

IN CHAMBERS

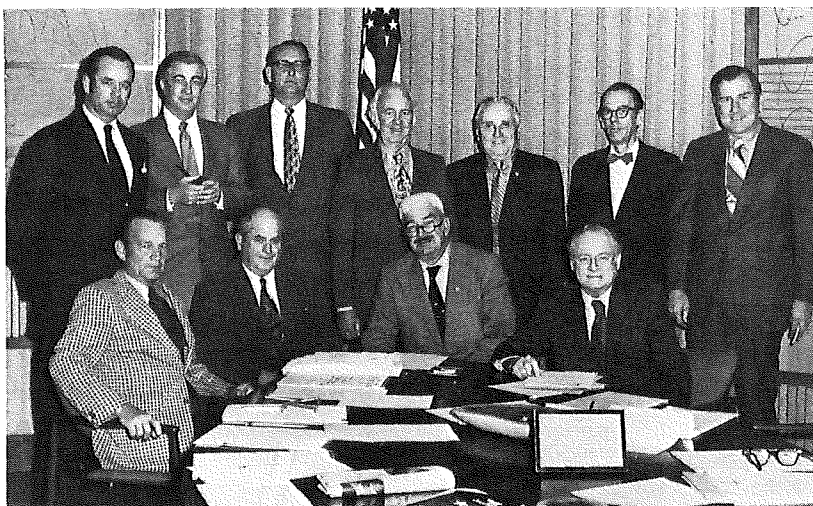
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Center celebrates decade of service

EDITOR'S NOTE: 1983 marks a decade of service to judges by the Texas Center for the Judiciary, Inc. The following article on the Center's history and future was compiled after many hours of reviewing records, sifting through photographs and jogging memories.



FOUNDING FATHERS — Members of the 1973 CLE committee pause from their creative work to pose for posterity. Pictured are: (bottom row, l-r) Truman Roberts, James McCarthy, Thomas Stovall, and Price Daniel; (top row, l-r) James Zimmermann, Perry Pickett, Noah Kennedy, Lewis Dickson, Max Rogers, Willis Whatley, and Charles Barrow.

It was a typically hot afternoon, in the middle of a typical week at the end of another typical September month in 1971.

They met in a typical ho-

Changes made evident

Judges learn new rules

"Ignorance of the law is no excuse for judges as well as laypeople," Judge Lynn N. Hughes (189th District Court, Houston) told over 80 judges attending the Southeast Texas Judicial Conference held in Huntsville, Feb. 17-19.

The Southeast conference was the first of five regional conferences sponsored by the Texas Judicial College, a branch of the Te-

tel meeting room in the typically warm town of El Paso.

What they discussed was

xas Center, that offered judges a concise, informative review of the new rules of evidence recently promulgated by the Supreme Court.

"The new rules will soon be in effect, and we must learn how to use them correctly," Judge Hughes added.

Judge Hughes was one of five experts on the College faculty who lectured at the

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the not-so-typical idea of a not-so-typical organization.

What their discussions spawned was the Texas Center for the Judiciary, that in 1983 marks its 10th year of service offering continuing judicial education, benchbooks and other services to judges throughout the state.

From its unlikely beginning, the Center has evolved from an "activity"

of the State Bar's Judicial Section to a non-profit organization

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Overloaded dockets threaten system

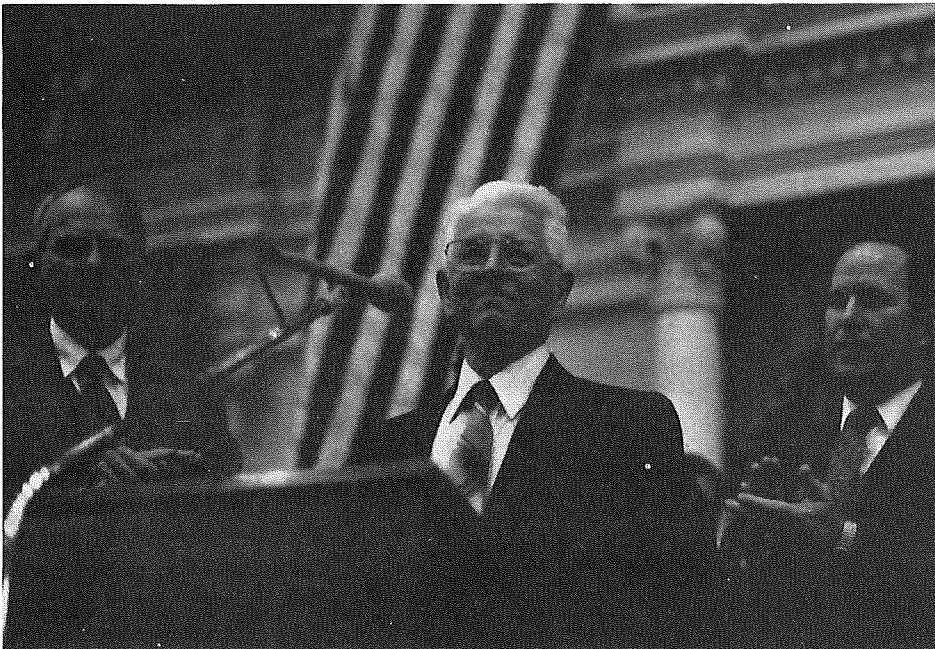
Nearly a million cases a year are going to Texas trial courts and the weight of increasing docket backlogs could collapse the system if steps are not taken to expedite court proceedings and contain the increasing amount of litigation, Texas Supreme Court Chief Justice Jack Pope told the Legislature.

The Chief Justice made those remarks in his State of the Judiciary address to a joint session of the Legislature in the last week of January, only the second week of the session.

Chief Justice Pope also urged the lawmakers to "ensure that the courts get a fair share of the grant monies available" for continuing judicial education and warned that poor Texans need more protection of their legal rights in times of high unemployment.

"The courts have become our culture's wastebasket,"

FAVORABLE VERDICT — Chief Justice Jack Pope receives applause from state officials after his hour-long address to a joint session of the Legislature.



Pope said in his hour-long address. "Society has a way of casting problems with which they are weary upon the courts by creating a new crime or action. Every legislative session generates new causes of actions, remedies and crimes.

"A stack of worthy bills is neither self-enacting nor self-enforcing. Some judge must eyeball every person who violates the new law," Pope said.

Although the 1981 Legislature dispersed criminal appeals jurisdiction from the single Texas Court of Criminal Appeals to 14 other appeals courts, the high criminal court is still deluged with a backlog of 1,237 cases, some of which concern crimes committed five years ago, Chief Justice Pope reported.

Adding criminal duties to the 14 civil appeals courts has caused their dockets to explode, he said.

The Chief Justice urged legislators to provide more funds to the judiciary and to create "dispute centers" to resolve thousands of mi-

nor complaints a year such as traffic, juvenile, family and neighborhood disputes without resorting to the courts. Dispute courts, he noted, would be a cost-efficient alternative to formal trials.

But while asking the Legislature to reduce court dockets, Chief Justice Pope also asked lawmakers to approve a program that would increase access to the courts by the state's poor and indigent. "Unemployment has increased the number of people who exist on a subsistence income. The denial of their legal rights is frightening when it relates to employment, health care, housing and family abuse," Pope said.

"In the transition to increased state responsibility for human needs through block grants, the Legislature should ensure that decision-making is open and fair and that all persons involved in the process receive due process," he added.

The Chief Justice urged the Legislature to finance a legal assistance program in every county that opts to have one. It would be funded through the interest earned on trust accounts maintained by lawyers often used for temporarily depositing large sums of money while a business or real estate deal is pending.

More than half of the 108 bills filed before the legislative session began would directly affect the workload of Texas courts, Pope said.

Other recommendations he made to the 68th Legislature include:

★ clarify civil and criminal laws -- streamline

the rules of evidence and the rules of civil procedure and eliminate conflicts in the laws on negligence suits;

☆ provide additional staff and technological aids -- more state monies are needed for support staff of the judiciary, including money to increase the number of briefing attorneys and secretaries for courts of appeals judges. Pilot programs should be established to "develop an efficient and reliable court reporting system using the latest technology." Pope said delays in the preparation of a trial transcript by a court reporter often lengthens the appellate process;

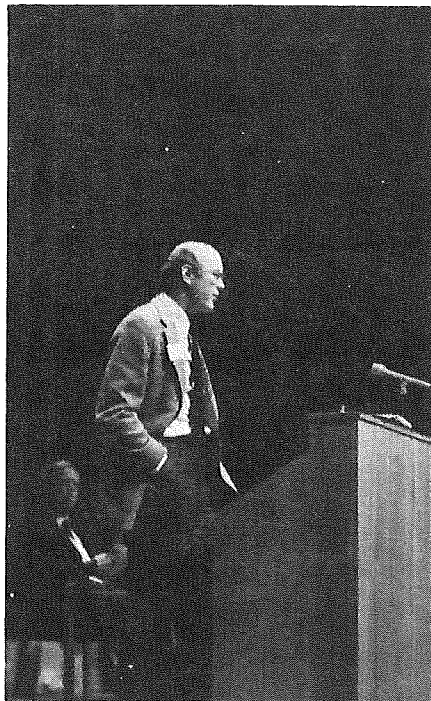
☆ simplify the state's venue statute -- legal battles over venue often take longer than an actual trial on the merits, the Chief Justice pointed out;

☆ update jurisdictional limits for various levels of courts and establish a Judicial District Board to match court locations with case loads -- inflation has stripped municipal, justice of the peace and small claims courts of much of their effectiveness, with dollar limits as low as \$5 in some cases.

Chief Justice Pope said his recommendations could cost less than \$8 million.

"If every budget request sought by the judiciary were granted, it would be less than the utility and maintenance bill of the University of Texas at Austin," he said.

Pope also pointed out that while the entire judiciary system contributes only 28 cents of every \$100 in the state budget, "what happens in our courtrooms constitutes the thin line in all of our communities between peace and anarchy." ●



INFORMED INFORMER -- (Left) Judge Lynn Hughes opens the Southeast conference in Huntsville. (Above) Northeast area judges at the McKinney conference are eager to learn of the new rules.

New rules

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conferences held in Huntsville, Abilene (March 9 - 11), Laredo (March 23-25), Waco (April 6-8), and McKinney (April 20-22).

Other faculty members included Justice James P. Wallace (Supreme Court of Texas, Austin), Prof. Thomas Black (St. Mary's College of Law, San Antonio), Justice Shirley W. Butts (Fourth Court of Appeals, San Antonio), and Prof. Hulen D. Wendorf (Baylor University School of Law, Waco).

The significant changes in the rules according to faculty members were in the following areas:

☆ hearsay evidence -- the court can now use hearsay evidence to support a judgement;

☆ authentication -- the new rules relax the requirements to prove the origin of certain documents, for example, medical literature is now admissible for cross-examination; and

☆ codification -- a new numbering system facilitates use of the rules.

The changes could expedite trials, eliminate technical objections, and bring Texas rules into alignment with other state and federal rules, thus making the authority from their rulings applicable in Texas.

"It was very gratifying to have almost 500 trial judges take advantage of the opportunity to familiarize themselves with the new rules," Judge James F. Clawon, Jr., Chairman of the Center's Board of Directors, said.

"That is nearly 90 percent of those eligible to attend. That's very commendable. I think it demonstrates something about the attitude of the judiciary -- that they are willing to take advantage of the opportunity to get a good education," he said.

"By regionalizing the program, we were able to bring the program to all of the judges in the state," said Justice Quentin Keith (retired from the Ninth Court of Appeals, Beaumont), who is the Dean of the Texas Judicial College. "We came closer to that than we've done on any other program."

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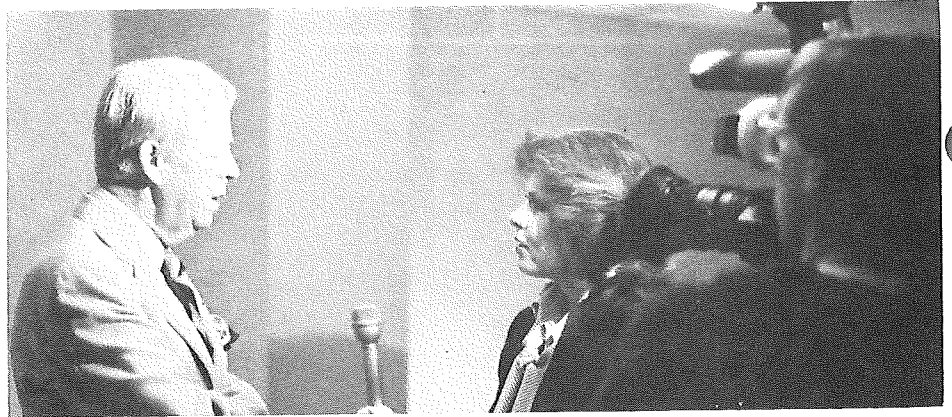


ALL EARS — (Above) Justice Annette Stewart, and Judges B. F. Coker and Harold Entz, Jr., follow along with a printed version of the speaker's talk. The Texas Rules of Evidence Benchbook for Judges was compiled and distributed to every conference participant by the Center.

"I hope to have these conferences on an annual basis to keep the program active. That way the Center will be prepared to provide a judicial education program that will soon be made mandatory by court or legislative mandate. Continuing judicial education of judges should be in the hands of judges and no one else," he added.

Each conference also featured experts on local issues which Dean Keith and his associate deans -- Justice Claude Williams (Retired), Northeast region; Judge Peter S. Solito, Southeast region; Judge Jack R. Blackmon, South region; Judge Robert C. Wright, West region, and Justice Walter E. Jordan, Central region -- arranged.

"In effect, the Texas Supreme Court repealed all the learning we judges had on the rules of evidence because as of September 1, all cases will be tried under the new code," Judge Arn Baker (County Court-at-Law, Huntsville) said after the Southeast conference.



WITH LEGAL EASE — (Top) The Center's Executive Director Jack Dillard, dubbed by Judge Clawson as "the leading expert in judicial ignorance", translates the conference material into layperson terminology. Members of the Waco media, like their counterparts in the other conference cities, were anxious to tell viewers about the seminars. (Middle) More than 100 judges fill the Waco Convention Center to participate in the Central Texas conference. (Right) Robert Alvis, president of the Abilene Bar Association, welcomes the West Texas Conference participants.



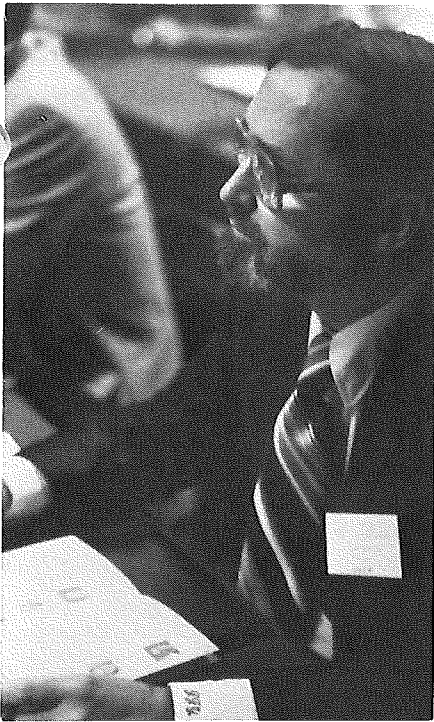
"Since we are the tryers of facts, we have to know the rules even if the lawyers do not," she added.

"I'm not sure where I would have learned about the changes, I guess probably on my own. But this has made it much easier because I had the opportunity to discuss it with other judges," Judge Sam Houston (221st District Court, Denton) said on the last day of the Central Texas conference.

"(The conference spea-

kers) gave us the nuts and bolts of the rules, as well as a view of the future," Judge William T. McDonald, Jr., of the 85th District Court in Bryan, said. "Prof. (William J.) Williamson also made provocative remarks about marital law that will help me in the courtroom."

Prof. Williamson was part of the Southeast conference local program, arranged by Judge Solito and 2nd Administrative District Judge Max Rogers. His talk,



"From Cloudy to Partly Cloudy -- Marital Property and Recent Decisions," covered recent changes in family law.

Attorney George Pletcher (Helm, Pletcher & Hogan, Houston) gave a paper on, "Applying the F.E.L.A., Safety Appliance Act, and Boiler Inspection Act in State Courts." Attorney Dan Ryan (Ryan & Marshall, Houston), also part of the local program, lead a discussion on recent activity and projected future developments in

EXTRAJUDICIAL EDUCATION — (Left) Judge Jack Yarbrough listens intently to speakers on the Northeast program, while (Below) Judges W.T. McDonald, Jr. and Carolyn Ruffino continue the learning process with an informal discussion of their own.



Texas malpractice law.

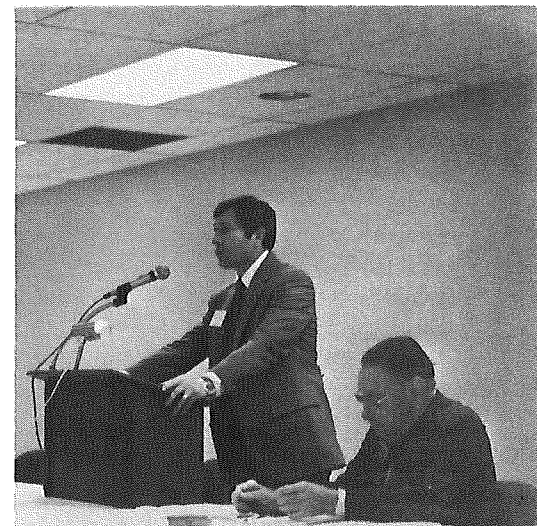
The local program for the West Texas conference, arranged by Judge Wright and 326th District Court Judge Henry J. Strauss, included: Gerald Brantley, the Master for the 326th District Court in Abilene who delivered a paper on "Military Retirement"; and a paper by Lubbock attorney Thomas J. Purdom on "The Future in Family Law -- Legislative and Judicial".

The South Texas conference's local program, coordinated by Judge Blackmon and 111th District Court Judge Antonio A. Zardenetta, included opening remarks from Laredo Mayor Aldo Tatangelo, Judge Zardenetta, Webb County Judge C. Y. Benavides, Jr., Laredo Bar Association President Frank Saldana, and Laredo Young Lawyer's Association President David Almaraz.

The Executive Director of the State Bar of Texas, Edward O. Coultas, reported

see RULES, p. 16

PENDING MOTION — (Below left) Judge Bruce Wettman reads his benchbook while Justice Shirley Butts patiently waits for her turn at the podium. (Below) Dean Quentin Keith listens to Ed Coultas, Executive Director of the State Bar, tell judges attending the Central Texas conference on the Bar's legislative package. It included the creation of an alternative dispute resolution system and a judicial redistricting board.



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☆☆☆ 10th Anniversary: reflecting on the past

anization that today provides a bevy of resources to introduce hundreds of judges to the typical daily procedures and the not-so-typical nuances of sitting on the bench.

"I was right there at its birth," Judge Thomas Stovall (129th District Court, Houston) said recently when asked about the origin of the Center.

"I guess you could say I was a midwife in the delivery of this child," he added.

Also assisting with the birth were District Judge James F. McCarthy, of Dallas, who was Chairman of the Judicial Section when the Center started operation in 1973, and Supreme Court Justice Charles Barrow, who was immediate past Chairman. Both attendants were instrumental -- providing encouragement and guidance -- in the Center's formation.

As part of his midwife role, Judge Stovall chaired the nine member committee on Continuing Legal Education (CLE) which was part of the Judicial Section of the State Bar. Members of the CLE Committee included: Price Daniel, Associate Justice, Supreme Court of Texas; Truman Roberts, (Judge, Court of Criminal Appeals); Justice Charles W. Barrow, who was Chief Justice of the 4th Court of Civil Appeals; Noah Kennedy, Judge, 149th District Court; Perry Pickett, Judge, 142nd District Court; James Zimmermann, Judge, 3rd Criminal District Court; Max Rogers, Presiding Judge, 2nd Administrative District; and Lewis Dickson, Judge, 125th District Court.

At their meeting on that late September day in El Paso, they offered a gui-

ding hand to the Center and watched it take its first organizational steps.

"I think the idea actually started in November, 1970, when Max Rogers and I decided to hold a conference in Huntsville for judges trying criminal cases only," Judge Stovall said.

"We wanted the catchers and the keepers and the tryers to all meet. All they did was cuss each other and blame one another for the system's problems. To my knowledge, it was the first time correctional people met with judges who tried the cases and the law enforcement people who caught the criminals and academicians who studied criminal justice," he added.

The conference received

its financial support largely from the Huntsville business community.

"Because of the quality of the papers that various speakers gave, the people

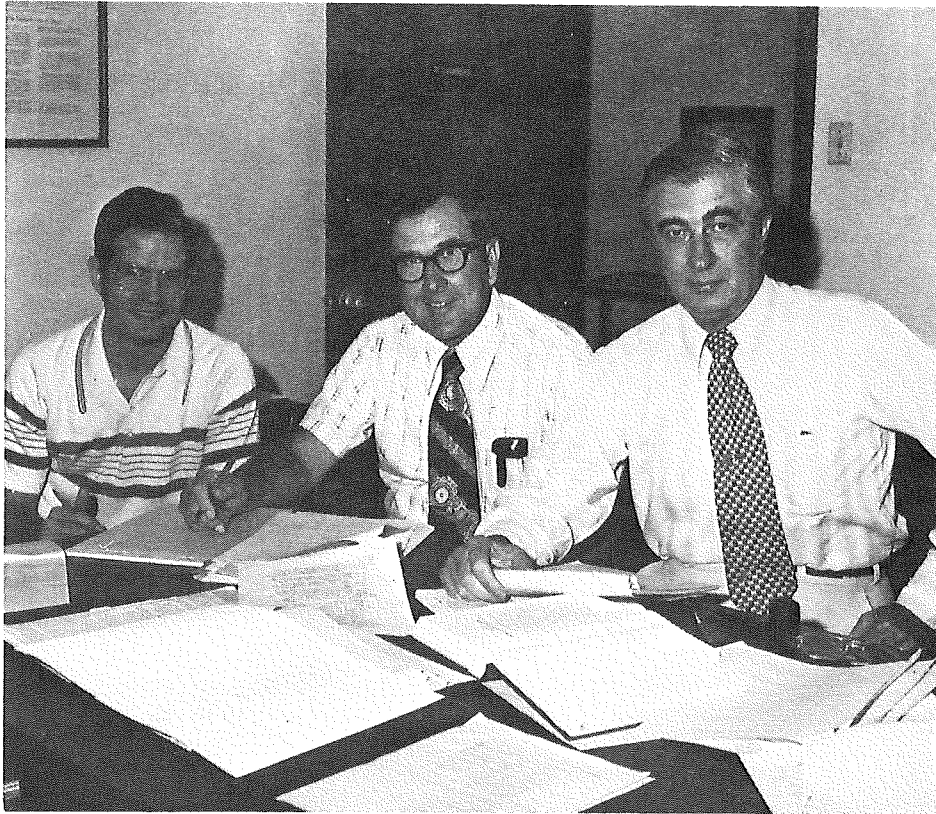
QUALITY DEVELOPERS — Judge Tom Davis, Justice Quentin Keith, and Chief Justice Charles Reynolds complete plans for the 1981 seminar on Criminal Procedure for Justices of Courts of Appeals. The program was only one of many seminars developed by this program committee.



TAKE FIVE — The original 1973 staff of the Center takes a break from planning conferences. Seated, l-r, are: Helen Rutherford, Jack H. Dillard, and Latrelle Schieffer. Standing, l-r, are: William S. Nail and Don Holmstrom.



to prepare for the future ☆☆☆☆☆



JUDICIAL AUTHORITIES — (Left) Another benchbook work session finds Mike Matetich, a University of Texas law student and coordinator for the benchbook, Chief Justice Charles W. Barrow, San Antonio Court of Civil Appeals, and District Judge Perry D. Pickett, Midland, at the Center's offices. The benchbook writers worked for several months, usually on weekends, during 1973 to prepare the two-volume manual on criminal and civil procedures. It has undergone one revision since its original publication.

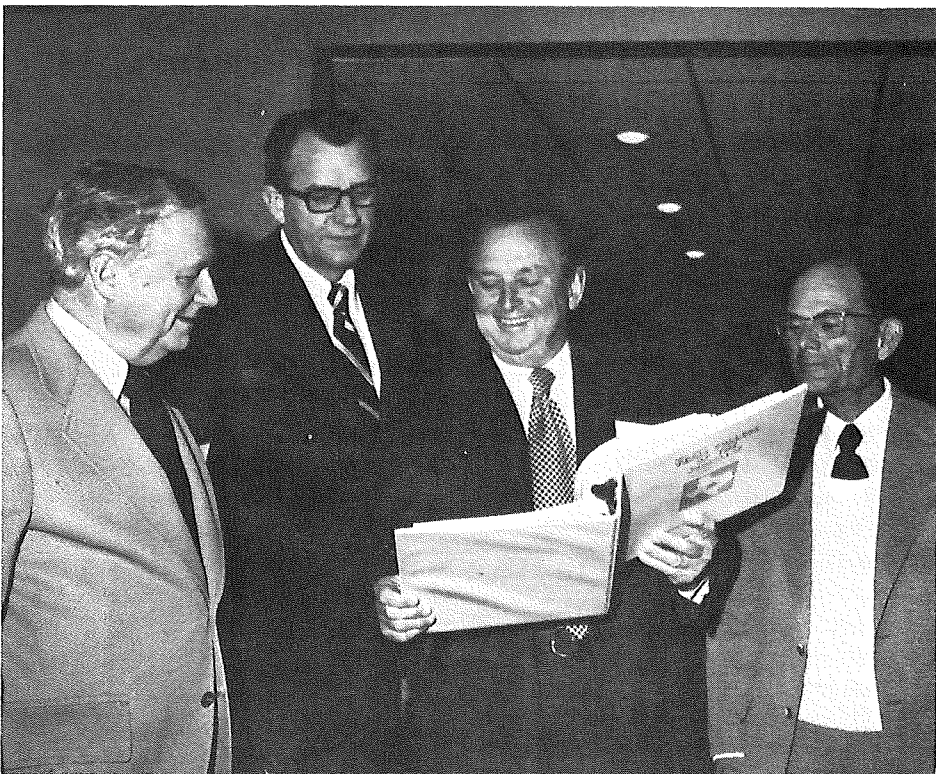
"It was so successful, we decided to romance Willis Whatley (Program Director of the Criminal Justice Council) to help us start a support center for more conferences," Judge Stovall said.

At the same time, the Chairman of the Judicial Section of the State Bar, Lewis Dickson, appointed Stovall to chair the committee to organize the Center.

The committee met again in August, 1972, and filed a grant application with the Criminal Justice Council (a division of Gov. Preston Smith's office) for the Center in September.

"Late one Friday, we got a call and were told we'd get the grant but we had to have it approved by a state agency. So I called Jim Bowmer, who was the President of the State Bar at the time, and on faith he signed the grant application within hours of the deadline," Judge Stovall said.

The grant for almost \$200,000 from the Law Enforcement Assistance Administration (LEAA), awarded to the State Bar through the Governor's Criminal Justice Council, was approved in November. By January, newspapers across the state carried headlines such as: "Judiciary Center to Open."



JUDICIAL REVIEW — (Above) Supreme Court Justices (l-r) Price Daniel, Thomas Reavley, Chief Justice Joe Greenhill and Zollie Steakley review the first College notebook containing reference material for the conference.

who attended the conference were elated and said, 'We need to do this more often'," said Judge Truman Roberts.

"AUSTIN--Jim D. Bowmer of Temple, president of the State Bar of Texas, Tuesday announced the opening of the Texas Center for the Judiciary in Austin and the selec-



tion of Jack H. Dillard of Austin, former Wacoan, as executive director," an article in the Jan. 10, 1973, edition of the Waco Times-Herald read.

"I was working in the Attorney General's office getting ready to go into private (law) practice," Dillard, the first and only executive director of the Center, said.

"I took over on Dec. 15, 1972, then in January, 1973, hired Latrelle (Schieffer) and Helen (Rutherford). I thought I would be associated with some nice people, but I didn't really know if

the Center would succeed. I felt with mandatory judicial education in a lot of other states, we might be able to do something worthwhile here in Texas," he said.

"Of course, we were never sure of our existence because we didn't know from one year to the next what kind of budget we'd have to operate on," Dillard added.

"The first thing we did to gain recognition was the preparation of the benchbooks (which became the Criminal and Civil Benchbooks for Texas Judges). They were originally prepared by Justice Charles Barrow and

Judge Pickett and sent out soon after we began operation (in 1973). They had a tremendous reception because they were the first concise and thorough reference books judges could use on the bench," Dillard said.

The Center also began regional training programs

CLASS REUNIONS — Each year the Texas College gives new judges an insight to the job they'll soon hold on the other side of the bench. (Above) The first College, class of '74, was considered a 'milestone in judicial education.' Eight years later, the class of '82 (see page 13) brought the number of Texas judges who have graduated from the College to nearly 500.



met in Huntsville -- the birthplace of the Center -- for the fourth annual Criminal Justice Conference.

Dillard was sufficiently encouraged by the response to also launch an organization to begin such training programs nationwide. As co-founder of the State Judicial Educators Association (now National Judicial Educators Association), Dillard was considered by many as an innovator in judicial education.

"When you met with counterparts from different states, we found out what we were doing compared to what they were doing. We were definitely pioneers in this thing. I found out when we met with these people, that we were ahead of them. Of course, they kept telling us over at the Criminal Justice Division that our program was ahead of anything in the country," Dillard said.



JURISTS' PRUDENCE — (Above) "Students" attending the first College of the Judiciary receive information on the latest judicial decisions in a unique educational format. The uniqueness of the College has faded over the last ten years, but not its popularity. The yearly enrollment for the College is higher than most of the other conferences sponsored by the Center.

DIRECT EVIDENCE — (Left) The first director of the Texas College of the Judiciary, Judge Tom Davis, receives tips from the Dean of the National Judicial College, John Watts, at the Center's first College.

With those additions, the Center's staff grew to a total of five and has remained that size ever since. Today, Charles E. Nay serves as Associate Director (and has since July, 1981), Carolyn Fellers is the Center's Records Supervisor (since October, 1981), and Lana Varney serves as Publications Director (as of November, 1982).

The first official publication of the Center appeared in the form of a June, 1973, newsletter ingeniously called, "In Chambers." The publication touted the Center's sponsorship of its first three seminars. Most significant was the fact that more than 140 judges handling criminal matters

for judges; a bimonthly newsletter to inform judges of current happenings; and the Texas College of the Judiciary, where experienced judges indoctrinate incoming judges.

As the scope of the Center's services expanded, so did its staff. William "Shack" Nail became Associate Director in March, 1973, and approximately one year later, Don Holmstrom came aboard as Publications Director.

THE CENTER'S 10 YEAR ACHIEVEMENTS

Number of judges that have graduated from the College for new judges	483
Number of judicial educational seminars sponsored	129
Number of judicial educational hours	3,096
Number of benchbooks prepared	10
Number of benchbooks distributed	countless

The Center struggled diligently to achieve its progressive goals and in January, 1975, "In Chambers" reported: "'A milestone in judicial education in Texas' was reached December 1-6 in Austin as the first annual Texas College of the Judiciary offered some 60 district, county court-at-law and juvenile court judges a chance to learn from the courtroom experience of 30 veteran Texas judges."

"We were so pleased with the reception we received that first year," Court of Criminal Appeals Judge Tom G. Davis, of Austin, recalled.

"There is such a transition from lawyer-advocate to that of judge," Judge Davis, who was the first Dean of the Judicial College, said. "I don't know of any other profession where a person makes such a transition. A judge has so

many fields of law that he or she has to keep up with. Perhaps a lawyer had practice in one field, but when he or she goes on the bench he or she has to know it all. The program was an aid for acclimating. Participants realized it back then, and strongly encouraged us to continue it today," Judge Davis added. "One factor that was most encouraging during the six years I served as Dean, is the fact I

could count on one hand the number of refusals I had when I asked someone to



THIRD BRANCH VISITED — (Right) Gov. Dolph Briscoe meets with judges individually after addressing some 175 judges at the opening session of the 1976 Criminal Justice Conference in Huntsville, May 6. "You are the crux, the central force, upon which all elements of the criminal justice system depends," the Governor told the judges.

IN CAMERA — (Right) The presiding administrative judges of Texas meet in special session in Huntsville, during the sixth annual Criminal Justice Conference. Texas Supreme Court Chief Justice Joe R. Greenhill called the meeting on May 8, 1975. Seated, l-r, are: Paul Peurifoy of Dallas, Max M. Rogers of Huntsville, Justice Greenhill and Peter Michael Curry of San Antonio. Standing, l-r, are: Herman Jones of Austin, Marvin Blackburn of Junction, Howard C. Davison of Lubbock, C.V. Milburn of Odessa, Louis Holland of Montague, and J.R. Alamia of Edinburg.



ACT OF COMMISSION — (Right) Members of the 1974 Courts Task Force meet in Austin to review national criminal justice standards and goals. Standing, l-r, are: District Judge R. C. Vaughan of Sherman, District Judge Jose R. Alamia of Edinburg, District Judge Andrew Jefferson of Houston, Dr. George J. Beto of Sam Houston State University, Huntsville; and Commissioner Tom G. Davis, Court of Criminal Appeals. Seated, l-r, are: Richard M. Morehead, The Dallas Morning News; Judge Truman Roberts, Court of Criminal Appeals, and Presiding Judge John F. Onion, Jr, Court of Criminal Appeals. The Task Force met July 11 and August 9 to compile a standards and goals report which was submitted to Gov. Dolph Briscoe to qualify for LEAA funding in 1976 and subsequent years.



serve on the faculty and deliver a paper. I interpret that simply to mean that they are enthusiastic about the program," he added.

"The first College represented the attainment of a goal for the Center and many did consider it a milestone in judicial education, not only in Texas, but for the nation as well," Dillard said.

Over 420 Texas judges have graduated from the College, which is now in its eighth year.

In November, 1976, the Center, along with other activities of the State Bar, relocated from the old Patterson Building to the new six-story Texas Law Center, one block northwest of the State Capitol.

The Center made another significant move in 1980 as well. LEAA funds, which had been providing 90 percent of the funding for the Center (the remaining 10 percent was funded by the Criminal Justice Planning Fund), were deleted from the federal

The Continuing Legal Education committee of the State Bar of Texas has been instrumental in making the Center's 10 year anniversary possible. The CLE committee has been chaired by the following people:

- 1973 — **Judge Thomas J. Stovall, Jr.**, 129th District Court, Houston;
- 1974 — **Judge Truman Roberts**, Court of Criminal Appeals (Retired), Austin;
- 1975 — **Justice Charles W. Barrow**, Supreme Court of Texas, Austin;
- 1976 — **Judge Noah Kennedy**, 13th Court of Appeals, Corpus Christi;
- 1977 — **Judge Lewis Dickson**, 125th District Court, Houston (Deceased);
- 1978 — **Judge David Walker**, 159th District Court, Lufkin;
- 1979 — **Judge Max M. Rogers**, 2nd Administrative Judicial District, Huntsville;
- 1980 — **Justice James G. Denton**, Supreme Court of Texas, Austin (Deceased);
- 1981 — **Judge B.B. Schraub**, 25th District Court, Seguin;
- 1982 — **Judge Tom G. Davis**, Court of Criminal Appeals, Austin;
- 1983 — **Judge James F. Clawson, Jr.** 169th District Court, Belton.

budget in March of 1979. Thus, at the annual State Bar convention in Amarillo that year, the Center shifted its status from an activity of the State Bar to a non-profit organization.

At the Center's first membership meeting as a corporation, the following board members were elected:

B.B. Schraub, Chairman; Tom G. Davis, Vice-Chairman; Quentin Keith, Secretary and Treasurer; James K. Allen, Director; John T. Boyd, Director; Barbara Culver, Director; James G. Denton, Director; J. S. Freels, Jr, Director; Noah Kennedy, Director; Charles L. Reynolds, Director; Truman Roberts, Director; and Thomas J. Stovall, Director.

"I'd been proposing from the beginning to incorporate so that we could receive gifts and donations to supplement federal funding because we were operating on a year to year basis and uncertainty was the only thing not in short supply," Judge Stovall said.

Since that time, almost 5 foundations have donated over \$66,000 dollars to the Center. More than 200 judges and some 55 private individuals have donated over

NOTABLE OPINION — Texas Attorney General Mark White, second from right, meets with the planners of the 1979 West Texas Judicial Conference in Midland. Greeting him are, l-r, Perry Pickett of Midland, Ross Doughty of Uvalde, and Howard Davison of Lubbock. Pickett was presiding judge of the Seventh Administrative Judicial District, Doughty of the Sixth District, and Davison of the Ninth District.





MASTERMINDS — Members of the 1976 Adult Probation Master Plan advisory board are, seated, l-r, Jack H. Dillard, Austin; Judge George Hooley, Houston; and M.C. Ledbetter, Morton. Standing, l-r, are: T.J. Gizelbach, Austin; Project Director Robert Turner; Judge George M. Thurmond, Del Rio; Judge Perry D. Pickett, Midland; Dale Brown, Brownfield; and Giles Garmon, Austin. Not pictured are Judges Charles Sherrill, Ft. Stockton, and John Vance, Dallas; and Charles W. Nail, San Antonio.

\$25,000 as well.

"I think it shows people are concerned with educating the judicial branch of government," Dillard said.

But the increasingly scarce supply of federal grant money has once again brought uncertainty back into the Center's future.

"There's a movement afoot in Texas and on a national level, to require mandatory attendance or at least make available continuing judicial education to judges throughout the year," Judge Stovall added.

"Unless we gain substantial support from the Legislature or from a combination of the Legislature and private foundation's gifts, we'll be stripped down to a skeleton crew which will effectively diminish the work of the Center and the assistance it provides," Judge Stovall said.

"(Without the Center) we'll be back to square one. Once again, we'll only have little islands where each judge thinks their island operates the same way the rest of the world operates. But that's a fallacy. It's like a jellyfish. It's a collection of individual organisms living together

and feeding off each other and surviving from the mutual relationship. We have come to learn that, it was not an awareness 10 years ago," he added.

"Before the Center, judges got on the job training. It's like the old joke, 'a month ago I couldn't spell judge, now I are one'." Judge Roberts said.

"I have enough confidence in the people of Texas, we'll get funding through donations, foundations, and/or the Legislature. I think they realize it's an absolute must, and it should continue," he said.

"If the program is discontinued? Why it will have

a very adverse affect," Judge Davis said. "The Center can't do anything but help a judge and benefit the community," he added.

Many judges feel the key to the Center's future is more public awareness of its funding problem.

Judge Stovall believes "the possible deterioration of the court system will gain the necessary public recognition."

"Then people would realize that judicial education is quite fundamental to the order of the community," he added. ☉

BINDING INSTRUCTIONS — Members of the 1981 Juvenile Justice Committee meet to discuss printing and distribution plans for the two-volume *Manual for Texas Juvenile Court Judges*, a publication of the Center. Seated, l-r, are: Judge Darrell Hester of Harlingen, Judge William C. Martin III of Longview, and Judge Robert Lowry of Houston. Standing, l-r, are: Judge Craig Penford of Dallas, Judge Scott Moore, of Fort Worth, Judge Rachel Littlejohn of Beeville, and Judge Jerry Shackelford of Amarillo. Judge Penfold lead the committee in preparing the manuals for Texas judges who try juvenile cases.



TEXAS COLLEGE OF THE JUDICIARY CLASS OF '82



FRONT ROW, l-r:

Bob W. Robertson, Houston
 Jack Dillard, Austin
 Mark Whittington, Dallas
 Margarito C. Garza, Corpus Christi
 J. Ray Kirkpatrick, Marshall
 Ed Landry, Houston
 Carl. E. F. Dally, Austin
 Quentin Keith, Beaumont
 Max Rogers, Huntsville
 Fred J. Moore, Seguin
 Donald K. Shipley, Houston
 H. Dee Johnson, Jr., Dallas
 Wayne Bachus, Belton
 John F. Dominguez, Mercedes
 Diego Leal, San Benito

SECOND ROW, l-r:

Charles E. Nay, Austin
 Lana K. Varney, Austin
 Robert F. Harkins, Plano
 Felix Salazar, Jr., Houston
 John L. McKellips, El Paso
 Raul Rivera, San Antonio
 Nikki Towry DeShazo, Dallas
 Leslie Taylor, Austin
 Geraldine Tennant, Houston
 Frances Ann Harris, Dallas
 Gerry Meier, Dallas
 Rene Haas, Corpus Christi
 Carolyn L. Ruffino, Bryan
 Carolyn H. Spears, San Antonio
 Ann Tyrrell Cochran, Houston
 Herman Gordon, Houston
 Frank O. White, Houston
 Robert P. Walker, Beaumont
 Harlan Martin, Dallas

THIRD ROW, l-r:

David L. Hodges, Waco
 Woody R. Densen, Houston
 James H. Clack, Andrews
 Rogelio Valdez, Harlingen
 A. D. Azios, Houston
 Don Leonard, Fort Worth
 Don L. Hendrix, Houston
 Herbert E. Cooper, El Paso
 James E. Morgan, Comanche
 Robert G. Dohoney, Hillsboro
 George Allen, Waco
 Ronald D. Zipp, New Braunfels
 Michael J. Schless, Austin
 Ronald L. Walker, Beaumont
 Gary Hall, Dallas

FOURTH ROW, l-r:

Michael B. Gassaway, West
 Wayland W. Kilgore, Victoria
 Lon Darley, Denton
 Sam Houston Clinton, Austin
 Sam Bournias, Fairfield
 Joh. R. Saringer, Abilene
 Sidney C. Farrar, Jr., Fort Worth
 Royal Hart, San Angelo
 Truman E. Roberts, Austin
 Michael L. O'Brien, Cypress
 Frank D. Coffey, Fort Worth
 E. H. "Bud" Turner, Decatur
 John P. McCall, Dallas
 Charles Dickens, Fort Worth
 Steve Russell, Austin
 Carroll Weaver, Houston

NOT PICTURED: Carol Gregg, Odessa; Michael E. Keasler, Dallas; Herbert Marsh, Jr., El Paso; and John Whittington, Dallas.

Retired judges offer golden service

For Texas judges, "retirement" is not synonymous with "unemployment". In fact, quite the opposite is true.

According to Judge Max Rogers, Second Administrative Judicial District, nine out of every 10 judges facing retirement elect to remain judicial officers and work, on the average, two weeks a month.

"Back to Work Judges" -- a recently-formed group of retired judges -- served in the district courts of Texas for 4,612 days during the fiscal year 1981-1982, according to the Employees Retirement System of Texas.

"We've had a shortage of judges because of the increase in population and business, particularly in the metropolitan areas. And if it hadn't been for the pool of retired judges that we have who were willing to work, the dockets would have been in a whole lot worse

shape than they are now," Judge Rogers said.

Judge Herman Jones, presiding judge of the 3rd Administrative Judicial District, offered a concurring

"Habits of a lifetime are hard to abandon"

Judge Max Rogers

opinion. "I think they provide very excellent help for the judiciary because they do not have a docket that they have to ride herd on. They can set aside a particular time when it's certain that they can hear a matter, therefore their presence and handling of it is dependable for all counsel and everybody involved," he said.

Upon retirement, judges have 90 days to decide if they want to remain judicial officers. A working retired judge receives the differ-

ence between their retirement benefits and the salary of the judge of the court where they are sitting, plus \$25 a day if they are sitting outside their regular district, Judge Rogers said.

But Judge Rogers does not think it is a monetary incentive that keeps the judges working. "Habits of a lifetime are hard to abandon," he said.

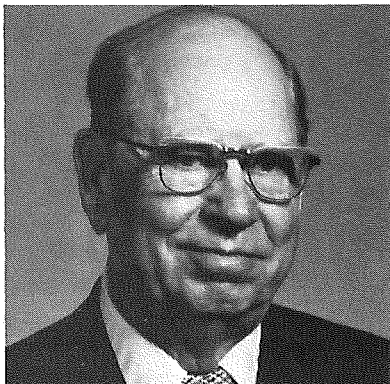
Honorable Myrlin O. Johnson, District judge (Kerr County), retired, a member of "Back to Work Judges" recently compiled a list of judges who contributed to the 4,612 days worked last year. They were: J. R. Alamia, Edinberg; Carl C. Anderson, Lorena; K. Baker, Carthage; Eva Barnes, Dallas; Spurgeon Bell, Houston; Charles O. Betts, Austin; Marvin E. Blackburn, Jr., Junction; Max W. Boyer, San Antonio; John Bradshaw, Jr., Graham; William O. Breedlove, Brownwood; Oswin Chrisman, Dallas; Ernest A. Coker, Conroe; Earl Conner, Jr., Eastland; Thomas H. Crofts, Terrell; J. Neil Daniel, Abilene; Howard C. Davison, Lubbock;

"...if it hadn't been for the pool of retired judges ...the dockets would have been in a whole lot worse shape..."

Judge Rogers

W. C. Dowdy, McKinney; Otis T. Dunagan, Tyler; J. Roll Fair, Dallas; Hollis D. Garmon, Greenville; Joseph C. Gladney, Henderson; L. D. Godard, Texas City; Ed Gossett, Dallas; F. M. Guerra, McAllen; T. M. Gupton, West Columbia; Fred M. Harless, Dallas; Fred M. Hooley, Houston; Paul Huser,

In Memoriam: Earl P. Hall



Chief Justice Earl P. Hall

Sept. 4, 1903-Jan. 1, 1983

Earl P. Hall, former Chief Justice of the 2nd Court of Appeals in Fort Worth and the first General Counsel for the State Bar of Texas, died Saturday, Jan. 1, 1983, at his home in Wichita Falls. He was 79.

A memorial fund has

been established by the Center in his name.

Chief Justice Hall served as district judge of the 97th State District Court for 12 years before assuming the bench of the civil appeals court.

After attending Texas Christian University, Chief Justice Hall received his law degree at Cumberland University Law School. He was the prosecuting attorney of Clay County from 1932-1935, the past Secretary of the Henrietta Kiwanis Club and past Director of the Henrietta Chamber of Commerce.

Chief Justice Hall was the State Bar's first general counsel, assuming the position in 1953. ●

Schulenburg; Terry L. Jacks, San Marcos; Myrlin O. Johnson, Kerrville; Herman Jones, Austin; E. E. Jordan, Amarillo; E. James Kazen, Austin; Joe E. Kelly, Victoria; George M. Kelton, Odessa; Wardlow W. Lane, Center; M. C. Ledbetter, Morton; Charles W. Lindsey, Fort Worth; Looney E. Lindsey, Gilmer; Herbert Line, Texarkana; Charles E. Long, Jr., Dallas; Walter Loughridge, San Antonio; John F. May, Austin; W. T. McDonald, Sr., Bryan; C. V. Milburn, Odessa; David C. Moore, Gladewater; Alexander P. Peden, Houston; Perry D. Pickett, Midland; Morris Rolston, Mt. Pleasant; Tom Ryan, Plano; Thomas G. Sharpe, Brownsville; Magus F. Smith, McAllen; Truett B. Smith, Tohoka; Kenneth G. Spencer, Crane; J. H. Starley, Pecos; George D. Taylor, Beaumont; Harold Thomas, Corpus Christi; Arthur Tipps, Wichita Falls; Bert Tunks, Houston; Joe Wade, Beeville; William C. Wallace, Cameron; Jim Weatherby, Kerrville; Olin G. Wellborn, Jr., Alvin; Clyde Whiteside, Nocona; Claude Williams, Dallas; Eugene C. Williams, San Antonio; Ethridge R. Wright, Beaumont; Ardell Young, Fort Worth.❶



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ETHICS OPINIONS

Opinion No. 65

Question: May a judge serve as a member of a board of a state agency created by the Legislature, which appointment requires appointment by the governor and confirmation by the Senate, where the responsibilities are non-judicial and there is no compensation except reimbursement for expenses?

Answer: Canon 5G of the Code of Judicial Conduct states as follows:

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

The committee is of the opinion that a judge may not accept an appointment to a state board concerned with non-judicial matters, unless the function of that board is limited to historical, educational or cultural activities.

The committee is of the further opinion that a judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties, keeping in mind that an independent judiciary is indispensable to justice in our society.

The committee notes that the stated question raises the issue of separation of powers which deserves consideration, but such issue is not within the scope of the committee's function.

Opinion No. 66

Question: May a judge participate with law enforcement officers in the development and preparation of a program designed to inform law enforcement officers concerning possible pitfalls during cross-examination. The program would be sold to law enforcement agencies, but the title of "Judge" would not be used in connection with the program.

Answer: Several sections of the Code of Judicial Conduct speak to the problem. Canon 4A states: [A Judge] may speak, write, lecture, teach, and participate in other activities concerning law, the legal system, and the administration of justice. Canon 5C(1) states: A judge should refrain from financial and business dealings that tend to reflect adversely on her impartiality, interfere with the proper performance of her judicial duties, exploit her judicial position, or involve her in frequent transactions with lawyers or persons likely to come before the court on which she serves. Canon 6 states: A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of impropriety.

The committee is of the opinion that the Code of Judicial Conduct encourages a judge to write and lecture on matters concerning law and the legal system. However, the program described in the question has the appearance of advocating particular results in certain kinds of cases and, as such, reflects adversely on the judge's appearance of impartiality.❷

New Rules

continued from page five

on the upcoming year for his organization and Court of Criminal Appeals Judge Mike McCormick discussed recent decisions made by his court.

Coultas also spoke with the Central Texas conference participants. District Judge Temple Driver, of Wichita Falls, and Artie Giotes, President of the Waco-McLennan County Bar Association filled out the local program lined-up by Justice Jordan and 74th District Court Judge Derwood Johnson.

McKinney Mayor Dick Coughlin, and Collin County Judge William J. Roberts greeted judges at the Northeast conference. The program, arranged by 219th District Court Judge John L. McCraw, Jr., also included an escorted tour of the new Collin County Courthouse jail and juvenile facilities for conference participants.

"The speakers covered the waterfront, the complete spectrum," 13th Court of Appeals Judge Noah Kennedy, of Corpus Christi, said. "You can learn a lot more when you here it spoken and then discussed immediately afterwards," Judge Kennedy, who attended the South Texas conference, said.

"And this setting -- with only judges present -- makes us more comfortable to ask questions. With other people present, like lawyers, the learning atmosphere would not be as conducive," Judge John W. Peavy, Jr. (246th District Court, Houston) said at the Southeast conference.

"It was a valuable seminar for judges to get an advance look at the changes in the rules," District Judge B. J. Edwards, of Abi-



lene, said of the conference. "There are a lot of changes that will help the justice system in the state of Texas. I wish they would have done something about codifying the criminal rules too," he said. ⊕

EVIDENCE OF ATTENDANCE — (Above) Professor Thomas Black discusses new rules number six and seven — which cover "witnesses" and "opinions and expert testimony" — with conference participants in Huntsville. (Right) District Judges Joe Ned Dean and Oliver S. Kitzman are part of the group that fill the conference room to capacity. (Below) Chairman James Clawson (far left) and Judge Leon Douglas, special assistant to the Governor, present County Judge Lee H. Lytton, Jr., with a plaque for 43 years of outstanding service on the bench. The presentation was made at the Laredo conference banquet.



Texas Senate honors 'outstanding' judge

Judge G. P. Hardy, Jr., of the 130th District Court, was honored by the Texas Senate for his many years of outstanding service to the Texas Judiciary in a resolution passed by the upper house Feb. 3, 1983.

"Judge G. P. Hardy has become a living legend in Matagorda, Fort Bend, Wharton, and Brazoria Counties, and is known for his wise judicial decisions, his knowledge of the law, as well as his keen wit," the resolution reads.

"When I went to Austin to receive it, I couldn't say enough to thank them for the honor. Of course, they didn't give me time to, they had to get on with their other business," Judge Hardy said with a laugh.

"I was really surprised. And seriously, I appreciate it very much," he said.

Sponsored by Senators J. E. "Buster" Brown (Lake Jackson) and John Sharp (Victoria), the resolution also says "Judge Hardy has been a devoted family man, community servant, and outstanding role model for the attorneys who have had the privilege to practice in his court."

"You have to keep a good outlook. You see so much of the unhappy side of life in this job, you just have to keep a sense of humor," said Judge Hardy.

The honored jurist was born on May 10, 1913, and graduated from Bay City High School in 1930. After graduating from the University of Texas Law School in 1936, Judge "Jeep" Hardy served as county attorney in Matagorda County. He served in the Navy during World War II.



Judge G. P. Hardy, Jr.

"...a living legend"

"I got my nickname because I used to be able to go anywhere and do anything, just like the old Army Jeeps," he explained with a chuckle.

Bar college offers degree of incentive

It's not as though anyone would need extra incentive to attend one of the conferences or seminars sponsored by the Texas Center for the Judiciary, Inc., but the State Bar of Texas has instigated a program that might do just that.

The Bar plans to recognize lawyers who make an effort to continue their legal education by offering them membership in the College of the State Bar of Texas. Any Texas lawyer is eligible to enroll and participate in the college established by the Texas Supreme Court and institutionalized on Jan. 1, 1982.

With completion of a total of 80 hours study over a three year period -- which includes seminar attendance -- a "student" becomes qual-

ified for membership. After practicing law from 1945 to 1947, Judge Hardy was appointed to the 130th District Court which then had jurisdiction over Brazoria, Fort Bend, Matagorda, and Wharton Counties. The 130th District Court was reduced to Matagorda County in January 1982.

Judge Hardy has served on the bench continuously for almost 36 years. He plans to retire in May, but has elected to remain active on the bench as a visiting retired judge.

"You know, I never thought anyone intended people to go through life with a pucker on their mouths like they just sucked a lime. A person's got to work hard, but save some time for fun," he added.☉

ified for membership.

Programs sponsored by the Center qualify for credit. For example, a judge who attended all the meetings of the Texas College of the Judiciary in Huntsville (Nov. 28 - Dec. 3, 1982) which consisted of approximately six hours of study per day receives credit for 21½ hours.

Any combination totaling 80 hours over a three year period will qualify a lawyer/judge for membership and a certificate (suitable for framing). Twenty-seven hours of study per year thereafter qualifies the lawyer/judge for continued membership and the membership certificate will be updated to show the total number of years of membership in the program.☉

Galveston in September

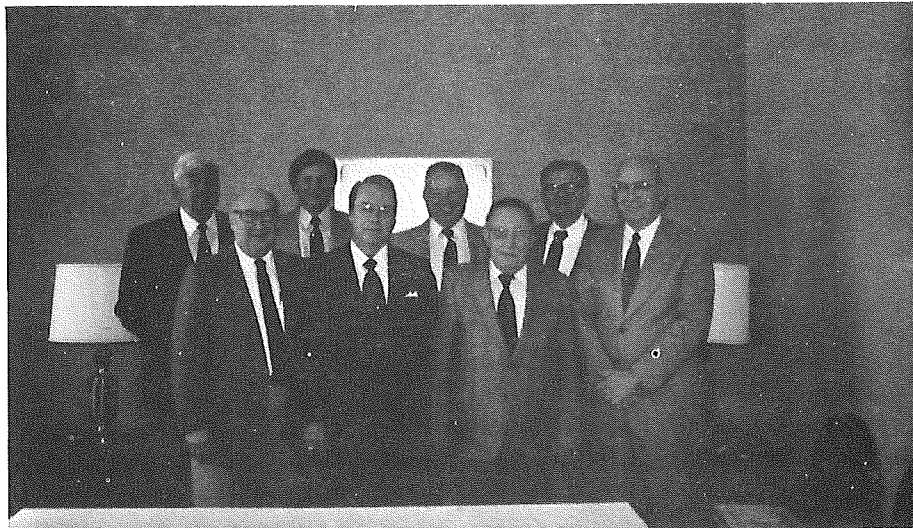
Section program nears completion

"The Judicial Branch of Government; meeting the challenge of the '80s" is the theme of the 1983 Annual Judicial Conference set for Sept. 27-30 in Galveston.

The goal of the conference is to emphasize the legislative enactments, judicial decisions and technological developments affecting decision-making and the operation of the courts, both substantive and procedural, according to the Program Planning Committee of the Judicial Section of the State Bar.

The Committee, aiming to complete their work by early June, met on the Gulf coast island May 10 and hammered out a rough draft of the conference program.

Speakers on the tentative agenda include: Chief Justice Jack Pope; House Speaker Gib Lewis; Presiding Judge John F. Onion, Jr.; Justices Charles W. Barrow and John T. Boyd; Judges Ben Z. Grant, Mike McCormick, and B.B. Schraub; House Majority Leader Bob Bush;



CONFERENCE COORDINATORS — Members of the program planning committee meet in Galveston to put the final touches on the Judicial Section conference program. Committee members pictured, bottom row, l-r, are: Jack R. Blackmon, William J. Cornelius, Chairman, Quentin Keith, and Thomas B. Thorpe. Top row, l-r, are: Thomas J. Stovall, Jr., Neel Richardson, Andrew Z. Baker, and Peter S. Solito. Not pictured: Ed J. Harris.

Professors David Guinn and Charles Freel; Dr. Robert Rose; and C. Raymond Judice.

Gov. Mark White has been invited to deliver the keynote address at the annual judicial banquet scheduled for Thursday evening, Sept. 29.

House Speaker Lewis will address the conference

at a luncheon set for Wednesday, Sept. 28.

Spouses are invited to attend and a full schedule of activities is being planned for their benefit.

The Center will mail registration forms and a finalized schedule of events to members of the judiciary in July. ☼

Prison problems challenge new Commissioner



Judge B. B. Schraub

"...challenging times" ahead

Prison overcrowding tops Judge B.B. Schraub's list of problems to solve as the newest member of the Texas Adult Probation Commission.

Texas Supreme Court Chief Justice Jack Pope appointed Judge Schraub, (25th District Court, Seguin) to a four year term on the Commission March 3.

"We're entering into a unique period for corrections in our state. With our prisons burgeoning from the number of inmates and the costs of prison construction

rising, economic and effective alternatives to incarceration such as probation are and will be receiving a great deal of attention. I look forward to serving on the Commission during these challenging times," Judge Schraub said.

Judge Schraub replaces retired 104th District Judge J. Neil Daniel, who served on the Commission since it was created in 1977.

The Commission is responsible for establishing statewide standards for adult probation services and

providing financial support to local adult probation departments.

Other members currently on the Commission are: Judge Fred M. Hooey, Houston; Judge Terry L. Jacks, San Marcos; Judge Byron L. McClellan, Gatesville; Judge Jose R. Alamia, Edinburg; Justice John C. Vance, Dallas; Ms. Diana Clark, Dallas; Mr. Max Sherman, Canyon; and Monsignor Dermot N. Brosnan, San Antonio.

Attorney general releases opinion

The office of the Attorney General has recently released an opinion related to the judiciary. A complete copy of the opinion listed below may be obtained from: The Attorney General of Texas, Supreme Court Building, P. O. Box 12548, Austin 78711.

Opinion No. MW-586
(Issued Dec. 31, 1982)

RE: Whether former district judges serving on judicial assignment may practice law between assignments.

OPINION SUMMARY: To be eligible for assignment under article 200a, V.T.C.S., a former district judge must certify her willingness to accept the prohibitions relating to the practice of law that are imposed upon retired judges by section 44.005 of Title 110B, Public Retirement Systems, V.T.C.S. The prohibition is applicable as long as a judge's article 200a certification is extant. Finally a former district judge may withdraw an article 200a certification and later recertify. ♦

JUDICIAL NOTICES

Overworked and understaffed

Adult probation officers in some Texas cities handle twice as many probationers as they should, according to a recent survey of district judges.

The survey, conducted by Sam Houston State University in conjunction with the Texas Center for the Judiciary, Inc., said the statewide average caseload for a probation officer is 150, but in some metropolitan areas the averages are 250 or more per officer.

The Texas Adult Probation Commission has recommended a standard of 100 probationers per officer in regular probation services.

Judges who responded to the survey said there should be only 80 to 85 probationers per officer for felony probation supervision.



Spurlock's the name, judging's the game

The name on the courtroom door will remain the same even though the Second Court of Appeals in Fort Worth has a new judge.

Associate Justice Joe Spurlock retired Jan. 10 and one of his sons, state District Judge Joe Spurlock II, was appointed by former Gov. Bill Clements to follow in his father's footsteps.

The Senate confirmed the new family tradition on Feb. 10.

Before his election to the appeals court in 1975, the elder Spurlock was

judge of the 96th District Court of Tarrant County for six years.

Justice Spurlock, is now working in the Fort Worth law office of another son, Dean Spurlock.



Texas Center Contributions

The Texas Center for the Judiciary, Inc., received the following contributions since publication of the last "In Chambers" edition:

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Richard J. Woods
John Yates



☆ **JUDICIAL CALENDAR** ☆

1983 CONFERENCES

Court Administration Seminar
June 27-July 1, 1983
Huntsville, Texas

Briefing Attorneys Seminar
September 8-9, 1983
Austin, Texas

**Annual Judicial
Section Conference**
September 27-30, 1983
Galveston, Texas

**Texas Association of
Court Administration**
Annual Conference
October 26-28, 1983
Austin, Texas

Texas College for New Judges
November 27-December 2, 1983
Huntsville, Texas

1984 CONFERENCES

South Texas Judicial Conference
January 25-27, 1984
Location: to be announced

Southeast Texas Judicial Conference
February 15-17, 1984
Huntsville

Central Texas Judicial Conference
March 7-9, 1984
Location: to be announced

Northeast Texas Judicial Conference
March 28-30, 1984
Location: to be announced

West Texas Judicial Conference
April 18-20, 1984
Amarillo

Criminal Justice Conference
May 9-11, 1984
Huntsville

On the Docket

"Your idea of criminal justice isn't complete until you've seen the end of what you've initiated," District Judge Daniel R. Slkar, of Wharton, said after touring a prison unit of the Texas Department of Corrections. Judge Slkar was one of nearly 200 Texas trial judges who had the opportunity to see the effects of their authority while attending the fourteenth annual Criminal Justice Conference in Huntsville, May 4-6. How do TDC officials respond to judicial reviews? The answer in the next "In Chambers".

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