



IN CHAMBERS

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Meet the New Presiding Judge of Judicial Region 5: Judge J. Rolando Olvera, Jr.

By Randall L. Sarosdy



On January 24, 2011, the new Presiding Judge of the 5th Administrative Judicial Region, and also the 445th State District Court Judge in Brownsville, the Honorable J. Rolando Olvera Jr., sat down with the Executive Director of the Texas Center for the Judiciary, Randall L. Sarosdy, to discuss the opportunities and challenges facing 5th Administrative Regional judges and the Texas judiciary in general:

TCJ: Congratulations on your appointment as the new Presiding Judge of Region 5, Judge Olvera. How do you like your new job so far?

Judge Olvera: First, I would like to thank both Gov. Perry and Sen. Lucio for this appointment. I am grateful for their confidence in me and I'm enjoying this exciting new position very much. I view my job as providing a trusted resource to over 70 judges in our region and building on the strong foundation laid by my predecessors and good friends, Judge Darrel Hester and Judge Manuel Bañales. Of course, sometimes you have to be careful what you wish for. We are currently facing a state budget crisis, and we won't know until later this year the full extent of that crisis on the judiciary, but we will definitely survive.

TCJ: In light of the recent "wave" election do you have any thoughts on whether we should elect judges on nonpartisan ballots in Texas?

Judge Olvera: First, I must say that I am proud and humbled to have received the support of the voters in Cameron County, and further proud to have been elected as a Democrat. Partisan elections are the system we have and that we must deal with for the foreseeable future. However, in my opinion, I would prefer nonpartisan ballots for the judiciary. As we all know, there can be no politics in the courtroom, and no judicial decision should be based on politics. I believe nonpartisan elections would enhance judicial independence and stability in the judiciary. For example, we have seen how partisan voting as to both parties can drastically affect the judiciary on a large scale: in the last few election cycles in Dallas, Houston, San Antonio, Corpus Christi and Galveston, a huge number of judges were swept out of office. In general terms, I believe the public aimed these political changes at the legislature; the changes were not based on judicial merit, but on the political winds of the moment which unintentionally affected the judiciary.

TCJ: Would you mind giving our readers a little background on yourself? Where were you raised? What was your area of practice before going on the bench?

Judge Olvera: I was raised in Brownsville, Texas. The Olvera family has a long heritage in Brownsville that goes back to the 1890s. My wife is also from Brownsville and our two children were born here. We love it here and are very proud to be part of this vibrant community. I attended college at Harvard University in Cambridge, MA, and graduated in 1985. I then went to the University of Texas School of Law in Austin and graduated in 1989. Before going on the bench I was in private practice where I concentrated in general civil practice, commercial litigation, international law and alternative dispute resolution.

TCJ: Do you preside over a general jurisdiction court?

Judge Olvera: Yes, I am the Judge of the 445th State District Court, which is a court of general jurisdiction, with an emphasis on criminal law, but that also includes civil law and family law cases.

TCJ: How rewarding has your experience on the bench been and how so?

Judge Olvera: Extremely rewarding. This is now my seventh year on the bench and I literally love going to work every day. The job is intellectually stimulating; I thoroughly enjoy the diversity of hearing the entire spectrum of law involved in a court of general jurisdiction. Administering justice fills me with purpose, and further has immediate tangible effects on the parties who appear before me and on the public.

TCJ: We just completed the largest College for New Judges in memory with 114 new judges attending. Did you attend the College for New Judges when you first took the bench?

Judge Olvera: Yes, I did attend the College for New Judges, and found it extremely educational and rewarding.

TCJ: What are the biggest changes you've seen in the judiciary since you attended the College for New Judges?

Judge Olvera: The job of being a judge has not really changed; it is still as exciting as ever. However, a combination of variables, including a prolonged economic downturn and increases in population, has increased the criminal docket and the volume of real estate foreclosures.

TCJ: What advice do you have for the 114 new judges who have just begun hearing cases?

Judge Olvera: My advice is to define and implement a set of core values. For me these core values are as follows: (1) treat everyone, attorneys and the public alike, with dignity, respect and professionalism; (2) be fair and consistent in your rulings; (3) move your docket quickly and efficiently while giving parties a full and fair hearing; and (4) enforce the law, always keeping in mind that we are a society of laws and our duty as judges is to apply the law, not to create new law.

TCJ: How do you think your new responsibilities as Presiding Judge will affect your time on the bench if at all?

Judge Olvera: I fully expect to continue to manage my duties as Judge of the 445th District Court at the same high level as before my appointment as Presiding Judge. I recognize that there will be additional demands on my time due to my new administrative responsibilities, but the opportunity to serve the judges of Region 5 makes it entirely worthwhile.

TCJ: What do you see as the biggest challenges facing judges in Region 5 these days?

Judge Olvera: The growth in population in Texas and our region has produced incredibly huge dockets, which outpace the number of courts we have to hear cases. In addition, we now face a budget shortfall that further diminishes court effectiveness.

TCJ: What is the status of Child Protection Specialty Courts (previously known as Cluster Courts) in Region 5 currently?

Judge Olvera: As of now, it appears that the CPS courts will continue to be funded. But keep in mind that the proposed budget is preliminary and is subject to change. Hopefully, these courts will continue to be funded as they play a vital role in addressing an urgent social problem – how best to deal with abused and neglected children and help them have productive lives.

TCJ: What trend do you see in the creation of other specialty courts, and what would you like to see?

Judge Olvera: I am very interested in seeing more specialty courts, but we have to be realistic given the budgetary constraints we are currently facing. The truth of course is that we need more courts in general. For example, in Cameron County, the County Court at Law Judges have a drastic need for the creation of a specialized Probate Court.

TCJ: How has the proximity to the border affected the types of cases Region 5 judges are hearing these days and do you believe it presents any unique issues compared with judges in other parts of the state?

Judge Olvera: Currently, I would estimate that most of the cases relating to the drug war impact the federal courts, but make no mistake, the drug war is here in South Texas, and directly affecting the public, and our state criminal docket.

TCJ: If a genie popped out of a bottle you found on South Padre Island and granted you three wishes for the Texas judiciary what would you ask for?

Judge Olvera: First, that our Texas judiciary be treated pursuant to our constitution as an independent and true equal third branch of our government. For example, judicial salaries should not be tied to the legislature; this fact directly impairs judicial independence. Second, we need more courts to handle the increased docket demand from our growing population. Third, I would like to see true judicial reform as to how Texas selects our judges.

TCJ: What judicial education programs do you believe would be most beneficial to Texas judges currently?

Judge Olvera: I believe the Texas Center has done and continues to do an excellent job in offering outstanding judicial education for Texas judges. We should continue to improve judicial education by addressing cutting edge issues in all areas of law. I really like the news alerts and opinion alerts the Texas Center is sending out on a daily basis and I hope the Center will continue that initiative.

TCJ: How can the Texas Center better serve judges in your region or throughout the state?

Judge Olvera: Continue to build on the great foundation of the Texas Center; provide more input on issues that affect our judges on a daily basis; offer assistance that can help any judge be better informed and better manage their dockets. Information is power; let's share that information as much as possible.

TCJ: Judge Olvera, once again congratulations, and thank you very much for your time today and for sharing your insights on Region 5 and the Texas judiciary.



Editor's Note: This is the third of a three-part series on Addiction in Court.

Truth #8: A judge may be the last reliable source of positive intervention. If we are going to succeed at presiding over addicts at the level of their disorder, we must be willing to evaluate them and “consequence” them at that level. So let's discuss addiction, recovery and relapse at the street level.

By the time an addict hits court they probably have used for awhile, and they probably have tried to stop using on their own more than once. Every now and then, deep down where it still matters and there is still a conscience, the addict knows that using is harmful and they realize their world is spinning out of control. They have tried to quit but couldn't and they slowly but surely returned to alcohol or their drug of choice. Their family decided to show tough love by giving him “no slack,” often ragging him with repetitive “should have's” and “don'ts.” When the addict is unable to stop using, he shames himself. As a result, he builds up a tremendous amount of unresolved guilt that cycles him back and forth between abusing and stopping, an addictive thinking merry go round. Add to that the cravings and subconscious triggers that relentlessly bombard the addict's mind and you have the formula for a never ending addiction cycle that ultimately destroys all involved. The uneducated addict is, in essence, an unarmed warrior. The soldiers opposing his recovery are preexisting personality traits and organic brain changes that incite or exacerbate the effects of his abuse of alcohol and drugs. Addicts have little knowledge to recognize, much less any ability to fight, the addictive hazards that will fruition into the addict's return to alcohol or drugs. To be certain, the addict must learn what his thinking errors are and how to address them with support from non-enabling professionals, friends and loved ones. This involves acquiring new thinking skills that come from a studious approach to recognizing his personal triggers and learning how to confront them in a healthy way. Stressors like worry, boredom, being overly sensitive, fear, and others, that non addicts handle daily, are the downfall for an addict. They can only be coped with if the addict is taught to recognize them as precursors to their using and the addict is taught new ways to proficiently address them. This is not an easy task, but a successful recovery depends on it.

Many times, judges are the last reliable source of positive intervention that can encourage or require treatment and ultimately save an addict's life. Since addiction creates a sense of denial that prevents the addict from acknowledging his disorder, an arrest and/or hearing with a judge may be the only chance such a defendant will ever seek help or be required to obtain treatment. When a defendant refuses treatment or is equivocal about recovery, judges have the ability to persuade or order him to start his recovery journey (1) through jail time that includes treatment and groups in the jail, (2) through inpatient placement or (3) through some other mandated treatment or recovery program.¹ However the addict's journey begins, it must include a specific recovery program or it is no journey at all. That is a significant reason why time in jail with nothing more than time to “think about it” may help clear a docket, but it does very little to help the defendant start a successful recovery. Since the changes in an addict's thinking and the stability

of an addict's sobriety is entirely dependent on the addict's work in his recovery, simply sleeping off a drunken spree or a drug binge creates little foundation for a sustained recovery that can prevent a future relapse.

A judge has many options when intervening with a defendant who has a substance abuse disorder or an addictive lifestyle. In the 410th District Court, we intervene regularly with substance abusing defendants that are in our three Recovery Court Programs, as well as defendants that are not, by encouraging or ordering them to read and/or write on selective books that discuss addiction and addictive thinking patterns, through substance abuse classes that we started in our jail, by utilizing various outside private and public entities that provide long and short term inpatient treatment and aftercare treatment, and by utilizing professionals who provide outpatient treatment, individual counseling, group counseling, family counseling, anger management, stress management, etc.ⁱⁱ These outside placements and clinicians supplement in a significant way the counseling and support services supplied by our probation department and its overworked and underpaid staff.ⁱⁱⁱ We even encourage the defendant's family members to read books and attend classes and counseling on such subjects as codependency^{iv} and unhealthy enabling. All of these interventions provide a framework for the eventual recovery process that we hope a defendant engages.

ADDRESSING ADDICTIONS must make sense in the world of the addict

Because our entire approach to addiction must make sense in the world of the addict, treating "addictive thinking" defendants the same as we treat "criminal thinking" defendants is, quite frankly, wrong. In drug and alcohol cases, application of penal laws must be adapted to exact punishment and enforce treatment in ways that coincide with the addict's disease. If we do this, we will experience a reduction in the recidivism rates that currently defeat our objectives, waste our money and perpetuate societal problems.^v

In this vein, we Judges must distinguish between the "use of drugs" (which is the penal offense) and the "addictive thinking" that leads to the use of drugs (which is the disease or mental disorder). They are not the same. If they were, then an overnight or weekend jail stay (without therapeutic intervention) might be the answer whenever a defendant drinks or uses. In that case, a punitive incarceration can be justified for the breach of the applicable law. But when there is an addictive use of substances that is preceded by a relapse in thinking (or what I have called a "relapse mode"), incarceration alone does little to satisfy the societal expectations of either punishing or rehabilitating the addicted criminal. In such a case, a jail stay without any intervention takes the defendant off the streets but it offers little else in resolving the addiction cycle.

Addictive use of alcohol or drugs is different than a typical case of, for example, burglary, shoplifting, criminal mischief or assault. In a typical burglary or assault (that is not drug induced) the criminal thinker did not succumb to addictive triggers that subconsciously pushed his actions. He may have been driven by motives like greed and selfishness but he did not experience true addictive triggers like low self-esteem, denial, narcissism, manipulative thinking, stress, perfectionism, guilt, shame and ultra sensitivity that unwittingly drive the substance abuser's behavior. Moreover, the criminal thinker generally injures others, while the addict generally only harms himself.^{vi}

Notice I did not say "addressing addiction must make sense to the addict," but rather "addressing addiction must make sense in the world of the addict." There is a significant difference in the two statements. Addicts think addictively, of course, and trying to convince them of the merits of any sentencing or treatment regimen during a time of their actively using is a waste of time. Similarly, asking a defendant who has been arrested or jailed why he took the drug or why he drank is a useless exercise. They don't know. Such questions often don't make sense to them when they are in fact clean but obsessed with their addictive thinking. The complexities of addiction, recovery and relapse require much more than a casual question-answer with the inmate after he has used, when he has been jailed for using, or when he is making decisions that are indicative of a relapse in addictive thinking.

A proper judicial approach to these defendants must make sense in the world to which they have succumbed by addressing in a positive and therapeutic way the underlying thinking that incites and exacerbates their ultimate abuse of alcohol and drugs. If we do not attack the defendant's relapse at its origination, in the thinking that has deteriorated,

then we miss the best opportunity to halt the relapse from escalating into the repeated abuse of substances. By way of example, when I have a defendant before me at the bench, I never ask them "why did you use drugs/alcohol or why did you do it?" But I have asked them to walk me through their thinking relapse mode, minute by minute, step by step, pausing the discussion frequently to discuss or point out the multiple triggers that prompted the addictive thinking errors which gave birth to specific choices that produced and sustained the defendant's relapse. This is time consuming, yes, but it is vital for the defendant to fully understand these matters so he can comprehend how he ended up where he now is. The defendant probably will never before have engaged in this type of in depth self examination and critical analysis of his addiction.

Simply punishing the abuser every time he relapses or ignoring our ability to intervene in a positive way is a waste of judicial effort since it does not address, much less treat, the addictive thought process that preceded the actual abuse. It offers the addict nothing more than what they had when they attempted to quit on their own: remorse, shame, guilt and the never ending merry go round of unremitting relapse and failed recoveries. If we simply reinforce that process, we are part of the problem and not part of the solution.



RECOVERY IS DIFFICULT WORK THAT ASKS ONE QUESTION

Truth #9: An addict's recovery and ultimate sobriety is never truly free of relapse potential because, as we have said, relapse is nothing more than the mirror reflection of a recovery going bad. It should be painfully obvious how difficult the work of recovery is for an addict. The same life events and stressors that the addict successfully coped with yesterday may trigger the addict's inability to handle life in a healthy way tomorrow. This may happen because their recovery has lost its passion or has become impaired. Consistently making choices and decisions that result in a lifestyle of sober thinking is a difficult daily challenge for the addict.

Truth #10: This is the challenge of recovery: the addict is never, ever fully recovered. If they ever think that they are, then they are already in relapse mode. As a result of the conundrum of recovery and relapse, the only real question for any addict is this: which way am I traveling on my journey today, up the recovery road or down the relapse slope? The answer is one or the other because an addict cannot stand still on their recovery journey. Standing still in recovery is like walking up a down escalator; the addict either keeps walking upward or they are moving downward. We Judges usually see defendants following their total relapse into abusing drugs or alcohol. Most are willing to dig in and try again, especially if the Judge tells them, "I will not give up on you unless you give up on yourself."^{vii} Amazingly, a few do not desire to continue the arduous work of recovery but most do.^{viii} Consider Steven, a 45 year old who was in jail and continued to deny his abuse of alcohol even after testing positive in a urinalysis:

He seems to have lost all interest. He claimed that the alcohol was not placed on the food while cooking it but was added on the BBQ sauce while serving it. He recognized that it was still wrong and he should have left the area. He is not angry but now feels that perhaps doing his time is best for him. He is a bit down but knows he has punishment coming. He explained that he has over six months of time built up and perhaps he will not have to serve all that long even if you max him out. He filed for bankruptcy, has no job and does not want to start the program all over again. (notes from pre sentence investigation).

Steven had relapsed and drank alcohol. His story had been all over the map as to how his urine had tested positive. I knew he had drunk, he knew he had drunk, and the probation officer and counselor knew he had drunk. He had relapsed before, had admitted the truth and had restarted his recovery. But admitting his relapse this time was something he wouldn't do because he had decided that he was through with treatment. Steve had a wife and family; they wanted him to continue working the program and said so in open court. He declined and was sentenced to prison. It is very unlikely that Steven will ever succeed at a recovery or will ever sustain a sober lifestyle. He was sliding rapidly down a steep relapse slope because he gave up on himself.

Compare Tracy (a previous graduate from one of our Recovery Courts) who was in jail following a very dangerous relapse with cocaine:

He looked awful (he is depressed probably brought upon by the drug abuse) but expressed great relief to be in jail and “being safe”. Things spiraled down badly when he met up with his brother. I gave him a good chewing, gave him two books to read and some additional writing assignments. Then I allowed him some time to talk and cry and he did! He needs an extended period of time in jail. He needs to detoxify and return to his senses. I will see him in a couple of weeks and will be sending you and the PO his writing assignments. This was a close call! (notes of counselor)

Tracy wanted help again. Once jailed, Tracy recognized his need to restart his recovery and grow from his relapse. We gave him that new opportunity with a reentry into our Recovery Court Program. Although he had relapsed, Tracy succeeded in returning to a recovery and sobriety, if for no other reason than he believed in the process of recovery and that he was worth it. He returned to his climb up the recovery road, slowly for sure, but consistently building strength that fed upon itself in a positive way.

CONCLUSION

Truth #11: Understanding addiction, recovery and relapse gives judges the ability to save lives, but it also places on us a responsibility that is greater than many of us expected or desire. This knowledge and responsibility challenge us to answer several questions. Why would we as judges ever ignore an opportunity to intervene in a defendant’s life at a time when he or she is prone to seek and accept positive help? Why would we as judges ever refuse to order or support the teaching of healthy thinking skills? Why would we as judges ever refuse to order or support the teaching of strong recovery tools?

Yes, our profession is underpaid and overworked. We are attacked by media and others as too liberal, too conservative, too much of whatever the complaint of the day seems to be. Except for adoptions, marriages and swearing in of new attorneys, our daily dockets are filled with never ending disputes, arguments and battles. Despite this, and in fact because of this, we have opportunities to change lives and save lives. Is there any reason why we should not do so whenever we can and as soon as we can?

Addicts do not deserve to avoid consequences for their actions, but they do need help. They need our help. Yes, there are some defendants that have worn out their welcome and thrown our generosity back at us, and others would rather die than face their addiction honestly. And while some may choose prison over the hard work of recovery, I propose that we intervene when we are able to provide them an opportunity for recovery.

Truth #12: If we encourage, or yes even force, defendants to face their addiction head on at a time when they otherwise would not do so, we have done something very good for them, our profession and our society as a whole.

ENDNOTES

ⁱ Mayes, Recovery Courts and Character Changes (July 2006), <http://co.montgomery.tx.us/410dc/recoverycourtsandcharacterchanges.pdf>

ⁱⁱ I preside over two Adult and one Juvenile Recovery Court Programs (we do not call them “Drug Courts”). Only one of the Recovery Court Programs is funded by federal or state money so our regular probation staffs handle the other two caseloads with me. We generally employ these treatment modalities during a defendant’s probation, but they also have been considered while a defendant is on conditions of bond.

ⁱⁱⁱ We have located many providers over the years simply by putting out the word that we needed help. Many of these outside programs and professionals provide services free to the defendant, or at reduced cost, as they are sustained through their own public or private funding. Some of the inpatient programs even allow a mother to bring her child with her.

^{iv} E.g., Beattie, Codependent No More: How to Stop

Controlling Others and Start Caring for Yourself, (1992). v In our adult SAP Recovery Court Program (not funded by state or federal money), our recidivism rate for graduates is 1.5%. <http://www.co.montgomery.tx.us/410dc/drugcourtarti cle2.pdf>

^{vi} We know this is not always true, as when a drunk driver injures another in a wreck. Those cases deserve their own consequences in sentencing, but for purposes of understanding Addictive thinking@ this dichotomy is very true.

^{vii} I often use this comment in discussions with defendants facing revocation for relapsing on drugs or alcohol. I even tell defendants: “You make the call: prison or more treatment.” If they are willing to keep working I invariably continue working with them. If they have had enough because “it is too hard being on probation,” and they ask me to sentence them to prison (yes, this happens) I will, though not always, give them their wish. When defendants request prison over the hard work of recovery, a Judge must decide which ones are simply in denial and need to be forced into treatment and which should be incarcerated.

^{viii} We also know some will lie to us just to be released from jail, or simply to be left alone so they can continue their abuse. This is the most difficult challenge facing a Judge, deciding when a defendant really is ready to start a recovery and when he is simply manipulating.

It is important that an addict not believe his relapse means he must start over at the beginning. Relapse should be viewed as a misstep that allows the addict to pick himself up, dust off, and continue forward with all the knowledge and skills he has learned throughout his recovery. Compare Twerski, Addictive Thinking, Chapter 21.

As I have mentioned, we have substance abuse classes in our jail that are taught by counselors. I always provide a relapsed Defendant the opportunity to take these classes to begin or restart a recovery while in jail.

What Every Judge Should Know Before Awarding Excess Proceeds from Tax Foreclosure

By James Bellevue

Property taxes are no judge's favorite docket. However, judicial diligence is appropriate when awarding excess proceeds claims because of possible illegal claims brought by unscrupulous individuals. Fortunately, a new consumer protection law changes the rules for excess proceeds claims by adding new requirements for proper claimants.¹

A troubled history

When a tax payer fails to pay ad valorem property taxes, the taxing units file suit, and ultimately the property is sold at auction. If the property sells for more than the amount of taxes due, then the surplus, known as "excess proceeds," belongs to the former property owners or lienholders. The excess proceeds are deposited in the registry of the court, and claimants must petition the court and obtain a judgment for release of the funds.

Former owners rarely understand their rights to collect excess proceeds, and as a result are targeted by individuals who earned excessive fees to collect this money. These individuals are commonly called "assignment companies." The Legislature recently enacted new consumer protections limiting claims by the 'unscrupulous' assignment companies.²

Assignments now require 80% prepayment

Prior to the new law, assignment companies regularly obtained assignments of the former owners' excess proceeds claims. Assignment companies rarely paid any consideration for the assignment. The assignment company would then prosecute the claim, and charge a fee of 1/3 to 1/2 of the money released. Strangely under the old law, the fee charged by an attorney was limited to \$1,000, but the fee charged by a non-attorney was unlimited.³

Under the new law, assignment companies must prepay 80% of the excess proceeds claim.⁴ The assignment company must also provide the court with the original of the evidence of prepayment. If the payment was in cash, or the original evidence is lost, then the assignor must appear in court to provide testimony confirming receipt of the prepayment.⁵

The new law also provides for the recovery of legal fees and costs against an assignment company that makes a claim in violation of the assignment requirements.⁶

Last minute deed transfers are now prohibited

A common scheme under the old law was for an assignment company to approach the property owner a few days before the tax foreclosure, and obtain a quitclaim deed for nominal consideration, say \$500. Then the assignment company would bid on the property at the foreclosure auction, thereby increasing the amount of excess proceeds. Once the property sold, the assignment company would claim the excess proceeds, which was often in excess of \$20,000.

In response to this scheme, the new law prohibits claims of these last minute property purchasers. Now, if a person obtains title to the property after the date of the tax suit judgment, but before the tax foreclosure, then that person is not a proper claimant to excess proceeds.⁷ Because of prior abuses with assignment companies using backdated documents, the property is considered transferred on the date the deed is recorded, not the date stated in the deed.



The new law includes an exception for those related to the former owner by blood or marriage, so that interfamily transferees can properly claim excess proceeds.⁸

Only lawyers can collect legal fees

Previously, assignment companies would attempt to circumvent the assignment requirements by claiming they did not have an assignment, but instead were only collecting a 'finder's fee,' 'settlement' or similar fee. In addition, some non-lawyers were filing claims on behalf of former owners, and charging the \$1,000 lawyer fee. The new law makes it clear that only lawyers can collect legal fees, and non-lawyers cannot collect fees of any kind.⁹

Emerging schemes

The new law has substantially curtailed the unscrupulous activities of most assignment companies, and a court of appeals has already upheld the constitutionality of this law.¹⁰ However some assignment companies have moved their activities from the metropolitan jurisdictions to more suburban and rural areas, in an attempt to take advantage of judges with less experience in this area of the law.

Also new schemes are constantly emerging. In a recent twist, a lawyer filed a claim in the name of the former owner, when in reality the lawyer represented an assignment company. In these situations, the assignment company obtains a power-of-attorney from the former owner. Then the assignment company hires a lawyer to represent the former owner under the power-of-attorney. The attorney files a claim in the name of the former owner, not the assignment company. Because of this emerging scheme, it is appropriate for judges to query lawyers as to the basis for the lawyer's authority to represent the former owner. If the lawyer's authority is based upon a power-of-attorney, then further inquiry into the underlying documents is warranted.

Property taxes may be boring, but with ongoing schemes involving excess proceeds, no one will be falling asleep on the bench.

Jim Bellevue is a Texas real estate and property tax attorney. He authored the recent change in the law, and lobbied for its passage. He has a statewide practice regularly representing excess proceeds claimants in about 20-counties. For questions or comments, please email to: Jim@LandLawTexas.com



¹ Act approved May 29, 2009, 81st Leg., R.S., ch254, §1-4, 2009 Tex. Gen. Law 698 (to be codified at Tex. Tax Code, Sec. 34.04)

² See *Strauss v. Belt*, No. 03-08-00653-CV, at *9 (Tex. App.—Austin 2010, no pet. h.) ("Undoubtedly, the current and former versions of subsection 34.04 demonstrate a legislative interest in protecting property owners from unscrupulous assignment practices occurring after a foreclosure sale.").

³ Attorney's fees remain limited to \$1,000 under the new law.

⁴ TEX. TAX CODE ANN § 34.04(f)(4) and (f)(5)(I) and (j) (Vernon Supp. 2010)

⁵ TEX. TAX CODE ANN § 34.04(h) (Vernon Supp. 2010)

⁶ TEX. TAX CODE ANN § 34.04(g) (Vernon Supp. 2010)

⁷ TEX. TAX CODE ANN § 34.04(c)(5)(A) and (c-1) (Vernon Supp. 2010)

⁸ TEX. TAX CODE ANN § 34.04(c)(5)(B) and (C) (Vernon Supp. 2010)

⁹ TEX. TAX CODE ANN § 34.04(i) (Vernon Supp. 2010)

¹⁰ See *Hamilton v. County of Bastrop*, No. 03-09- 00612-CV, 2010 Tex. App. LEXIS 2371 (Tex.App.— Austin April 1, 2010, no pet.) (mem. op.)

That Things Are Not So Ill With You and Me

By Hon. Royal Furgeson



“That Things Are Not So Ill With You and Me”

Memorial Breakfast for Texas State Judges Annual Judicial Education Conference Corpus Christi, Texas

September 23, 2010

Royal Furgeson, Sen. U.S. District Judge, Northern District of Texas

We are here this morning to honor and remember our brothers and sisters, no longer with us, who fought the good fight for justice. And justice is certainly worth fighting for.

George Washington said that the “due administration of justice is the firmest pillar of good government.” It is indeed the case that the first duty of government is justice, for without justice, there can be no liberty and no civil society.

We know too well that justice can never be taken for granted. It depends on the vigilance of judges, day in and day out, in order to work correctly. It must be nurtured and protected or else it falls prey to the dark forces that forever threaten human kind.

Yet, as Martin Luther King once said, “The arc of the moral universe is long, but it nevertheless bends toward justice.” Still, that arc doesn’t get bent unless independent judges of integrity and courage are there to make it happen. Today we memorialize those judges who did just that.

For a brief few minutes, I wish to honor those judges by telling a story about a Texas criminal case. After all, we judges are best remembered for our cases. This particular case was presided over by a state judge in Ozona, Texas, now retired, but still with us, thank goodness, named Brock Jones, and what he did in the case of State of Texas v. Ernest Ray Willis was truly remarkable, truly memorable.

Here are the facts. Mr. Willis was an oil field worker in the Permian Basin, or the oil patch as it is often called. Like most oil field workers, he had suffered a fair share of injuries, had a bad back and was often in pain. He took lots of pain pills.

One weekend, he and his cousin were staying at a friend’s house in Iraan. They went out partying, as much as it is possible to party in Iraan, and met up with two women, who eventually joined them back at the friend’s house. The women went to sleep in the back bedroom while Mr. Willis and his cousin went to sleep in the front part of the house. Before dawn, a fire broke out in the house and the two women died in the flames. Mr. Willis and his cousin escaped.

After this terrible tragedy, Mr. Willis left Texas. Sometime later, a grand jury started investigating the case and Mr. Willis was asked to return to Texas to give his account of the events that night. He voluntarily did so. He knew that he had done nothing wrong and that he had nothing to hide. But, the next thing he knew was that he was charged with capital murder by arson and put on trial for the death penalty before Judge Jones. During the trial, he appeared to be zombie-like, leading the prosecuting attorney to argue that he was remorseless, a cold blooded killer. The jury found Mr. Willis guilty of all charges and found him likely to be a further danger to society, and Judge Jones sentenced him to death.

The death penalty was upheld on appeal and then the state habeas process began. At that point, Mr. Willis attracted the attention of a large firm and they poured resources into his case. Through discovery, allowed by Judge Jones, they uncovered that Mr. Willis had inexplicably been given huge amounts of anti-psychotic drugs, far in excess of reasonable dosages. Before or during trial, there had been no hearing before Judge Jones as to the need for such medication, as required by law, and discovery did not unearth why it had happened. The drugs explained, however, why Mr. Willis was zombie-like at trial. For his part, Mr. Willis thought that he was taking pain medication.

Discovery did unearth that the prosecuting attorney had received a psychological report regarding Mr. Willis that described he was not a future danger to society. The report was never given to the defense, again as required by law.

After presiding over discovery, Judge Jones held a hearing in the case. Thereafter, despite the pressure of public opinion, Judge Jones decided that this case, over which he originally presided, had resulted in a miscarriage of justice and he ordered a new trial. He wrote a 35-page opinion, stating why.

Eventually, the case came to me, as it moved through the federal part of the habeas process. I read Judge Jones’s opinion and was convinced that he was right. So, I spent two years writing a 90-page opinion, with good help from several excellent law clerks. Of course, you know how many law clerks were available to Judge Jones. Zero. After it was all over, I am still convinced that I did not improve on his opinion. I simply bolstered it.

To my surprise and relief, the Texas Attorney General did not appeal to the Fifth Circuit, so the case went back to a new prosecuting attorney in Ozona. That prosecutor paid for a professional fire investigator to examine the evidence in the case. The original fire investigation had been conducted by a deputy sheriff.

Lo and behold, the professional investigator concluded that the fire was not caused by arson at all, but by an electrical malfunction. After 17 years on death row, Mr. Willis walked free, an innocent man.

Now, let us consider this scenario a minute. Judge Jones is an excellent judge and I am sure that he gave Mr. Willis a fair trial the first time around. He could have decided that one good trial was enough, without agonizing over the matter. Nevertheless, he was willing to take another look at the case, despite the public pressure involved.

He opened discovery and gave the habeas case close attention, despite the burdens it placed on his very crowded docket. And then, after he was certain that his first effort was deeply flawed, through no fault of his own, he reversed himself and assumed the responsibility of trying the case a second time, if necessary.

You and I know that Ozona, Texas is in the middle of nowhere. You and I know that no one was looking over Judge Jones’s shoulder in this case. Indeed, the Texas Court of Criminal Appeals reversed his grant of the habeas writ and that is why the case eventually came to me. You and I know that he could have glanced the other way. You and I know that this story could have come out differently and that Ernest Ray Willis, an innocent man, could have gone to his death without one outcry from any corner of Texas, most of all in the oil patch. But, it didn’t happen that way because Judge Brock Jones never flinched to do his duty to protect the rule of law and do justice.

The rule of law doesn’t work anywhere unless it works everywhere. Justice is not done anywhere unless it is done everywhere. Judge Brock Jones knew that, and he was dedicated to that, just as those we honor this morning knew it and were dedicated to it.



The title of my speech today comes from the last paragraph of George Eliot's book "Middlemarch," where it is written, with some editing by me, that the "growing good of [Texas has been] partly dependent on un-historic acts; and that things are not so ill with you and me as they might have been, is half owing to the number [of Texas Judges] who lived faithfully a hidden life, and rest in unvisited tombs." Little note is taken of our daily work in the justice system, but we know how important it is, whether historic or not.

And we can be so very grateful to those who have gone before us and who have made things better for us and for the citizens of this great State. Their legacy matters. And it will for all time.

2010 Annual Judicial Education Wrap-Up

By Hon. David Garcia



The Annual Judicial Education Conference has evolved into the premier judicial conference held to encourage a free exchange of ideas, to share experiences and strategies aimed at improving the quality of education for the judges of our State. Despite the weather conditions, 510 judges attended the 2010 Annual Judicial Education Conference. As the law changes, I know the board and staff of the Texas Center continuously strive to find innovative ways to meet the educational challenges that come along with such changes. We know that under our current leadership our future is extremely bright and the Texas Center will continue to provide cutting edge education and training to our judiciary.

The 2010 Annual Judicial Education Conference was held in Corpus Christi known as the "Sparkling City By The Bay;" however, this year it was more appropriately called the "Rainy City by the Bay." The 2010 conference was treated with record-breaking rains that lingered from Hurricane Karl. The Omni Bayfront and Mariana hotels sustained major water damage to various rooms, and the Texas Center staff was sent scrambling to find different accommodations for the judges. Fortunately with the great dedication of

Texas Center and the Omni staffs, under very difficult circumstances, the Conference was a huge success.

As many of you know, at the Annual Conference, the raffle and silent auction sponsored by the Texas Court Reporters Association (TCRA) is one of the prime fundraising events that the Texas Center utilizes to raise money. We appreciate the TCRA for providing an excellent assortment of items for the silent auction. We cannot even begin to thank their Association for their many years of tireless work and service to the judges of our state.

I just want to say a big thank you to Randy Sarosdy and the Fifth Administrative region, who provided a Mariachi band that played for two hours in the Presidential Suite. The music encompassed the essence of Mexico and its people. It was something cultural, spiritual and traditional that was unique and an experience not to be missed. I hope that everybody who attended enjoyed themselves and got something out of it - I know that I did!

It should be apparent that the Texas judiciary has benefited tremendously from the remarkable work of the Texas Center and its staff. The Texas Center consistently provides excellent, friendly and courteous services, including top notch education and training programs for the Texas judiciary. For their exemplary service, the judiciary and the public owe a huge debt of gratitude. Please make it a point at the next Texas Center conference to express your gratitude for the staff's selfless work and dedication to our organization.

Congratulations to the 2010 College for New Judges Graduates



On December 5, 2010, newly elected and appointed Texas judges began a week long education and training program sponsored by the Texas Center. With 114 participants, the 2010 class was one of the largest ever.

Special thanks and recognition go to the College's co-deans, Judge Lora Livingston and Judge Kathleen Hamilton, whose countless hours organizing, supervising and teaching ensured that this year's College was a resounding success. Our faculty likewise did an outstanding job in making sure the topics covered were always relevant, informative and well-presented. And the judges who served as group discussion leaders provided a unique opportunity for the new judges to participate in small discussion groups to address best practices, common problems, issues and concerns and to have a sounding board and an advisor and mentor. This year's discussion group leaders were Judge Stephen Ables, Judge Mark Atkinson, Judge Linda Chew, Judge Paul Davis, Judge David Garcia, Judge Kathleen Hamilton, Justice Mackey Hancock, Judge Brenda Kennedy, Judge Rusty Ladd, Judge David Peeples, Judge Roger Towery, and Judge Laura Weiser. Of course, the College would not have been complete without Judge Ables leading the entire group of new judges from time to time in a rousing chorus of Christmas carols!

Here are some of the new judges' reactions to the discussion groups:

- * I liked the interaction and ease of discussion.
- * The best part of the conference was breakout sessions which gave the opportunity to ask questions.
- * The breakout groups were very insightful.
- * The discussion group turned out to be the best part of the program because of the quality of the group leaders.
- * My favorite part of CNJ was the discussion groups where we could trade ideas.
- * The discussion group enabled us to flash out very practical applications of the topic presented in the general session.

The following comments were typical when the new judges were asked what they liked best about the College:

- * The quality of information, the encouragement of the faculty, the helpfulness and dedication of the staff, and the friendships I have formed over the last week.
- * Everyone was so helpful and concerned about my success. I thought that was touching. I'm so excited about going back to my little city.
- * Very informative and it eased my mind that most of us are as nervous about our judicial career. I also like the fact that I met judges that I can call if I have any questions in areas of the law that I am not knowledgeable about.
- * Best seminar I've ever been to. It never seemed to drag on (as have others) in the presentation of the material.
- * Exceeded all expectations and greatly appreciated.
- * Thanks to all. Tremendous. Brought my attention to the important things about being a judge.
- * Judge Livingston!! This was absolutely the best conference I have ever, ever, ever attended.
- * A good variety of topics and excellent faculty.

The Texas Center is proud to continue the tradition of outstanding judicial education represented by this year's College for New Judges. This education is made possible by the dedication and commitment of experienced, knowledgeable and very able judges who volunteer their time and energy for the benefit of the Texas judiciary as a whole. The value of this judicial education was recently examined in an article concerning the 2010 College for New Judges in *The Texas Lawyer* (published January 10, 2011).

Justice Bland Named as the Recipient of the 2010 William H. Rehnquist Award



Please join us in congratulating Justice Jane Bland of the First Court of Appeals on being named by the National Center for State Courts as the recipient of the 2010 William H. Rehnquist Award for Judicial Excellence. This award is one of the most prestigious judicial honors in the country, and is presented annually to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness and professional ethics. The award was presented to Justice Bland by Chief Justice John G. Roberts at a ceremony on November 18, 2010, at the United States Supreme Court. Congratulations, Justice Bland!

<http://www.ncsc.org/newsroom/news-releases/2010/rehnquist-award-bland.aspx>

Justice Aboussie Elected President of the University of Texas Law School Alumni Association



Justice Marilyn Aboussie, retired Chief Justice of the 3rd Court of Appeals, was recently elected as President of the University of Texas Law School Alumni Association, which has about 23,000 living members. This is just one of many honors in Justice Aboussie's long history of exceptional service. Her accomplishments include an extraordinary list of firsts: the first judge of the 340th district court (1983); first female attorney in each law firm where she practiced; the first female judge on a court of record in the Concho Valley; the first woman to serve on the Court of Appeals since its creation in 1882; and the first woman elected president of the Tom Green County Bar and the Young Lawyers Association. Congratulations Justice Aboussie!

Texas Center Receives 2010 Community Award



We are very pleased to announce that the Texas Center for the Judiciary has received the 2010 Community Award from the Council on Alcohol and Drug Abuse. The award was given in recognition of the Texas Center's ongoing commitment to alcohol, tobacco and drug prevention through its administration of a grant under the Children's Justice Act.

The Texas Center's CJA Director, Ms. Ginny Woods, and CJA Grant Administrator, Ms. Heidi Penix, who together with the CJA Task Force administer the CJA grant, attended a ceremony in Dallas on November 11, 2010, where they were presented with the award. It was presented by the key-note speaker, former Secretary of the Department of Health, Education and Welfare Joseph A. Califano, who is also the author of *How to Raise a Drug-Free Kid*.

Under the CJA, federal grants are awarded to each state to improve the investigation, prosecution and judicial handling of child abuse and neglect cases. The Texas Center's CJA program has partnered with the Council on Alcohol and Drug Abuse since 2007 to support the development and expansion of multidisciplinary teams to respond to the needs of children affected by drug environments through the Council's Texas Alliance for Drug Endangered Children program.

Please join us in congratulating the CJA Task Force, Ms. Woods and Ms. Penix on this significant recognition for their important collaborative relationship with the Council on Alcohol & Drug Abuse and their commitment to improving our communities' health, safety and productivity by reducing the impact of alcohol and drug abuse.

Letter from the Executive Director

Since September 1, 2010, the Texas Center for the Judiciary has held five major conferences: the Annual Conference (510 judges attending), the College for New Judges (114 new judges attending), Winter Regional Conferences in Bastrop (265 judges attending) and Dallas (250 judges attending despite a snow storm!), and YAFI (100 judges attending). The response of the participants at each of these conferences has been overwhelmingly positive, and I want to thank our Board, our Curriculum Committee, our faculty, the Deans of the College for New Judges, Judge Lora Livingston and Judge Kathleen Hamilton, and the staff of the Texas Center for their unceasing hard work and commitment in making possible this outstanding judicial education.

Between now and the end of August the Texas Center is offering 16 additional judicial conferences so our work has just begun! These programs are described elsewhere in this issue of In Chambers but I wanted to make sure you are aware of Evidence Based Sentencing on March 29-30 in Galveston, the College for Judicial Studies on April 11-15 in Austin, Public Health Law and Science on April 28-29 in San Antonio, DWI Court Team Training on May 2-5 in San Antonio, the Criminal Justice Conference on May 17-18 in Dallas, Implicit Bias on June 6-7 in Austin, the Professional Development Conference on June 13-17 in Austin, the Family Violence Conference on June 27-28 at Lost Pines near Bastrop, the DWI College for Trial Judges on July 11-13 in Austin, and Beyond the Bench on August 25-26 in Austin.

A Department of Justice Task Force recently invited the Texas Center to participate in a focus group to develop a national curriculum for judicial education on human trafficking. The National Judicial College will also be participating in this program and we hope to add an additional day on the topic of human trafficking to the Family Violence Conference in June at Lost Pines. Many thanks to Judges Linda Chew, Marilea Lewis, Brenda Kennedy and Josefina Rendon for participating in the focus group and developing this important curriculum.

Thanks to the hard work of Judge Dean Rucker and our Bench Book Committee, the Bench Book was recently updated and is available online. If you would also like a hard copy, we can send you one at our printing and shipping and handling cost (\$50). A CPS Bench Book is also now available online in addition to the Capital Cases Bench Book.

After over 24 years on the bench in Harris County Judge Mark Atkinson is now our Judicial Resource Liaison with TxDOT. Judge Atkinson brings a wealth of courtroom experience to the TxDOT program and is an invaluable resource both for TxDOT and the Texas Center. We are thrilled to have his many talents at work for you on a wide range of issues.

We are also working to reduce our administrative costs where feasible without compromising the high quality of judicial education. In order to guide us in this regard we commissioned two reports from an independent CPA firm on cost allocation methodology and best accounting practices. Our new Financial Officer, Bruce Lawrence, who is a CPA with many years of experience as an auditor of grant funded nonprofits, is working on the implementation of these practices.

The Texas Center has a dedicated and very hard working staff who are eager to help you perform your judicial responsibilities at the highest level. Courtney Gabriele is our Fund 540 program administrator; Rebecca Pitts is the program administrator for the TxDOT programs; and Ginny Woods and Heidi Penix oversee both the CJA and CIP programs. Gail Bell is our conference coordinator and can help you with logistical questions about conference facilities and hotels. If you have questions about judicial education hours, please call or email Holly Doran, our registrar. If you are not sure who to contact, please call or email our Associate Director, Marlon Drakes, or me.

The Texas Center is committed to transparency, accountability and good communication. The Texas Center is your organization and it is entirely for your benefit as a judge. Board minutes are available on our website; please review them and be informed about the good work your Board and your Committees are doing on your behalf. Please come by to see us when you are in Austin. The news alerts and opinion alerts are intended to keep you abreast of current events affecting the judiciary and recent decisions of our appellate courts. In the long run I hope to make more resources available to you as judges and to support you in the important work you do for citizens of Texas. In the meantime, I hope to see you at more of our judicial conferences and would very much like to hear from you and get your suggestions on how we can better serve the Texas judiciary.

Best regards,

Randall L. Sarosdy
Executive Director

Meet the Staff



Back Row, left to right: Randy Sarosdy, Gunther Allen, Shirley Irwin, Ginny Woods, Holly Doran, Heidi Penix, Marlon Drakes, Bruce Lawrence
Front Row, left to right: Courtney Gabriele, Gail Bell, Colette Bonstead, Rebecca Pitts

Executive Director Randall L. Sarosdy

Associate Director Marlon Drakes

CJA Grant Director and CIP Program Administrator Ginny Woods

CJA Grant Administrator and CIP Program Administrator Heidi Penix

TxDOT Program Administrator Rebecca Pitts

Program Administrator Courtney Gabriele

Financial Associate Colette Bonstead

Conference Coordinator Gail Bell

Publications and IT Coordinator Gunther Allen

Executive Assistant Shirley Irvin

Financial Officer Bruce Lawrence

Registrar Holly Doran

Advisory Board

Hon. Steve Ables

Hon. Marilyn Aboussie

Hon. Harvey Brown

Hon. Paul Davis

Hon. Kathleen Hamilton

Hon. Bud Kirkendall

Hon. Dean Rucker

Hon. Ben Woodward

New Judges

as of March 2, 2011

Hon. David Douglas Arnold	County Court at Law #3 Judge	Georgetown
Hon. Jonathan Bailey	431st District Court Judge	Denton
Hon. Lance Baxter	County Court at Law #3 Judge	McKinney
Hon. Scott Becker	219th District Court Judge	McKinney
Hon. Denise Bradley	262nd District Court Judge	Houston
Hon. Marc Brown	180th District Court Judge	Houston
Hon. Clifford Brown	147th District Court Judge	Austin
Hon. Harvey Brown, Jr.	1st Court of Appeals Justice	Houston
Hon. Steven Burgess	158th District Court Judge	Denton
Hon. Charles Butler	County Court at Law Judge	Bonham
Hon. Gary Butler	County Court at Law #1 Judge	Wichita Falls
Hon. Tamorah Christine Butts	Probate Court #4 Judge	Houston
Hon. Samuel Carroll	County Court at Law #2 Judge	Abilene
Hon. Robert Carroll	40th District Court Judge	Waxahachie
Hon. Robb Catalano	Criminal District Court #3 Judge	Fort Worth
Hon. Thomas Bradley Cates	County Court at Law #2 Judge	Waco
Hon. Thomas Chambers	County Court at Law Judge	Liberty
Hon. James Chapman	County Court at Law #1 Judge	Waxahachie
Hon. Brent Chesney	County Court at Law #5 Judge	Corpus Christi
Hon. Patricia Chew	Probate Court #1 Judge	El Paso
Hon. Wayne Christian	County Court at Law #6 Judge	San Antonio
Hon. Julia Clark-Hayes	County Criminal Court #2 Judge	Dallas
Hon. John Clinton	County Criminal Court #4 Judge	Houston
Hon. Sherill Dean	309th District Court Judge	Houston
Hon. Rebecca DePew	County Court at Law #3 Judge	Belton
Hon. Glenn Devlin	313th District Court Judge	Houston
Hon. Christopher Dupuy	County Court at Law #3 Judge	Galveston
Hon. John Fleming	County Court at Law #1 Judge	San Antonio
Hon. Ana Lisa Garza	229th District Court Judge	Rio Grande City
Hon. Daniel Gilliam	County Court at Law #2 Judge	Victoria
Hon. David Gonzales	County Court at Law #3 Judge	Brownsville
Hon. Melissa Goodwin	3rd Court of Appeals Justice	Austin
Hon. John Grady	County Court at Law #1 Judge	Galveston
Hon. David Hall	County Court at Law Judge	Sweetwater
Hon. William Harris	County Court at Law Judge	Paris
Hon. Teresa Hawthorne	203rd District Court Judge	Dallas
Hon. Angelica Hernandez	105th District Court Judge	Corpus Christi
Hon. Bill Hicks	243rd District Court Judge	El Paso
Hon. Terri Holder	149th District Court Judge	Angleton
Hon. Mike Hrabal	County Court at Law #3 Judge	Fort Worth
Hon. Carlo Key	County Court at Law #11 Judge	San Antonio
Hon. Gregory King	County Court at Law #2 Judge	Wichita Falls
Hon. Claudia Laird	County Court at Law #2 Judge	Conroe
Hon. John Lee	County Court at Law Judge	Gatesville
Hon. John Lipscombe	County Court at Law #3 Judge	Austin
Hon. Marcos Lizarraga	168th District Court Judge	El Paso

Hon. Bobby Lockhart	102nd District Court Judge	Texarkana
Hon. Trey Loftin	43rd District Court Judge	Weatherford
Hon. James Lombardino	308th District Court Judge	Houston
Hon. James Martin	254th District Court Judge	Dallas
Hon. Kimberly McCary	County Court at Law #1 Judge	Denton
Hon. John McClendon	137th District Court Judge	Lubbock
Hon. Randal McDonald	County Court at Law Judge	Canton
Hon. Angus McGinty	144th District Court Judge	San Antonio
Hon. Jeffrey McMeans	County Court at Law #2 Judge	Richmond
Hon. Amy Meachum	201st District Court Judge	Austin
Hon. Guadalupe Mendoza	County Court at Law Judge	Kingsville
Hon. Cynthia Mendoza	360th District Court Associate Judge	Fort Worth
Hon. Mark Morefield	5th District Court Judge	Liberty
Hon. Brandy Mueller	County Court at Law #6 Judge	Austin
Hon. Etta J. Mullin	County Criminal Court #5 Judge	Dallas
Hon. Martin Muncy	109th District Court Judge	Andrews
Hon. Victor H. Negrón	438th District Court Judge	San Antonio
Hon. Monica Notzon	111th District Court Judge	Laredo
Hon. Tonya Parker	116th District Court Judge	Dallas
Hon. K. Kyle Peeler	County Court at Law Judge	Midland
Hon. Gregory Perkes	13th Court of Appeals Justice	Corpus Christi
Hon. Donald Pierson	County Court at Law #1 Judge	Fort Worth
Hon. Andrea Plumlee	330th District Court Judge	Dallas
Hon. Denise Pratt	311th District Court Judge	Houston
Hon. Richard E. Price	285th District Court Judge	San Antonio
Hon. Jason Pulliam	County Court at Law #5	San Antonio
Hon. Barbara Roberts	County Court at Law #2	Galveston
Hon. Scott Roberts	County Court at Law #12	San Antonio
Hon. George Philip Robertson	220th District Court	Comanche
Hon. Bonnie Robison	Probate Court Denton	Denton
Hon. Liza Rodriguez	County Court at Law #8	San Antonio
Hon. Robert Rolston	276th District Court	Daingerfield
Hon. Jeff Rose	3rd Court of Appeals	Austin
Hon. Karen Sage	299th District Court	Austin
Hon. Walden Shelton	County Court at Law #9	San Antonio
Hon. Mike Sinha	360th District Court	Fort Worth
Hon. Melisa Skinner	290th District Court	San Antonio
Hon. Donald Smyth	Co. Criminal Court at Law #13	Houston
Hon. Jeff Steinhauer	155th District Court	La Grange
Hon. Cathleen Stryker	224th District Court	San Antonio
Hon. Timothy Sulak	353rd District Court	Austin
Hon. Kimberly Sullivan	Probate Court	Galveston
Hon. Brenda Thompson	Probate Court #1	Dallas
Hon. Dale Tillery	134th District Court	Dallas
Hon. Stephen Tittle	196th District Court	Greenville
Hon. Robert Updegrove	County Court at Law #1	San Marcos
Hon. R.H. Wallace	96th District Court	Fort Worth
Hon. Guy Williams	148th District Court	Corpus Christi
Hon. John Brian Williams	County Court at Law	Rockwall

Hon. Robert Christopher Wilmoth	Probate Court #2	Dallas
Hon. Kenneth Price Wise	334th District Court	Houston
Hon. Jason Wolff	County Court at Law #2	San Antonio
Hon. James Timothy Womack	307th District Court	Longview
Hon. Kerry Dan "Danny" Woodson	76th District Court	Mount Pleasant
Hon. Loyd Wright	Probate Court #1	Houston
Hon. Genie Wright	County Court at Law #7	San Antonio
Hon. Timothy D. Yeats	118th District Court	Big Spring
Hon. Tina Yoo	County Criminal Court #8	Dallas

In Memoriam

as of March 2, 2011

Hon. Theo Bedard	Senior District Judge	Dallas
Hon. John F. Dominguez	Senior District Judge	Mercedes
Hon. Ricardo Garcia	Senior Judge	San Diego
Hon. Joseph Guarino	Senior District Judge	Houston
Hon. Merrill Hartman	Retired Judge	Dallas
Hon. Ray Mormino	Senior District Judge	Waco
Hon. Jackson B. Smith	Retired Justice	Houston
Hon. Jimmy White	Judge	Mount Pleasant

Contributions in Honor

as of March 2, 2011

Hon. Gladys Oakley	In Honor Of	Hon. Dan Beck
Hon. Randy Clapp	In Honor Of	Ms. Mari Kay Bickett
Hon. Guy Griffin	In Honor Of	Ms. Mari Kay Bickett
Hon. Steve Smith	In Honor Of	Ms. Mari Kay Bickett
Hon. Larry Thorne	In Honor Of	Ms. Mari Kay Bickett
Hon. Carter Schildknecht	In Honor Of	Ms. Mari Kay Bickett
Hon. Dibrell Waldrip	In Honor Of	Ms. Mari Kay Bickett
Hon. Bob Parks	In Honor Of	Hon. Larry Fuller
Hon. Ana Lisa Garza	In Honor Of	Esteban Garcia and Paula Cramer Garcia
Hon. Robert Brotherton	In Honor Of	Hon. David Garcia
Hon. Robert Pfeuffer Hon.	In Honor Of	Larry Gist
Hon. Tonya Parker	In Honor Of	Hon. Maryellen Hicks
Hon. Os Chrisman	In Honor Of	Hon. Lori Hockett
Hon. Bonnie Robison	In Honor Of	Hon. David Peoples
Hon. Steve Smith	In Honor Of	Hon. and Mrs. Jack Pope
Hon. Mark Price	In Honor Of	Mr. Randall Sarosdy
Hon. Neel Richardson	In Honor Of	Hon. B.B. Schraub
Hon. Barbara Hanson Nellerhoe	In Honor Of	Hon. B.B. Schraub
Hon. Gregory King	In Honor Of	Hon. Roger Towery
Hon. Robert Brotherton	In Honor Of	Hon. Roger Towery
Hon. Gladys Oakley	In Honor Of	Hon. Doug Warne
Hon. Daniel Gilliam	In Honor Of	Hon. Juan Velasquez
Hon. Laura A. Weiser	In Honor Of	Hon. Juan Velasquez
Hon. Rex Davis	In Honor Of	Former and Present Counsel, Clerks and Staff of the 10th Court of Appeals The Williamson County Drug/DWI Court
Ms. Rebecca Pitts	In Honor Of	

Contributions in Memory

as of March 2, 2011

Hon. F.B. "Bob" McGregor	In Memory Of	Hon. J. Robert Adamson
Hon. Cheril Hardy	In Memory Of	Clyde Ashworth
Hon. Loyd Wright	In Memory Of	Hon. Russell Austin
Hon. Susan Patricia Baker	In Memory Of	Hon. Andrew Baker
Hon. Harold Entz	In Memory Of	Hon. Theo Bedard
Hon. Robert Blackmon	In Memory Of	Hon. Jack Blackmon
Hon. Lloyd Perkins	In Memory Of	Hon. Henry Braswell
Hon. Martha Tanner	In Memory Of	Hon. Peter Curry
Hon. Lloyd Perkins	In Memory Of	Hon. Temple Driver
Hon. Buddie Hahn	In Memory Of	Hon. Jim Farris
Hon. Phillip Vick	In Memory Of	Hon. Thurman Gupton
Hon. Frank Andrews	In Memory Of	Hon. Merrill Hartman
Hon. Catharina Haynes	In Memory Of	Hon. Merrill Hartman
Hon. Robert Christopher Wilmoth	In Memory Of	Hon. Merrill Hartman
Hon. William Smith	In Memory Of	Hon. Guy Hazlett
Hon. F. Alfonso Charles	In Memory Of	Hon. William Jennings
Hon. Joseph Patrick Kelly	In Memory Of	Hon. Joe Kelly
Hon. Alvin Khoury	In Memory Of	Diane McDowell
Hon. Joseph Patrick Kelly	In Memory Of	Hon. Connally McKay
Hon. Roland Dale Saul	In Memory Of	Hon. Bruce Hal Miner
Hon. Israel Ramon, Jr.	In Memory Of	Hon. Andy Mireles
Hon. F.B. "Bob" McGregor	In Memory Of	Hon. Ray Mormino
Hon. Buddie Hahn	In Memory Of	Hon. Tom Mulvaney
Hon. Anne L. Gardner	In Memory Of	Hon. Charles Murray
Hon. Dean Rucker	In Memory Of	Mr. Lynn Nabers
Hon. Claudia Laird	In Memory Of	Marie Nicoll
Hon. Vann Culp	In Memory Of	Hon. Perry Pickett
Hon. Joseph Patrick	In Memory Of	Kelly William Portman
Hon. Joe Carroll	In Memory Of	Hon. Jack Prescott
Hon. Joe Carroll	In Memory Of	Paul Reagan
Hon. Ron Blann	In Memory Of	Hon. Curt Steib
Hon. Ray McKim	In Memory Of	Hon. Curt Steib
Hon. Charles Nolen	In Memory Of	Hon. Curt Steib
Hon. Bob Parks	In Memory Of	Hon. Curt Steib
Hon. Dean Rucker	In Memory Of	Hon. Curt Steib
Hon. George M. Thurmond	In Memory Of	Hon. Curt Steib
Hon. John Jackson	In Memory Of	Hon. Earl "Smokey" Stover
Hon. John Hardy Morris	In Memory Of	Hon. R.C. Vaughan
Hon. Jerry Sandel	In Memory Of	Hon. James F. Warren
Hon. G. Timothy Boswell	In Memory Of	Hon. Jimmy White
Hon. Jack Carter	In Memory Of	Hon. Jimmy White
Hon. Joe Clayton	In Memory Of	Hon. Jimmy White
Hon. Alvin Khoury	In Memory Of	Hon. Jimmy White
Hon. John Miller	In Memory Of	Hon. Jimmy White
Hon. Lauren Parish	In Memory Of	Hon. Jimmy White
Hon. Loyd Wright	In Memory Of	Loyd Athelston Wright
Hon. Drue Farmer	In Memory Of	Hon. Jack Young
Hon. Robert Pfeuffer	In Memory Of	Hon. Jack Young
Hon. John MacLean	In Memory Of	Tom Zachry

Levels of Giving

as of March 2, 2011

DIAMOND GAVEL

\$1,000 & Up

Hon. Ana Lisa Garza
Hon. Guy Griffin
Hon. Robert Ramirez
Hon. Israel Ramon, Jr.
Hon. Bonnie Robison
Hon. Douglas Robison
Hon. Roger Towery

GOLD GAVEL

\$500 to \$749

Hon. Leonel Alejandro
Hon. J.A. Bobo
Hon. Thomas Culver
Hon. Jose Roberto Flores
Hon. David D. Garcia
Hon. Mike Hrabal
Hon. Claudia Laird
Hon. Gladys Oakley
Hon. Dion Ramos
Hon. Robert Christopher Wilmoth

SILVER GAVEL

\$300 to \$499

Hon. James Birdwell
Hon. Robert Blackmon
Hon. Robert Brotherton
Hon. Gary Butler
Hon. Kenneth DeHart
Hon. Glenn Devlin
Hon. Aida Salinas Flores
Hon. Daniel Gilliam
Hon. Gregory King
Hon. James Martin
Hon. Amy Meachum
Hon. Carl Pendergrass
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