraub
Hon. Tamera Arrington

In Memory of Justice Cathy Cochran. Thank you so much for all the contributions you made over your lifetime to the judiciary and to promote a fair system of criminal laws for Texans.
Hon. Sarah Tunnell Clark

In Memory of Judge Weldon Copeland Sr.
Hon. Weldon Copeland

In Memory of Judge Jimmy Simmonds and Judge Spencer Brown
Hon. Camile DuBose

In Memory of David Bridges
Hon. Molly M. Francis

In Memory of Judge Jess Holloway
Hon. Aleta Hacker

In Memory of Judge PK Reiter
Hon. Joseph Halbach

In Memory of Judge Neel Richardson
Hon. Shelly Hancock

In Memory of Justice J. Bonner Dorsey
Hon. Federico Hinojosa

In Memory of Judge P K Reiter, a true servant.
Hon. Lynn Bradshaw-Hull

In Memory of Judge Brad Underwood
Hon. Paula Lanehart

In Memory of Justice Bonner Dorsey
Hon. James Morgan

In Memory of Judge Robert Dohoney of Hill County
Hon. James Morgan

In Memory of Judge Randy Savage
Hon. James Morgan

In Memory of Judge Gus Strauss
Hon. Mickey Pennington

In Memory of Judge David Bridges
Hon. Robert Ramirez

In Memory of Judge Fred Edwards
Hon. Mary Turner

In Memory of Justice Bonner Dorsey served with distinction on the 13th Court of Appeals. He had a keen mind and a wonderful smile.
Hon. Laura Weiser

In Memory of Judge David West. Honor of my immediate predecessor and mentor. A fine jurist and administrator for the citizens of Texas.
Hon. John Wooldridge

Contributors

as of 3/31/21

Thank you for your generous contributions. Contributions may be made at conferences, sent via mail to the Texas Center offices, or directly online at <http://www.yourhonor.com>.

Lifetime Jurist

Hon. Amado Abascal
Hon. Marilyn Aboussie
Hon. Leonel Alejandro
Hon. J. Manuel Banales
Hon. Nancy Berger
Hon. John Board
Hon. Jim Bobo
Hon. David Canales
Hon. Linda Chew
Hon. Bud Childers
Hon. Randy Clapp
Hon. Lonnie Cox
Hon. Tom Culver
Hon. Vickers Cunningham
Hon. Paul Davis
Hon. Rudy Delgado
Hon. Travis Ernst
Hon. David Evans
Hon. Drue Farmer
Hon. Paul Ferguson
Hon. Bobby Flores
Hon. Molly Francis
Hon. Tom Fuller
Hon. Balde Garza
Hon. Tiffany Haertling
Hon. Mackey Hancock
Hon. Rob Hofmann
Hon. Robert Kern
Hon. Lamar McCorkle
Hon. Randy McDonald
Hon. Margaret Mirabal
Hon. Cynthia Muniz
Hon. Kerry Neves
Hon. Gladys Oakley
Hon. Lauren Parish
Hon. Bob Perkins
Hon. Bob Pfeuffer
Hon. Sherry Radack
Hon. Israel Ramon
Hon. Bonnie Robison
Hon. Doug Robison
Hon. Peter Sakai
Hon. David Sanchez
Hon. Mike Schneider
Hon. Steve Smith
Hon. Kathy Stone
Hon. Ralph Strother
Hon. Stephani Walsh
Hon. Mike Willson
Hon. Bob Wortham

Diamond

Hon. Tamera Arrington
Hon. Jim Meyer
Hon. Jared Robinson
Hon. Chuck Silverman

Platinum

Hon. Alfonso Charles

Gold

Hon. Mark Atkinson
Hon. Todd Blomerth
Hon. Ralph Burgess
Hon. Robert Garza
Hon. John Gauntt
Hon. Tad Halbach
Ms. Faye Harris
Hon. Susan Harris
Hon. Sylvia Matthews
Hon. Ken Molberg
Hon. Jim Parsons
Hon. Pat Pirtle
Hon. Robert Ramirez
Hon. Jeff Rose
Hon. Pamela Sirmon
Hon. Scott Stevens
Hon. Andrea Stroh Thompson
Hon. Judy Warne
Hon. Mark Woerner

Silver

Hon. George Allen
Hon. Janice Berg
Hon. Lynn Bradshaw-Hull
Hon. Sol Casseb
Hon. Sarah Tunnell Clark
Hon. Grant Dorfman
Hon. Sheila Garcia Bence
Hon. O.J. Hale, Jr.
Hon. Fred Hinojosa
Hon. Jack Jones
Hon. Elizabeth Kerr
Hon. James Morgan
Hon. Mary Murphy
Hon. Judy Parker
Hon. David Peeples
Hon. Kitty Schild
Hon. Ralph Walton
Hon. Ben Woodward

Bronze

Hon. Steve Ables
Hon. Courtney Arkeen
Hon. Angie Barill
Hon. Richard Bianchi
Hon. Lauri Blake
Hon. Ron Blann
Hon. Bruce Boyer
Hon. Bob Brendel
Hon. Wayne Bridewell
Hon. Joe Carroll

Hon. Randy Catterton
Hon. Brenda Chapman
Hon. Os Chrisman
Hon. David Cleveland
Hon. Dori Contreras
Hon. Weldon Copeland
Hon. Richard Dambold
Hon. Rex Davis
Hon. Trey Didway
Hon. Donald Dowd
Hon. Camile DuBose
Hon. Christopher Duggan
Hon. Carmen Dusek
Hon. Rex Emerson
Hon. Patrick Flanigan
Hon. Eduardo Gamboa
Hon. Gonzalo Garcia
Hon. Pete Gomez
Hon. Joe Grubbs
Hon. Maya Guerra Gamble
Hon. Aleta Hacker
Hon. Lee Hamilton
Hon. Shelly Hancock
Hon. Gary Harger
Hon. Sid Harle
Hon. Nikita Harmon
Hon. Les Hatch
Hon. Bonnie Hellums
Hon. Jack Hunter
Hon. Joel Johnson
Hon. Brenda Kennedy
Hon. Bud Kirkendall
Hon. Paula Lanehart
Hon. Janice Law
Hon. John Lee
Hon. Jim Locke
Hon. Amy Martin
Hon. Bob McGregor
Hon. Bill Miller
Hon. Sally Montgomery
Hon. Bill Moody
Hon. Nancy Mulder
Hon. Menton Murray
Hon. Greg Neeley
Hon. Joe Parnell
Hon. Robert Pate
Hon. Mickey Pennington
Hon. Don Pierson
Hon. Cecil Puryear
Hon. Charles Ramsay
Hon. Donna Rayes
Hon. Hal Ridley
Hon. Jesus Rodriguez
Hon. James Rush
Hon. Robin Sage
Hon. Dan Schaap
Hon. Bob Schaffer
Hon. Ed Self
Hon. Jerry Shackelford

Hon. Bill Smith
Hon. Barbara Stalder
Hon. Tom Stansbury
Hon. Jeff Steinhauer
Hon. Janice Stone
Hon. Tim Sulak
Hon. Marty Tanner
Hon. Duncan Thomas
Hon. Brock Thomas
Hon. Mary Ann Turner
Hon. Lori Valenzuela
Hon. Jeff Walker
Hon. Sandra Watts
Hon. John Weeks
Hon. Laura Weiser
Hon. Ernest White
Hon. John Wooldridge
Hon. Genie Wright
Hon. Jim Wright
Hon. John Youngblood

Contributors

as of 3/31/21

of note...



2020 ANNUAL JUDICIAL EDUCATION CONFERENCE HONOREES



Texas Center's Chair Award:
Judge Lee Gabriel



Judicial Excellence in
Education Award:
Judge Ben Woodward



The Samuel Pessarar
Outstanding Jurist Award:
Chief Justice
Sandee Bryan Marion

JUDICIAL SECTION FRIENDS OF THE JUDICIARY AWARD:



Ms. Barbara Klein



Dr. John Hellerstedt



Dr. Jennifer Shuford



Mr. David Slayton

MADD HONORS Judge BARKER



Judge Laura Barker was awarded the Judiciary Service Award in May from Mothers Against Drunk Driving recognizing achievement and outstanding service to stop drunk driving in Travis and Williamson County in 2019. Each year, Mothers Against Drunk Driving (MADD) in cooperation with the Texas Department of

Transportation recognizes achievement and outstanding service as part of the 'Take the Wheel' initiative to end impaired driving. The award is given to a judge who goes above and beyond to support, prevent, and eliminate drunk driving.

Judge Miskel RECEIVES AWARD FOR JUDICIAL EXCELLENCE

Judge Emily Miskel, who in May led the nation's first-ever remote jury trial, is the recipient of the 2020 William H. Rehnquist Award for Judicial Excellence, the highest honor bestowed to a state court judge by the National Center for State Courts (NCSC). This prestigious award honors a state court judge who demonstrates the outstanding qualities of judicial excellence, including integrity, fairness, open-mindedness, knowledge of the law, professional ethics, creativity, sound judgment, intellectual courage, and decisiveness.



LEAGUE OF WOMEN VOTERS HONORS JUDGE DARR FOR ROLE IN MAKING DEMOCRACY WORK

The Honorable Judge Robin Malone Darr is the real deal. I kept thinking that as I sat in Judge Darr's office in the Midland County Courthouse and spoke with her about life, her career, and the meaning of making democracy work in Midland County. I have known of Judge Darr for as long as I can remember; she went to high school with my dad and his siblings. But in typical hometown-Midland fashion, even though you know "of" someone, it does not mean your paths always cross directly. This was my first time truly speaking with Judge Darr, and for an hour it felt like I was chatting with a fun, distant relative and not necessarily a former 385th District Court Judge powerhouse who, when she took the bench in 2004, was Midland's only female sitting district court judge. Over a year ago, the League of Women Voters of Midland (LWV) Board of Directors voted on who the honoree would be for our annual Making Democracy Work luncheon. Typically, our membership gathers at the Petroleum Club to toast our honoree on their accomplishments and service to Midland. Due to the COVID-19 pandemic, our luncheon could not occur in February like normal. But humble as she is, Judge Darr agreed to sit down and let me pick her brain on important moments in her life and how she came to be who she is today. With an honoree like her, the LWV needs everyone in Midland County to raise a glass, and we are thankful the Midland Reporter-Telegram has allowed us to extend our reach.

Editors Note: Reprinted with permission from Emily Holeva (pictured with Judge Darr at right). You may find the whole interview with Judge Darr here: <https://www.mrt.com/news/local/article/League-of-Women-Voters-honors-Judge-Darr-for-role-16073359.php>.



feature



The Big Pivot: Diving in Head First

By Christie Dotolo, CAE

It's hard to believe that a two week shutdown has turned into a year of watching and waiting for "normal" life to return. When the TCJ staff left our offices March 13, 2020, we all believed, for the most part, that we'd be back in two weeks. As the two weeks stretched to three, then four, then months, some staff cautiously returned to work from the office, while others continued to work remotely. The hybrid workforce for us has worked, but sometimes we just flat out miss each other.

As the time stretched on, we realized decisions had to be made. Should the Spring Regional Conferences be cancelled? What about after that? The TCJ Board grappled with these decisions, weighing the safety of our members and staff, as well as financial considerations. Would hotels refuse to refund deposits? They didn't.

After the Spring Regionals were cancelled and the second wave of COVID hit, the decision was painfully made to also cancel the newly designed Magistrates Training and Court Professionals Conferences. Many hours were spent designing these conferences containing thoughtful and educational programming.

So the DWI Team decided to take the plunge. They moved a couple of very small, one day conferences online. The scramble was on to find a platform to deliver the education. At the time, the Cisco Webex conference seemed the best choice. There were a couple of bumps, but the DWI Summit and Online Training went well, and received good feedback.

Now the question moved to the Annual Conference. Would it be safe to have it? Or should we try to keep it and move it online? Many of you know what the outcome was. We moved the Annual Conference online, and had the most attendees of any conference ever. Staff worked really hard to ensure the conference went smoothly – and it seemed to. It was a herculean effort. Speakers, many of whom weren't familiar with online presentation had to be trained. Every aspect of the Annual Conference, which is always the largest and has the most moving parts had to be thought out.

The TCJ Education Room was turned into a TV studio, so that the Judicial Section and TCJ business meetings could be held. Extra tech help was hired so that attendees who had any problems with the platform could get

assistance quickly.

With the very real likelihood that several more conferences would need to be virtual, the TCJ staff vetted and chose a new Learning Management System – Brightspace. The CCA graciously gave their stamp of approval for us to make the investment. Brightspace integrates with our database system, with an easy sign-in process and an attractive interface.

We were getting better at this stuff! But, we were finding that the Webex platform continued to be difficult to use. It just wasn't intuitive,

and changes made to the platform seemed to make it *harder* to use, rather than easier. Zoom, in the meantime, had done a lot of work to enhance the security of their platform – and it was the tool of use for virtual court hearings. Knowing that many of our judges were already very familiar with the platform, and that it was so much simpler to use, it was time for us to take another look at it.

So Zoom it was. The staff breathed a sigh of relief, because it was easier on our end, too!

It has been an interesting, and educational, year. We have all had to adapt, learn new things, and get used to a "new normal". Besides software and how to be virtual, one thing the TCJ staff learned is how gracious our members are. We appreciate the ability for our judges to go along on this ride with us, bumps and all. We believe it has made the Texas Center an even better place to work and a stronger association.

Here's to the "new normal"!



Hon. Ricardo Adobbati
404th District Court
Judge

Hon. Selena Alvarenga
460th District Court
Judge

Hon. Roland Andrade
63rd District Court
Judge

Hon. Patricia Baca
346th District Court
Judge

Hon. Stephanie Bascon
466th District Court
Judge

Hon. Christian Becerra
434th District Court
Judge

Hon. Te'iva Bell
339th District Court
Judge

Hon. Dayna Blazey
167th District Court
Judge

Hon. Argie Brame
434th District Court
Associate Judge

Hon. John Brick
272nd District Court
Judge

Hon. Kimberly Brown
254th District Court
Judge

Hon. Maria Cantu Hexsel
53rd District Court
Judge

Hon. Tameika Carter
400th District Court
Judge

Hon. Gary Chaney
506th District Court
Judge

Hon. Madeleine Connor
353rd District Court
Judge

Hon. Natalia Cornelio
351st District Court
Judge

Hon. Jeff Davis
145th District Court
Judge

Hon. Steve Duskie
426th District Court
Judge

Hon. Cheryl Elliott Thornton
164th District Court
Judge

Hon. April Farris
1st Court of Appeals
Justice

Hon. George Flint
401st District Court
Judge

Hon. Denise Fortenberry
130th District Court
Judge

Hon. Titiana Frausto
181st District Court
Judge

Hon. Douglas Freitag
140th District Court
Judge

NEW Judges

as of 3/31/21

Hon. Colleen Gaido
337th District Court
Judge

Hon. Pat Gallagher
96th District Court
Judge

Hon. Joseph Gallo
Ellis County Court at Law No. 3
Judge

Hon. Gabriela Garcia
138th District Court
Judge

Hon. Nicole Garza
37th District Court
Judge

Hon. Shelton Gibbs
422nd District Court
Judge

Hon. Courtney Gilbert
Brazoria County Court at Law
No. 1 & Probate Court
Judge

Hon. Tamecia Glover
240th/400th District Court
Associate Judge

Hon. W. Scott Golemon
9th Court of Appeals
Chief Justice

Hon. Marlene Gonzalez
388th District Court
Judge

Hon. Amparo Guerra
1st Court of Appeals
Justice

Hon. Phillip Hays
99th District Court
Judge

Hon. Janet Heppard
387th District Court
Judge

Hon. Wesley Hinch
Liberty County Court at Law No. 2
Judge

Hon. Rebeca Huddle
Supreme Court of Texas
Justice

Hon. Rhonda Hunter
303rd District Court
Judge

Hon. Austin Jackson
114th District Court
Judge

Hon. Jim Johnson
431st District Court
Judge

Hon. Derbha Jones
467th District Court
Judge

Hon. Susan Kelly
54th District Court
Judge

Hon. Mike Lee
95th District Court
Judge

Hon. Kirsten Legore
Guadalupe County Court at Law No. 2
Judge

Hon. Joel Littlefield
Hunt County Court at Law No. 2
Judge

Hon. Justin Low
161st District Court
Judge

Hon. Greg Lowery
Wise County Court at Law No. 1
Judge

Hon. James Lucas
388th District Court
Associate Judge

Hon. Jessica Mangrum
200th District Court
Judge

Hon. Jeralynn Manor
80th District Court
Judge

Hon. Armando Marroquin
Hidalgo County Court at Law No. 10
Judge

Hon. Ana Martinez
179th District Court
Judge

Hon. Leigh Mathews Rodriguez
126th District Court
Associate Judge

Hon. Brad McCampbell
402nd District Court
Judge

Hon. LaTosha McGill Clayton
505th District Court
Associate Judge

Hon. David Moorman
12th District Court
Judge

Hon. Kali Morgan
505th District Court
Judge

Hon. Brittanye Morris
333rd District Court
Judge

Hon. Lyda Ness Garcia
383rd District Court
Judge

Hon. Patricia O'Caná-Olivarez
Hidalgo County Court at Law No. 9
Judge

Hon. Scott Peal
Chambers County Court at Law
Judge

Hon. Rex Peveto
163rd District Court
Judge

Hon. Jeff Propst
104th District Court
Judge

Hon. Joe Ramirez
464th District Court
Judge

Hon. Audra Riley
Dallas Criminal District Court No. 3
Judge

Hon. Veronica Rivas-Molloy
1st Court of Appeals
Justice

Hon. Leah Robertson
385th District Court
Judge

Hon. David Rogers
142nd District Court
Judge

Hon. Dawn Rogers
334th District Court
Judge

Hon. Vince Santini
457th District Court
Judge

Hon. John Shrode
358th District Court
Judge

Hon. Clarissa Silva
13th Court of Appeals
Justice

Hon. Mike Smith
35th District Court
Judge

Hon. Millie Thompson
Hays County Court at Law No. 3
Judge

Hon. Sherri Tibbe
453rd District Court
Judge

Hon. Tina Torres
407th District Court
Judge

Hon. Jacqueline Valdes
386th District Court
Judge

Hon. Jessica Vazquez
El Paso County Criminal Court at Law No. 4
Judge

Hon. Brian Walker
2nd Court of Appeals
Justice

Hon. Ben Webb
Lubbock County Court at Law No. 3
Judge

Hon. John Wells
411th District Court
Judge

Hon. Thomas West
19th District Court
Judge

Hon. Deborah Wigington
Comal County Court at Law No. 3
Judge

Hon. Bruce Williams
11th Court of Appeals
Justice

Hon. Kristina Williams
192nd District Court
Judge

Hon. Scott Wonderly
410th District Court
Associate Judge

Hon. Stephani Woodward
Rockwall County Court at Law No. 2
Judge

Hon. Heather Wright
456th District Court
Judge

In Memory...

Hon. Donald Bankston
268th District Court
Richmond

Hon. David Bridges
5th Court of Appeals
Dallas

Hon. Spencer W. Brown
Kerr County Court at Law
Kerrville

Hon. Cathy Cochran
Court of Criminal Appeals
Houston

Hon. Melton Cude
Wise County Court at Law No. 1
Decatur

Hon. Robert Dohoney
66th District Court
Dallas

Hon. Bonner Dorsey
13th Court of Appeals
Corpus Christi

Hon. David Edward Garner
10th District Court
League City

Hon. Ruben Guerrero
174th District Court
Houston

Hon. Larry Jones
7th District Court
Mineola

Hon. Oliver Kitzman
155th District Court
Brookshire

Hon. John MacLean
249th District Court
Fort Worth

Hon. Thomas Reavley
Supreme Court of Texas
Houston

Hon. Ruben Reyes
72nd District Court
Lubbock

Hon. Putnam Kaye Reiter
77th District Court
Mexia

Hon. William Randolph Savage
Burnet County Court at Law
Marble Falls

Hon. James Simmonds
Val Verde County Court at Law
Del Rio

SUPPORT

the

TEXAS CENTER

for the



JUDICIARY

*Judicial Excellence
Through Education*

*To help the Texas Center for
the Judiciary meet its mission
of providing outstanding
continuing judicial education
for the judges of Texas, please
consider donating at one of
these levels.*

