



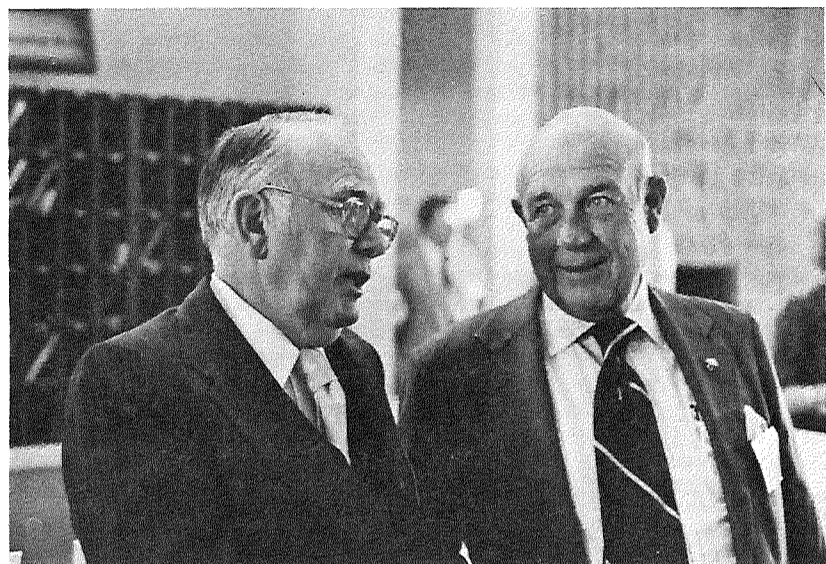
IN CHAMBERS



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NOVEMBER, 1976



New Section Chairman Warren P. Cunningham, right, talks with Chairman-elect Paul W. Nye at the Tyler Conference.

350 SECTION MEMBERS ATTEND CONFERENCE

Some 350 Texas judges met in annual conference in September in Tyler and elected new Judicial Section officers and Executive Committee members.

Warren P. Cunningham, Houston district judge and Section vice chairman for 1975-76, was elected chairman.

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Paul W. Nye, Corpus Christi Court of Civil Appeals chief justice and Section secretary-treasurer for several years, was voted chairman-elect.

An amendment to Section by-laws approved by conference participants provides for appointment of the secretary-treasurer, with approval of the Executive Committee.

District Judge George E. Miller of Houston has been appointed and confirmed as secretary-treasurer.

New Executive Committee members also were elected at the conference. Members are:

James F. Clawson, district judge, Belton; Peter Michael Curry, district judge, San Antonio; Ross Doughty, justice, Supreme Court of Texas, Austin; F. Harold Entz Jr., judge, County Criminal Court, Dallas; James Moore, justice, Court of Civil Appeals, Tyler; Charles Reynolds, justice, Court of Civil Appeals, Amarillo; Henry J. Strauss, judge, Court of Domestic Relations, Abilene; George Thurmond, district judge, Del Rio; and Mary Pearl Williams, judge, County Court at Law, Austin.

Other business conducted included approval of by-laws amendments, selection of El Paso as the 1977 conference site, and approval of amendments to wording in several Code of Judicial Conduct provisions.

NEW TEXAS JUDGES TO ATTEND SCHOOL

The second orientation school for new Texas judges will be held in Huntsville, December 5-10.

The Texas College of the Judiciary is open to Texas judges who have assumed the bench since January, 1975, or will take office January, 1977, and who did not attend the first College in Austin in 1974.

Eligible judges will receive registration information from the Texas Center for the Judiciary, sponsoring organization.

The six-day school will be housed in the Criminal Justice Center on the Sam Houston State University campus, with some 25 members of the Texas judiciary serving as faculty members.

Director of the College is Tom G. Davis, Court of Criminal Appeals commissioner.

The school offers instruction in basic court procedure. Subjects to be covered include Proceedings Before Trial in Criminal and Civil Cases, Discovery, Summary Judgments, Rule 120a (Special Appearance), Continuance-Special Exceptions-Motions in Limine, Evidence in Civil and Criminal Cases, and Pitfalls in Trial of Civil and Criminal Cases.

Also, Domestic Relations and Juvenile Proceedings, Handling of Jury, Jury Selection and Deliberation in Civil and Criminal Cases, and Courts Charge and Jury Argument in Civil and Criminal Cases.

Special topics to be discussed include Legislative Program of Judiciary and Judicial Ethics.

Guest speaker at the college is Judge Ernst J. Watts, dean of the National College of the State Judiciary in Reno, Nev., who will present the College banquet address.

The Continuing Legal Education

Committee of the Judicial Section, chaired by Judge Noah Kennedy of Corpus Christi, planned the curriculum. Serving on the CLE College subcommittee are Judges Charles W. Barrow of San Antonio, chairman, Lewis Dickson of Houston, Wendell A. Odom of Austin, and Director Davis.

Judges Amend Section By-laws At Conference

Meeting in a business session, conferees of the Judicial Section Conference voted to amend the Section by-laws, in order to "streamline and provide continuity in its administration," Judge Charles Reynolds said.

Reynolds, justice of the Amarillo Court of Civil Appeals, is chairman of the By-laws subcommittee of the Section's Executive Committee.

The new amendments provide for a "chairman-elect"—in lieu of a "vice-chairman"—who automatically succeeds to the chairmanship at the end of the chairman's term, and for the appointment, rather than the election, of the secretary-treasurer. Also, the elected membership of the Executive Committee was increased from seven to nine with provisions for overlapping terms and representation from all court levels and geographical areas of Texas.

A new feature establishes a procedure for the Nominating Committee to solicit from the Section members their suggestions for nominees for the position of chairman-elect and three Executive Committee positions to be filled each year, and for the notification of the Nominating Committee's nominees in advance of the annual conference date.

Inside . . .

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Amended By-Laws
of the Judicial Section

TEXAS CENTER
FOR THE JUDICIARY
State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, Texas 78711

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By-Laws of the Judicial Section of the State Bar of Texas

The following includes amendments adopted at the 1976 Judicial Section Conference in Tyler.

ARTICLE I

Name and Purpose

Section 1. This section shall be known as the Judicial Section of the State Bar of Texas.

Section 2. The purpose of this section shall be to promote the objects of the State Bar of Texas within the particular field designated by the name of the section, and to that end to take such action as may be appropriate thereto subject to the by-laws of this section and of the constitution and by-laws of the State Bar of Texas.

ARTICLE II

Membership—Dues

Section 1. Any member of the State Bar of Texas who has served or who is serving as a judge of any court of record, Federal or State, in the State of Texas, shall upon request to the secretary of this section be enrolled as a member of this section. Members so enrolled shall constitute the membership of this section.

Section 2. The membership of this section shall be divided into two classes, regular and honorary. Regular members are those holding judicial office, and honorary members are those who have held such office.

Section 3. Regular members of the section shall pay annual dues in an amount to be fixed by the Executive Committee. The dues herein provided shall be payable on or before the first day of November of each year.

ARTICLE III

Officers and Executive Committee

Section 1. The officers of this section shall be a Chairman, Chairman-Elect, and Secretary-Treasurer.

Section 2. The Chairman-Elect shall be nominated and elected at each annual meeting of the section, as hereinafter provided in Article V, for a term beginning with the election and ending with the election of a successor. The Chairman-Elect automatically shall become Chairman at the conclusion of his term as Chairman-Elect.

Section 3. The Chairman, with the advice and consent of the Executive Committee, shall appoint a Secretary-Treasurer, who shall serve during the term of the appointing Chairman and until a successor shall be appointed.

Section 4. There shall be an Executive Committee charged with managing the affairs of the section. This Committee shall consist of the Chairman, the Chairman-Elect, the Secretary-Treasurer and the Immediate Past Chairman as ex-officio members, and nine other regular members, each of whom shall be elected as provided in Article V for a term of three years. Of the nine elected members, one shall be either a justice of the Supreme Court or a judge of the Court of Criminal Appeals or a Commissioner thereof, one shall be a justice of a Court of Civil Appeals, three shall be district judges, one shall be a judge of a County Court or a County Court at Law or a County Criminal Court, one shall be a judge of a Domestic Relations Court or a statutory Juvenile Court, and two shall be at large; and, insofar as practicable, each geographical area of the State shall be represented by at least one member of the Executive Committee.

Section 5. At the annual meeting following the adoption of the preceding Section 4, the Nominating Committee, pursuant to the procedure set forth in Article V, shall present a slate of nine members, nominations shall be called for from the floor, and the nine nominees receiving the greatest number of votes shall be elected members of the Executive Committee. By lot, three members shall serve a term of three years, three members shall serve a term of two years, and three members shall serve a term of one year.

ARTICLE IV

Committees

Section 1. There shall be a Legislative Committee composed of eight members. The Chairman of the section, on or before November 1, shall appoint four members thereof to serve for a term of two years.

Section 2. There shall be a Nominating Committee of not less than three members appointed by the Chairman, with the advice and consent of the Executive Committee, on or before December 1 of each year, to serve until the conclusion of the next annual meeting. The Nominating Committee shall solicit from the membership nominations for the office of Chairman-Elect and for members to serve on the Executive Committee to be received not later than April 30.

Section 3. There shall be a Continuing Legal Education Committee composed of ten members. The Chairman of the section as selected at the 1973 Conference shall appoint nine members, three to serve a term of three years, three to serve a term of two years, and three to serve a term of one year. Thereafter each Chairman of the section shall appoint three members to serve for a term of three years. The Chairman of the section shall serve as the tenth member of the Committee. The Committee shall select its Chairman for a term of one year.

Section 4. The Executive Committee, from time to time, may create other committees as necessary to carry on the work of the section, and the membership of such committee shall be appointed by the Chairman of the section.

ARTICLE V

Nominations and Elections

Section 1. On or before June 1, the Nominating Committee shall meet to consider the nominations received from the members of the section and from its own members, and to nominate one regular member for the office of Chairman-Elect and three regular members for, and any necessary to fill vacancies on, the Executive Com-

mittee. In considering nominees for membership on the Executive Committee, attention shall be given to maintaining the court level balance and geographical representation.

Section 2. The list of nominees shall be furnished the members of the section at the time of the call of the annual meeting, together with the information that additional nominations may be made from the floor of the annual meeting.

Section 3. At the annual meeting of the section, there shall be placed in nomination those nominees selected by the Nominating Committee and those members nominated from the floor.

Section 4. The Chairman-Elect shall be elected by a majority vote of those members present and voting. Elected to serve for a term of three years on the Executive Committee shall be the three nominees therefor who receive the greatest number of votes. Elected to fill any vacancy shall be the nominated member receiving a majority vote of those members present and voting.

ARTICLE VI

Duties of Officers

Section 1. Chairman. The Chairman shall preside at all meetings of the section and of the Executive Committee. He shall formulate and present at each annual meeting of the State Bar Association a report of the work of the section for the year then ending. He shall perform such other duties and acts as usually pertain to his office.

Section 2. Chairman-Elect. Upon the death, resignation, or during the disability of the Chairman, or upon his refusal to act, the Chairman-Elect shall perform the duties of the Chairman for the remainder of the Chairman's term except in case of the Chairman's disability and then only during so much of the term as the disability continues. The Chairman-Elect shall be the Chairman of the Program Committee appointed by the Chairman for the annual meeting held during his term of office.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents, and other property of the section, including money. He shall keep a true record of the proceedings of all meetings of the section and of the Executive Committee while assembled or acting under submission. With the Chairman he shall prepare a summary or digest of the proceedings of the section at its annual meeting for publication in the annual report of the State Bar of Texas. He, in conjunction with the Chairman, as authorized by the Executive Committee, shall attend generally to the business of the section. He shall keep an accurate record of all moneys appropriated to and expended for the use of the section. He shall be allowed the sum of Fifty Dollars monthly as reimbursement for all out of pocket expenses incurred in connection with the performance of his duties.

ARTICLE VII

Duties and Powers of the Executive Committee

Section 1. The Executive Committee shall have general supervision and control of the affairs of the section subject to the provisions of the constitution and by-laws of the State Bar of Texas and the by-laws of this section. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all moneys available for the use or benefit of the section.

Section 2. The Executive Committee may authorize the Chairman to appoint committees from section members to perform such duties and exercise such powers as the Committee may direct, subject to the limitations of these by-laws.

Section 3. The Executive Committee, during the interim between annual meetings of the section may fill vacancies in its own membership or in the office of Secretary-Treasurer, or in the event of a vacancy in both the office of Chairman and Chairman-Elect then in the office of Chairman. Members of the Executive Committee, and officers, so selected shall serve until the close of the next annual meeting of the section.

Section 4. All binding action of the Executive Committee shall be by a majority vote of the executive committeemen present.

Section 5. The Chairman of the section may, and upon the request of any member of the committee shall, submit or cause to be submitted in writing, to each of the members of the committee any proposition upon which the committee may be authorized to act, and the members thereof may vote upon such proposition so submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary who shall record upon his minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the committee thereon. The votes of a majority of the members of the committee so recorded shall constitute the binding action of the committee.

ARTICLE VIII

Meetings

Section 1. The annual meeting of the section shall be held at a time and place to be determined by the members of the Executive Committee, with such program as may be arranged by the Program Committee and such order of business as may be formulated by the Chairman of the section, with the advice and consent of the Executive Committee.

Section 2. Special meetings of the section may be called by the Chairman at such time and place as the Executive Committee may determine.

Section 3. The members of the section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. All binding action of the section shall be by a majority vote of the members present.

ARTICLE IX

Miscellaneous Provisions

Section 1. No salary or compensation shall be paid to any officer, executive committeeman, or member of a committee.

Section 2. In the event it is deemed expedient and necessary, the Executive Committee may authorize the payment of actual and necessary expenses incurred by members of the section in carrying on any particular work of the section.

Section 3. These by-laws shall become effective upon the approval thereof by the section to which they are submitted.

ARTICLE X

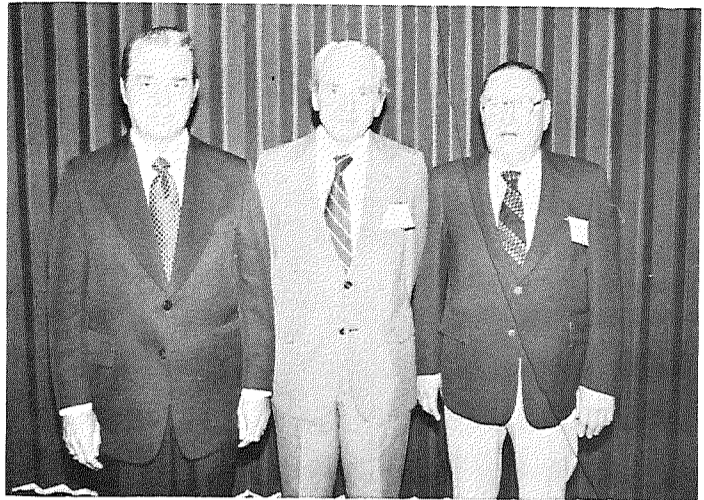
Amendments

These by-laws may be amended at any annual meeting of the section by a majority vote of the members of the section present and voting.

1976 JUDICIAL SECTION CONFERENCE



Outgoing Chairman Wendell A. Odom, right, receives plaque in recognition of outstanding service from Chairman Warren P. Cunningham.

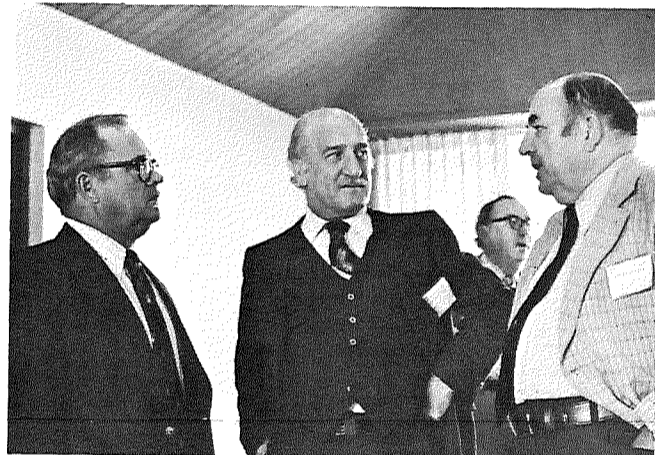


New officers of the Appellate Judges Division of the Judicial Section elected at the Section Conference are, l-r, Bill Cornelius, chairman, justice of the Texarkana Court of Civil Appeals; Sam Johnson, vice chairman, justice of the Supreme Court of Texas; and Quentin Keith, secretary-treasurer, justice of the Beaumont Court of Civil Appeals.

MEETINGS: FORMAL AND INFORMAL



Left to right, Mrs. Willis Whatley, Mrs. John F. Onion, Judge Charles W. Barrow, Willis Whatley and Bill Willis.

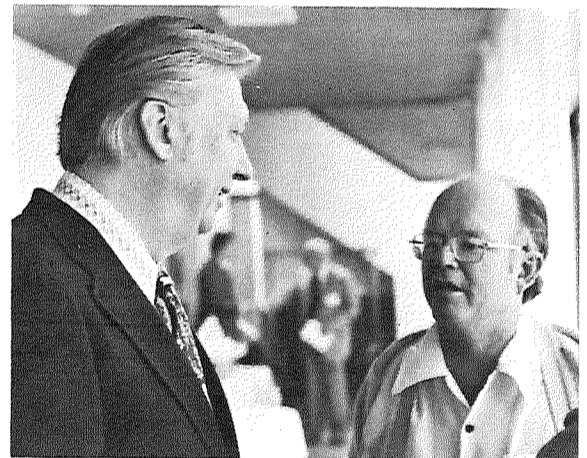


Left to right, Raleigh Brown, Peter Michael Curry and W. A. Hughes.

Charles Reynolds, Mary Lou Robinson and James Ellis attend appellate judges session.



Ernst J. Watts, left, and Robert Montgomery.



Judicial Section Committees

Judicial Section committees, with appointments made by Chairman Warren Cunningham in italics, include:

EXECUTIVE

Warren P. Cunningham, Houston (Chairman)
 Paul W. Nye, Corpus Christi (Chairman-Elect)
 George E. Miller, Houston (Secretary-Treasurer)
 James F. Clawson, Belton
 Peter Michael Curry, San Antonio
 Ross Doughty, Austin
 F. Harold Entz, Dallas
 James H. Moore, Tyler
 Charles L. Reynolds, Amarillo
 Henry J. Strauss, Abilene
 George M. Thurmond, Del Rio
 Mary Pearl Williams, Austin
 Wendell A. Odom, Austin

LEGISLATIVE

F. Lee Duggan, Jr., Houston (Chairman)
 John T. Boyd, Plainview
Neil Caldwell, Angleton
Galloway Calhoun, Jr., Tyler
 Bill J. Cornelius, Texarkana
 Carol R. Haberman, San Antonio
 James F. McCarthy, Dallas
B. B. Schraub, Seguin

CLE

Noah Kennedy, Corpus Christi (Chairman)
 David Walker, Lufkin
Charles W. Barrow, San Antonio
 James G. Denton, Austin
 Lewis Dickson, Houston
 Fred Hooley, Houston
Max Rogers, Huntsville
 Truman Roberts, Austin
Thomas J. Stovall, Houston
 Warren P. Cunningham, Houston

WEISBERGER SPEECH AVAILABLE

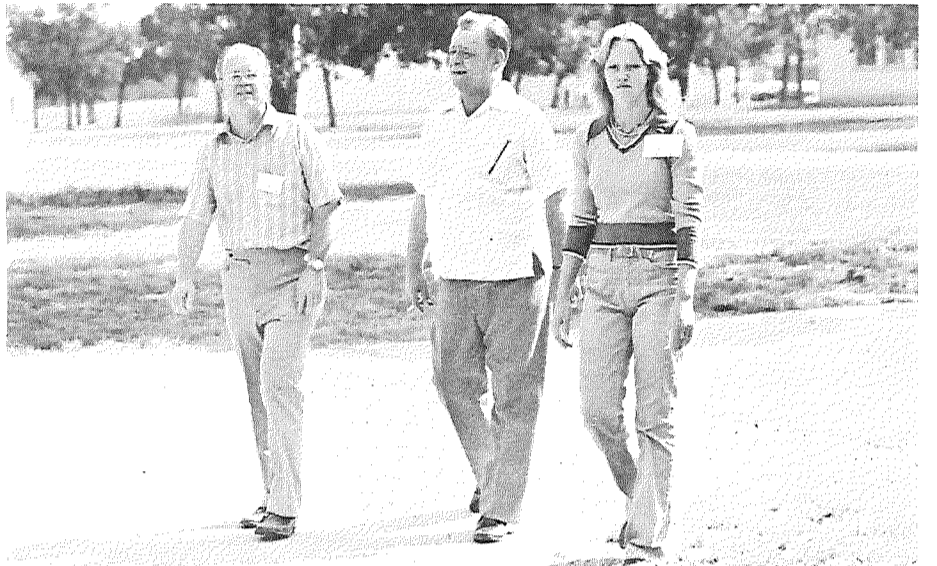
Copies of Judge Joseph Weisberger's speech delivered at the annual banquet of the Section Conference are available from the Texas Center.

Judge Weisberger, presiding justice of Rhode Island's Superior Court, spoke on "The American Judiciary—A Bicentennial Perspective."

A copy can be obtained by writing the Texas Center for the Judiciary, P. O. Box 12487, Capitol Station, Austin, Texas 78711.



Juvenile Court Judges Committee members include, front, Barbara Culver, and left to right, Jack Dillard, executive director of the Texas Center for the Judiciary, Committee Chairman Bill Logue, Wallace Miller, J. W. Summers, Shack Nail, associate director of the Texas Center, Tom Kenyon, Scott Moore, Bill Martin and Pat Boone Jr.



A tour of the Giddings TYC facility, with students serving as guides, was included in the Juvenile Seminar program.
 TOP: Judges receiving a guided tour are, l-r, George M. Thurmond, Bill Logue, Antonio Zardenetta and Harold A. Thomas.
 BOTTOM: Judges Robert Montgomery and Wallace Miller take tour.

Resolutions Adopted At Juvenile Seminar

Some 50 Juvenile Court judges participated in the annual Texas Juvenile Court Judges Seminar in Austin, October 13-15. The following resolutions were adopted:

- It is hereby resolved that the Juvenile Court Judges are opposed to any legislation that would return CHINS (Children In Need of Supervision) from TYC to local jurisdictions and further that we are in favor of legislation which

would give TYC the authority to place CHINS in any program or facility which is in the best interest of the child.

- The Juvenile Court Judges support legislation which would give a child in a juvenile proceeding the right to a trial by jury if he or she requests one rather than a compulsory jury trial unless waived.

- The Juvenile Court Judges will work with the Texas Commission on Jail Standards in drafting guidelines for the detention of juveniles.

- It is resolved that the Juvenile Court Judges support the resolution adopted by the Judicial Section, State Bar of Texas, to make Domestic Relations and statutory Juvenile Courts District Courts.

- It is hereby resolved that county detention facilities which house TYC parolees should receive payment for services rendered.

The conferees also commended Dr. James Craft, deputy commissioner of Mental Retardation Services, Texas Department of MH/MR, for work with retarded juveniles; saluted retiring juvenile judges Charles Betts of Austin and Carl Periman of Amarillo; and thanked the Juvenile Court Judges Committee and its chairman, Bill Logue of Waco, and Executive Director Jack H. Dillard and the Texas Center for the Judiciary staff for conference preparation.

PUBLICATIONS AVAILABLE

The following publications are currently available free of charge to members of the Judicial Section from the Texas Center for the Judiciary:

- Proceedings of the Seminar for County Judges, December 2-5, 1975
- Notebook of the Texas College of the Judiciary, December, 1974
- Judicial Yearbook
- Manual for Texas Juvenile Court Judges
- Benchbook for Texas Trial Judges, Volumes I & II
- Code of Judicial Conduct

Copies can be obtained by writing the Center, P. O. Box 12487, Capitol Station, Austin, Texas 78711. Attn: Don Holmstrom.

IN MEMORIAM

Damiani. Jules V. Damiani, 212th District Court judge since 1974, died Oct. 19, 1976 in La Marque. He was 57.

Ellison. Willis Wayne Ellison, 25th District Court judge in Gonzales County, 1954-70, died April 24, 1976. He was 70.

Klein. Arthur Anthony Klein, 107th District Court judge, 1948-54, died May 23, 1976 in Harlingen. He was 68.

Oxford. William Jackson Oxford, Jr., 29th District Court judge, 1953-69, died in Houston Aug. 28, 1976. He was 62.

JUDICIAL NOTICES

Final Coordinators Seminar

The final seminar in a four-part series of Court Administration Seminars will be held November 17-20 in Austin.

Subject of the seminar is "Legal Environment and Court Rules."

The series, sponsored by the Texas Center for the Judiciary, was designed and taught by James C. Dunlap, a management consultant and former Director of Administrative Office of the Courts of Georgia.

Some 45 Texas court coordinators attended each seminar.

Love President-Elect

Miron Love, 177th District Court judge of Houston, is the new president-elect of the International Academy of Trial Judges.

His election came at the annual meeting of the Academy held in Japan in July.

Johnson Chosen Chairman

Associate Justice Sam D. Johnson of the Supreme Court of Texas is the new chairman of the American Bar Association's Appellate Judges' Conference.

The national organization, composed of 700 state and federal judges, conducts nationwide legal education seminars for appellate judges and assists attorneys in appellate advocacy training. It also composes standards for the use of technology in the courts and for discipline of lawyers and judges.

Johnson is the first appellate judge to head the conference.

Texas Center to Move

The Texas Center for the Judiciary, along with other State Bar offices, will relocate in the new Texas Law Center in mid-November. The six-story Law Center is located at Colorado and 15th Streets in Austin, one block northwest of the State Capitol.

The State Bar has been housed in the American Bank Tower since September, 1974.