

IN CHAMBERS



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SEPTEMBER, 1976

JUDICIAL CONFERENCE IN TYLER, SEPT. 21-24

The annual Judicial Section Conference of the State Bar will be held September 21-24 in Tyler.

Registration information has been provided to 600 Section members by the Texas Center for the Judiciary, Executive Director Jack H. Dillard said. The Sheraton Inn, Ramada Inn and Red Carpet Inn will provide lodging for the conference, and meetings will be held in the Sheraton.

Section Chairman Wendell A. Odom, Court of Criminal Appeals judge of Austin, will preside at the four-day meeting, which features prominent national and state judicial leaders as speakers.

See Program, Page 4

Houston District Judge Warren Cunningham is program chairman.

Joseph R. Weisberger, Superior Court justice of Providence, Rhode Island, and National College of the State Judiciary faculty member, will speak Wednesday night at the annual banquet.

Other conference speakers are Ernst J. Watts, dean of the National College of the State Judiciary, discussing "What's New in Judicial Education," and Texas Supreme Court Chief Justice Joe R. Greenhill and Court of Criminal Appeals Presiding Judge John F. Onion detailing significant court decisions of 1976.

Also, Galveston State Senator A. R. (Babe) Schwartz, chairman of the Jurisprudence Committee, will address the conference, as will House members Ben Z. Grant of Marshall, Judiciary Committee chairman, and Tim Von Dohlen of

Goliad, Judicial Affairs Committee chairman.

Judicial Section committee chairmen scheduled as speakers are Houston District Judge Lee Duggan, Legislative Committee, and Beaumont Court of Civil Appeals Justice Quentin Keith, Committee on Judicial Ethics.

A wide range of topics will be covered during the annual meeting.

"Some Current Problems in the Field of Products Liability Litigation" is the subject of Houston lawyers Finis E. Cowan and George Pletcher.

Lawyers Jim M. Perdue and William Payne of Houston will discuss "Recent Developments in Medical Malpractice Cases," while William B. Hilgers of Austin, chairman of the State Bar's Board of Directors, will speak on "Our Profession on Trial."

"Judicial Retirement" will be discussed at the final conference session Friday. Speakers include Houston District Judge George E. Miller, Everett Anschutz, executive secretary of the Employees Retirement System, and Robert Brown, director of the Texas County and District Retirement System.

During the conference, new judges will be introduced and deceased judges memorialized. Belton District Judge Don Busby will preside at introduction ceremonies while Dallas Court of Civil Appeals Chief Justice Claude Williams will conduct memorial services.

In addition to business sessions, attending judges will be able to relax at several social events, including golf and tennis tournaments, ranch barbecue and the annual banquet.



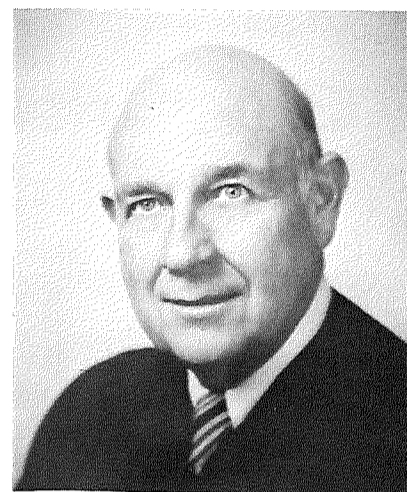
Wendell A. Odom



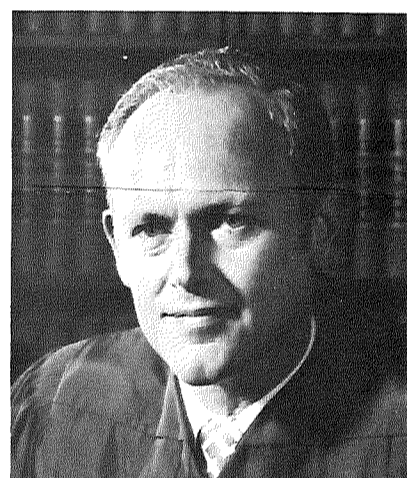
Paul W. Nye



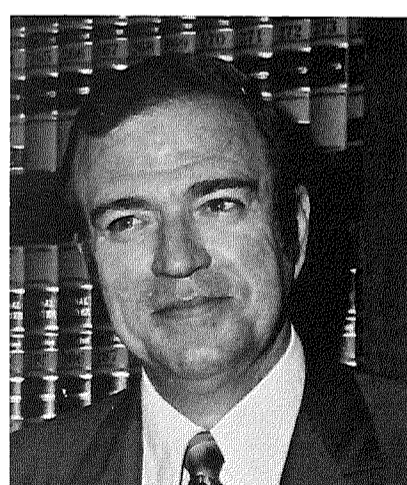
Joe R. Greenhill



Warren P. Cunningham



Lee Duggan, Jr.



John F. Onion

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Texas College of the Judiciary

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

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Texas College of Judiciary December 5-10 In Huntsville

The second Texas College of the Judiciary, sponsored by the Texas Center for the Judiciary, will be held December 5-10 in Huntsville.

The College, instituted in 1974, will offer instruction in basic court procedure to judges taking office Jan. 1, 1975 to Jan. 1, 1977, and who did not attend the first College. The faculty is composed of experienced Texas judges.

Registration material will be

furnished to eligible judges by the Texas Center.

Serving as College director is Tom G. Davis, Court of Criminal Appeals commissioner, who served in that post at the first College.

Site of the College is the recently completed Criminal Justice Center on the Sam Houston State University campus. The building, which houses the Institute of Contemporary Corrections and the Behavioral Sciences at SHSU,

provides dormitory facilities in addition to classrooms and mock courtrooms for judicial "students."

The Continuing Legal Education Committee of the Judicial Section, chaired by Judge Noah Kennedy of Corpus Christi, is planning 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.



Tom G. Davis
College Director

Gov. Briscoe Proposes Anti-Crime Legislation



Governor Briscoe

Labeling the reduction of crime in Texas "the number one priority" of his administration, Gov. Dolph Briscoe outlined his proposed anti-crime legislation to conferees of the 1976 Criminal Justice Conference in Huntsville May 6.

Addressing some 175 judges at the opening session, the Governor said, "You, both as a group and as individual leaders in your communities, are central to the success and to the credibility of the criminal justice system. You are the crux, the central force, upon which all elements of the criminal justice system depend."

His new anti-crime program, he said, will provide the judiciary with "additional tools, additional alternatives, additional capabilities." And he added: "You, as judges, will be central to the effective use of this legislation. Your power, your judicial discretion, your wisdom—all will be called upon, and I have every faith and confidence that it will be forthcoming."

The Governor's proposed anti-crime legislation would provide:

- court-ordered and court-supervised electronic surveillance in the investigation of organized crime;
- juries to be told about the parole laws;
- supervision of all persons released from prison, especially those

who have served their time without parole;

- requirement that persons who commit a crime of violence or those who commit murder, kidnapping, rape, robbery, or any crime involving the use of a gun will serve a longer period before being considered for parole;

- denial of probation to perpetrators of the more heinous crimes of violence;

- reformation of bail laws;

- introduction of voluntary oral confessions in criminal trials;

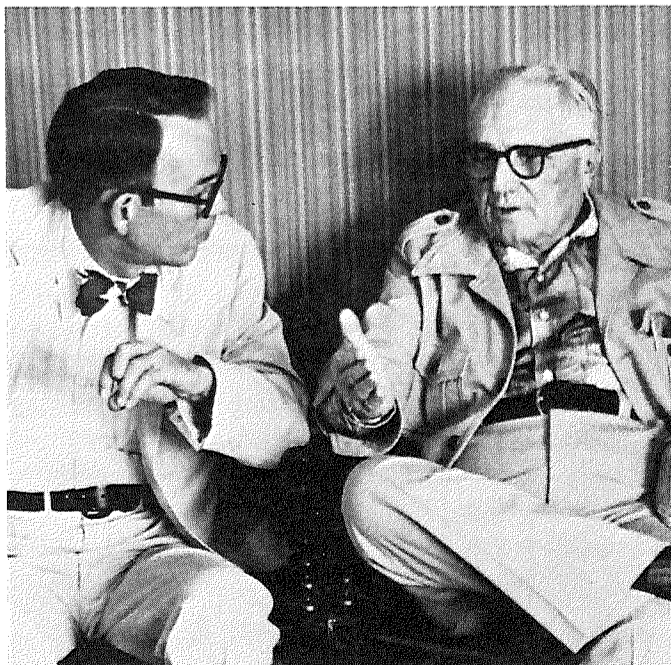
- power to authorize an evidentiary search warrant;

- stronger laws against welfare fraud;

- strictest possible enforcement of drunk driver and habitual traffic offender laws;

- changes in the law in order to speed the judicial process.

To provide firm and fair administration of law, "it will take an all-out effort from all Texans, and I will coordinate the efforts of my office with you, with the Lieutenant Governor, the Speaker, the Attorney General, the Department of Public Safety, the Department of Corrections and all other law enforcement facilities," the Governor concluded.



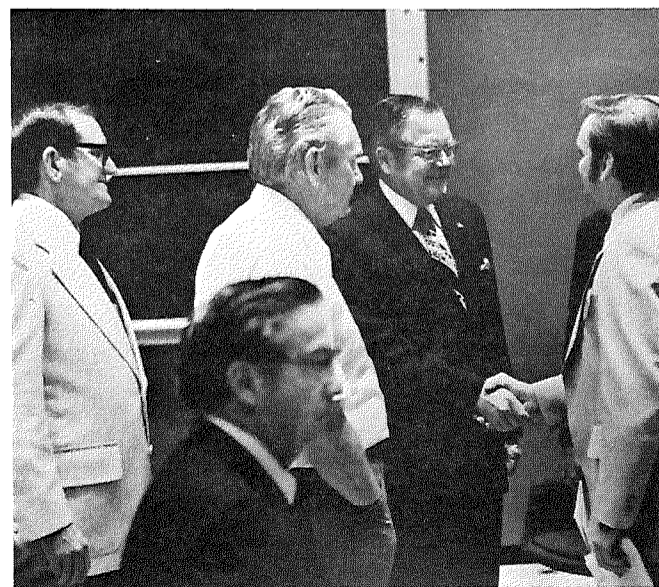
HUNTSVILLE CONFERENCE

TOP: More than 150 judges attended the seventh annual conference.

RIGHT: Court of Criminal Appeals Presiding Judge John F. Onion outlines important court decisions of the past year.

BELOW LEFT: Willis Whatley, left, general counsel of the Criminal Justice Division, Governor's office, talks with Huntsville Judge Max Rogers, 2nd Administrative District presiding judge and conference host.

BELOW RIGHT: Governor Briscoe meets with judges after address.



ETHICS OPINIONS

The following opinions were released by the Committee on Judicial Ethics, chaired by Quentin Keith of Beaumont, in July.

• OPINION •

QUESTION: Would it be unethical for a judge to participate as a "Celebrity Auctioneer" on a television "Telethon Auction" to raise funds for a non-profit Public Educational Television Station where all he does is describe the article to be sold and asks that bids be telephoned to the TV station personnel?

OPINION: Such activity upon the part of a judge would be a violation of Canon 5 B (2) of the Code of Judicial Conduct in that it would amount to the solicitation of funds in a manner prohibited by such Canon.

• OPINION •

QUESTION: May a member of the State Bar Grievance Committee continue to serve in such capacity after his election and qualification as a judge of a court of record?

OPINION: Such activity upon the part of a judge of a court of record would be contrary to the proscriptions found in Canon 5 G of the

Code of Judicial Conduct. The Committee is of the opinion that the resignation of the lawyer from such Bar Committee before accepting his judicial post would be appropriate.

• OPINION •

QUESTION: May an incumbent judge in a multi-court county (who is a candidate for reelection or election to a higher court and who is opposed by a lawyer, incumbent judge, or judge of an inferior court) preside over or participate in the weekly juror qualification process (while he is an official candidate) without violating the letter or the spirit of Canon 7 of the Code of Judicial Conduct?

OPINION: The question is answered in the affirmative. Standing alone, the mere appearance and participation in such process by such a judge does not violate either the letter or the spirit of Canon 7 of the Code of Judicial Conduct. While performing such judicial functions, such judge should refrain from conduct which might tend to arouse reasonable belief that he is using such functions to promote his own candidacy.

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

INSTITUTES AND SEMINARS

• Briefing Attorneys Institute •

The second annual Briefing Attorneys Institute was held August 30-31 in Austin's Quality Inn South.

Briefing attorneys of the Texas Supreme Court, Court of Criminal Appeals and the 14 Courts of Civil Appeals attended.

A subcommittee of the CLE Committee, Judicial Section, State Bar, planned the program. Members are Charles W. Barrow of San Antonio, chairman, James G. Denton of Austin, Truman E. Roberts of Austin, and Alfred Walker of Austin. Also serving on the committee are Jack H. Dillard, executive director of the Texas Center for the Judiciary, and William S. Nail, associate director.

First day's activities included

discussions of appellate jurisdiction by Tom G. Davis, Court of Criminal Appeals commissioner; briefing attorney ethics by Chief Justice Claude Williams, Dallas Court of Civil Appeals; and opinion writing by Justice Charles L. Reynolds, Amarillo Court of Civil Appeals.

Chief Justice Joe R. Greenhill, Supreme Court of Texas, and Presiding Judge John F. Onion, Court of Criminal Appeals, presented overviews of their courts during second day activities.

Briefing attorneys of the Supreme Court, Court of Criminal Appeals and Courts of Civil Appeals then met in separate session to hear topics specifically pertaining to their court.



Bob Flowers, center, director of the Governor's Criminal Justice Division, greets Jim Dunlap, left, instructor of the Court Administration Seminars, at the July seminar. At right, Jack H. Dillard, executive director of the Texas Center for the Judiciary, sponsoring organization.

• Juvenile Court Judges Seminar •

The annual Juvenile Court Judges Seminar will be held October 13-15 in Austin's Ramada Gondolier Hotel.

The conference, sponsored by the Texas Center for the Judiciary, begins at 10 a.m., Wednesday, October 13.

During the first day's activities attending judges will tour Texas Youth Council facilities in Giddings.

Thursday morning speakers include Texas Youth Council Executive Director Ron Jackson; Dr. Stan Pinder, TYC's director of Community Services; Willis Whatley, general counsel of the Governor's Office, Criminal Justice Division; and Jim Kester, program coordinator of the CJD's Corrections Section.

The afternoon session will include discussion of Title II of the

Texas Family Code by Eugene L. Smith, professor of the University of Houston's Bates College of Law. Also, a four-member panel discussion will be moderated by Fort Worth Judge Scott Moore.

Highlight of the Friday session is a discussion of Title III of the Texas Family Code by University of Texas Law Professor Robert O. Dawson.

Adjournment is 11:15 a.m. Friday.

The meeting is under the planning supervision of an eleven-member Juvenile Court Judges Committee, chaired by Waco District Judge, Bill Logue. Members are Judges Pat Boone, Barbara G. Culver, Jerry Garrett, Tom Kenyon, M. C. Ledbetter, William C. Martin, Wallace Miller, Scott Moore, E. W. Patteson and J. W. Summers.

• Court Administration Seminars •

The first two in a series of four Court Administration Seminars were held in June and July in Austin's Quality Inn South.

Some forty court administrators and coordinators attended each seminar, sponsored by the Texas Center for the Judiciary.

James C. Dunlap, a management consultant, designed the four seminars. Subjects covered include "Modern Management Practices," "Case Flow and System Management," "People in the Judicial Process" and "Legal Environment and Court Rules."

The third seminar is scheduled for October 6-9 with the fourth November 17-20. Both will be in Austin.

The October 6-9 seminar, "People in the Judicial Process," will feature a series of panel discussions with various groups, including the police, clerks, prosecutors and defense attorneys, judges and other groups. Each session will be accompanied by a question-and-answer session.

The seminar begins with registration from 9 a.m. to 10 a.m. Wednesday, October 6. Morning, afternoon and evening sessions are scheduled Wednesday and Thursday.

The seminar adjourns at 11:30 a.m. Saturday, October 9.

Persons eligible to attend the seminar will be contacted by the Texas Center.

Judicial Conference Program

Tuesday, September 21, 1976

10 a.m.-4 p.m. Registration
 Noon Golf & Tennis
 5:30 p.m. Buses Leave Motels for Ranch
 6-7:30 p.m. Reception at Ranch
 7:30-9 p.m. Barbecue
 9-10 p.m. Buses Depart for Return to Motels

Wednesday, September 22, 1976

9-Noon Conference Session
 12:15-1:45 p.m. Luncheon Speaker—Ernst J. Watts, dean of the National College of the State Judiciary, Reno, Nevada
 2-4:45 p.m. Conference Session
 5:30-6:30 p.m. Buses Leave for Banquet Auditorium
 6:30-7:30 p.m. Reception
 7:30-10 p.m. Annual Banquet. Speaker—Joseph R. Weisberger, presiding justice of Superior Court, Providence, R.I.

Thursday, September 23, 1976

9 a.m.-Noon Conference Session
 12:15-1:45 p.m. Luncheon
 2-4:45 p.m. Appellate Judges' Session
 Trial Judges' Session

Friday, September 24, 1976

9 a.m.-Noon Conference Session
 Noon Adjourn

CONFERENCE FEATURES NATIONALLY-KNOWN SPEAKERS



Robert A. Leflar
 Director
 Appellate Judges
 Seminars
 New York University



Ernst J. Watts
 Dean
 National College of the
 State Judiciary
 Reno, Nevada



Joseph R. Weisberger
 Presiding Justice
 Superior Court
 of Rhode Island
 Providence



In May, the Judicial Section's Executive and Legislative Committees, chief justice of the Supreme Court, presiding judge of the Court of Criminal Appeals and chief justices of the 14 Courts of Civil Appeals met in Austin to discuss budget proposals of the judicial branch of government to the Texas Legislature.

EXECUTIVE COMMITTEE CHOOSES SECTION SITES

Sites for the next two Section Conferences were selected at a May meeting of the Executive Committee of the State Bar's Judicial Section in Hunstville.

Acting on the recommendations of the Site Selection Committee, the Executive Committee named El Paso as host city in 1977 and Arlington as host in 1978.

Also during the meeting, held in connection with the annual Criminal Justice Conference, additional committee reports were heard. Committees reporting included the Legislative, Judicial Ethics, Bar-Press, Judges Liability Insurance

Feasibility and By-Laws.

Court of Criminal Appeals Judge Wendell A. Odom, Executive Committee and Section chairman, announced the formation of a new committee to study admitting non-lawyer judges into the Judicial Section. Midland District Judge Perry Pickett is chairman. Members are: Barbara Culver, Midland; Charles Sherrill, Fort Stockton; Jack Griesenbeck, Bastrop; W. O. Hatfield, Bandera; Woody Pond, Canyon; Derwood Wimpee, Rockwall.

Odom also announced his appointments to the Nominating Committee, which will name candidates for Judicial Section chairman, chairman-elect and secretary-treasurer to be elected at the annual conference.

Chief Justice Tom F. Coleman of the Houston Court of Civil Appeals is chairman, with Judges J. R. Alamia, Edinburg; Jack Pierce, Nacogdoches; Weldon Kirk, Sweetwater; and John Orvis, Dallas, serving as members.

In other business, the Executive Committee heard a suggestion that consideration be given to securing statutory authority for the Texas Center for the Judiciary to insure continuation in the event LEAA funding is terminated.

Houston District Judge Lee Duggan, chairman of the Legislative Committee, said his committee would take the matter under consideration.

Rosenberg Judicial Luncheon Speaker

Maurice Rosenberg, Columbia University School of Law professor, spoke at the Judicial Section luncheon held during the State Bar's annual convention in July in Austin.

Approximately 150 persons heard Rosenberg's remarks, titled "Two Cheers for Merit Selection."

Rosenberg is the Harold R. Medina Professor of Procedural Jurisprudence at Columbia, and recently received the American Judicature Society's Herbert Lincoln Harley award "in recognition of his significant contributions to the improvement of the administration of justice."

JUDICIAL CALENDAR

September 21-24
 Judicial Section Conference
 Tyler

October 6-9
 Court Administration Seminar
 Austin

December 5-10
 Texas College of the Judiciary
 Hunstville

October 13-15
 Juvenile Court Judges Seminar
 Austin

November 17-20
 Court Administration Seminar
 Austin

NEW JUDGES

New Texas judges (with the judges they replaced in italics) include:

County Court at Law
 A Reagan Clark, Rosenberg
 (*New Court*)
 Charles H. Storey, #3, Dallas
 (*Fred Harris*)

IN MEMORIAM

Belcher. Ernest Belcher, Court of Criminal Appeals judge from 1967 to 1970, died May 5, 1976, in Austin. He was 74.

Brummett. Dudley K. Brummett, Lubbock County Court at Law judge from January to May, 1976, died May 20, 1976, in Lubbock. He was 56.