

# IN CHAMBERS

Vol. 5, No. 2

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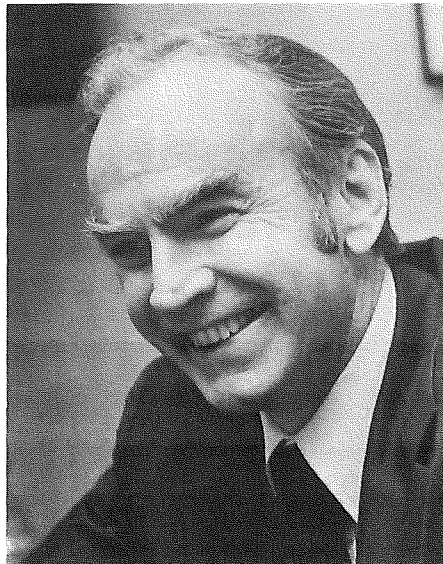
June, 1978

## JIM WRIGHT TO ADDRESS LUNCHEON

A luncheon for members of the Judicial Section will be held Friday, June 30, during the annual State Bar of Texas Convention in Fort Worth, June 27-July 1.

U.S. Congressman Jim Wright of Fort Worth will address the noon luncheon, which will be held in the Times Square Ballroom in the Hilton Hotel.

Judges interested in attending the luncheon must first register for the convention. Registration fee is \$35 for lawyers licensed before 1975, \$15 for licensees after 1975, and no charge for lawyers over 70 years old.



Rep. Jim Wright

Spouses are included in all fees. Registration will be held at the convention.

Price of the luncheon ticket purchased at the door is \$14.

## CUNNINGHAM MEMORIAL CREATED

A memorial fund honoring the late Warren P. Cunningham has been established at the National Judicial College in Reno, Nevada, by his family.

Friends of Judge Cunningham, including the judges of Texas, are invited to participate in the memorial fund.

Judge Cunningham, 164th District Court judge in Houston

and chairman of the State Bar's Judicial Section at the time of his death in March, 1977, participated in the National Judicial College as a student, faculty advisor and faculty member.

He began his law career as a special attorney for the prosecution of antitrust suits with the U.S. Department of Justice. After service in the Navy, he entered

*(Continued on Page 3)*

## Ethics Committee Releases Opinions

The 10-member Committee on Judicial Ethics, chaired by Quentin Keith of Beaumont, released three opinions in May and June.

### Opinion No. 32

**QUESTION:** There being two types of retired judges mentioned in subdivision D of the Compliance Section of the Code of Judicial Conduct (those eligible for recall to judicial service and those not eligible), what difference, if any, is there in the applicability of the exemptions mentioned in the subdivision to the two classes of retired judges?

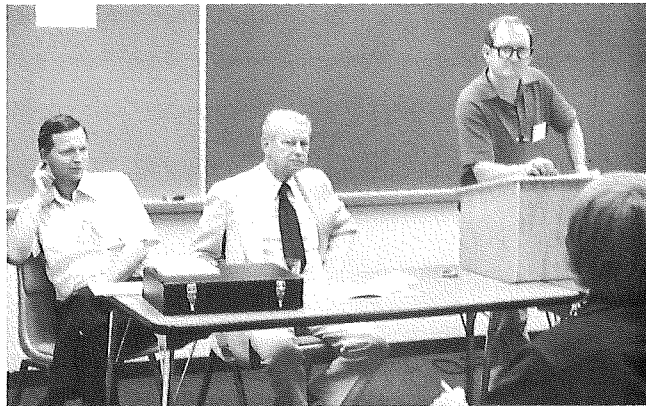
**ANSWER:** A retired judge eligible for recall to judicial service must, in the language of subdivision D of the Compliance Section, "refrain from judicial service during the period of an extra-judicial appointment not sanctioned by Canon 5G." There is no such restraint upon a retired judge not eligible for recall to judicial service. Otherwise, there is no difference in the applicability of the exemption provisions to the two classes of retired judges mentioned in the Compliance Section.

*(Continued on Page 3)*

# 1978 Criminal Justice Conference



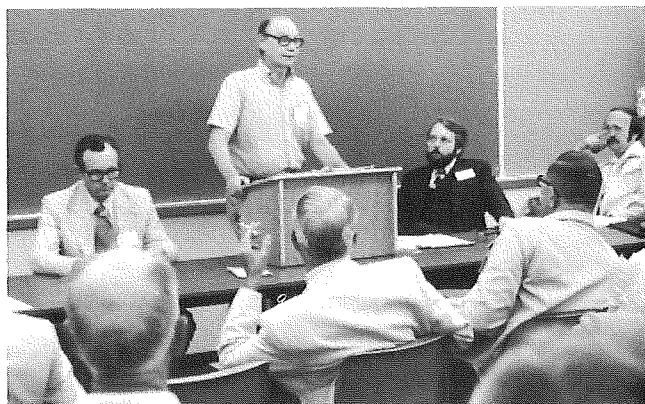
Left to right: R. T. Scales of Dallas, James K. Allen of Dallas, Leon Douglas of Austin, and Thomas B. Thorpe of Dallas. "Capital Case: Evidence at Punishment Phase" panelists.



Left to right: Bob Huttash of Austin, W. T. Phillips of Austin, and Sam Robertson of Houston. "Capital Case: Pre-Trial" panelists.



Left to right: Tom G. Davis of Austin, Curt Steib of San Angelo, and Dan Walton of Dallas. "Capital Case: Voir Dire and Competency" panelists.



Left to right: Wendell A. Odom of Austin, Fred Hooey of Houston, Larry Gist of Beaumont, and Richard Countiss of Spearman. "Speedy Trial" panelists.

## JUDICIAL CALENDAR

**June 27-July 1**

State Bar Convention  
Fort Worth

**September 26-29**

Annual Conference, Judicial  
Section, State Bar  
Arlington

## Louis Holland Dies

Louis Holland, presiding judge of the Eighth Administrative Judicial District, died in a Dallas hospital April 22, 1978.

Holland, 71, died after an accident at his farm in Montague.

Serving as 97th District Court judge in Montague from 1946 to 1971, Holland was appointed presiding administrative judge by Gov. John Connally in 1963 and served until his death. He began his public service career in 1937 as Montague County attorney, and later served as county judge.

Charles J. Murray of Fort Worth was appointed by Governor Briscoe to succeed Holland.



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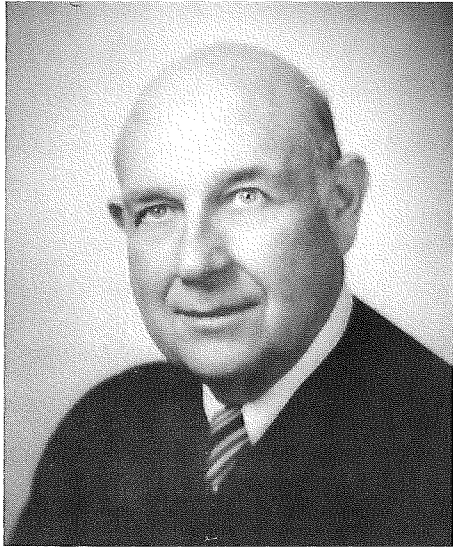
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Don Holmstrom

P. O. Box 12487, Capitol Station  
Austin, Texas 78711



Warren P. Cunningham

## WARREN CUNNINGHAM MEMORIAL

(Continued from Page 1)

private law practice in Houston in 1946. He was appointed district judge in 1963 by then Governor John Connally.

The National Judicial College, formerly the National College of the State Judiciary, has been called the leading judicial training and education institute in the country. It was founded in 1963 at the University of Colorado in

Boulder, and moved to the University of Nevada at Reno in 1965. It is an independent, non-profit Nevada corporation.

In announcing the creation of the Warren P. Cunningham Memorial Fund, his family said, "He was dedicated to the law and to the administration of justice and was deeply devoted to the National Judicial College, its purposes, its goals and its future."

## ETHICS OPINIONS RELEASED

(Continued from Page 1)

### Opinion No. 33

**QUESTION:** After August 31, 1978, active judges subject to the provisions of the Code of Judicial Conduct may not serve as officers or directors of a publicly owned business, defined in *Canon 5C(2)* as one having "more than ten owners." Does a retired judge violate any of the Canons of the Code of Judicial Conduct by serving as an officer or director of such a publicly owned business after August 31, 1978?

**ANSWER:** No. Although there are two types of retired judges mentioned in subdivision D of the Compliance Section of the Code (those eligible for recall to judicial service and those who are not eligible for recall), both classes of retired judges are exempt from the provisions of *Canon 5C(2)* of the Code.

### Opinion No. 34

**QUESTION:** The defeated candidate in a primary election for the office of District Judge (where

one of the candidates was a constitutional county judge and the other a private attorney) has sought a determination of the Committee as to whether certain advertisements of the winning candidate amounted to a violation of *Canon 7* of the Code of Judicial Conduct.

**ANSWER:** The Committee declines to pass upon the questions of fact for lack of jurisdiction over the parties (neither of whom were at the time subject to the Code of Judicial Conduct) or the subject matter of the inquiry. The Committee acts only as an advisory peer group in determining the application of the Code of Judicial Conduct to undisputed factual situations.

Questions may be addressed to:

Texas Center for the Judiciary  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711  
Attn: Committee on Judicial Ethics

The fund will be used by the College for "judicial training and education and to improve the administration of justice," the Cunningham family said. Contributions from the family will be made on a periodic basis.

Contributions (tax exempt status (501.C.3) dated September 30, 1977 and received October 4, 1977 by the National Judicial College) should be sent to:

The Warren P. Cunningham Memorial  
Fund  
The National Judicial College  
University of Nevada  
Reno, Nevada 89557

Family members include Judge Cunningham's wife, Ellen B. Cunningham, of Houston, and his children, Mr. and Mrs. Tom Alan Cunningham, of Houston, Doctors George and Suzie Tindall, of Atlanta, Georgia, and Warren P. Cunningham III, of Dallas.



**Texas College of the Judiciary  
March 27-31, 1978    Huntsville, Texas**

**FRONT ROW (L-R)**

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Max M. Rogers  
Quentin Keith  
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Robert O'Donnell

**CLEAR YOUR  
CALENDAR**

September 26-29, 1978  
Arlington, Texas

Judicial Section  
State Bar of Texas  
Annual Conference

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