

IN CHAMBERS

Vol. 7, No. 3

Official Publication of the Texas Center for the Judiciary

November, 1980

SIXTH ANNUAL COLLEGE IN HUNTSVILLE

The sixth annual Texas College of the Judiciary will be held November 30–December 5, 1980, at the Criminal Justice Center in Huntsville.

Eligible judges will receive registration information concerning the College from the Texas Center for the Judiciary. Tom G. Davis, Court of Criminal Appeals judge, is College director, as he has been since its inception.

The school is a week-long orientation in basic court procedure for new judges, with a faculty composed of experienced Texas judges. Lectures are given in a classroom setting, and a textbook containing lecture material is provided to each participant.

The 1980 College session will

begin with registration and a reception Sunday afternoon, November 30, in the concourse of the Criminal Justice Center, Sam Houston State University. Participants will be housed in the University Motel, which adjoins the Criminal Justice Center. The College will adjourn at noon, Friday, December 5.

College speakers and subjects include:

"Texas Center for the Judiciary"

Jack H. Dillard, Austin

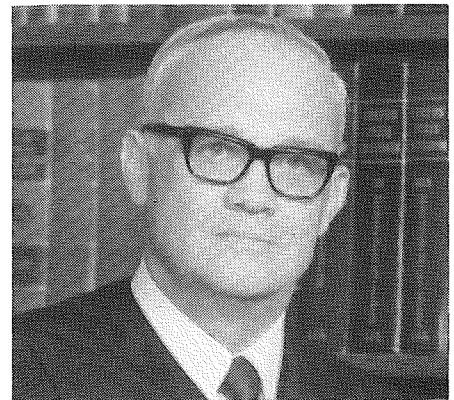
"College Format"

Tom G. Davis, Austin

"Honor & Responsibility of Being a Texas Judge"

Zollie Steakley, Austin

"A Judge's Conduct—Judicial Ethics"



Tom G. Davis

Charles W. Barrow, Austin
"Enforceability of Court Orders by Contempt"

Ted Robertson, Dallas
"Proceedings Before Trial (Criminal Cases)"

Carl E. F. Dally, Austin
Sam Houston Clinton, Austin
"Discovery (Civil Cases)"

Bert H. Tunks, Houston
"Summary Judgments and Rule 120A"

Herman Jones, Austin
"Continuances, Special Exceptions, Motions in Limine"

Jim Meyers, Austin
"Evidence (Civil Cases)"

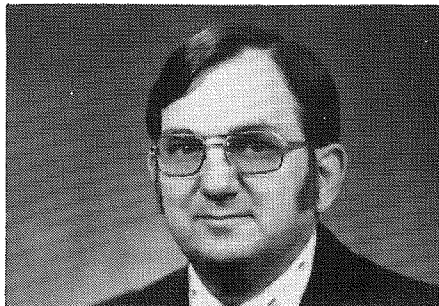
Charles Reynolds, Amarillo
Curtiss Brown, Houston
"Living with the Speedy Trial Act"

Larry Gist, Beaumont
"Evidence (Criminal)"

John T. Boyd, Plainview
Leon Douglas, Austin

TEXAS CENTER INCORPORATES

In March of 1979, the House Budget Committee of the United States Congress deleted funding for the LEAA from the Federal



B. B. Schraub

Budget. LEAA had been providing 90% of the funding for the Texas Center for the Judiciary.

In their meeting the following week, the Continuing Legal Education Committee of the Judicial Section, State Bar of Texas, which is chaired by Justice James G. Denton, determined that the best course of action for the Texas Center for the Judiciary was to form a non-profit corporation in order to continue the operation of the Texas Center for the Judiciary, in the event LEAA did not receive

JUDICIAL COLLEGE IN HUNTSVILLE

(Continued from Pg. 1)

"Pitfalls in the Trial of Criminal Cases"

Thomas B. Thorpe, Dallas
"Pitfalls in the Trial of Civil Cases"

Thomas J. Stovall Jr., Houston
"Contempt"

William N. Blanton, Houston
"Post-trial Proceedings (Criminal)"

James K. Allen, Dallas
"Court's Charge and Jury Argument (Civil)"

Bill Cornelius, Texarkana
"Court's Charge and Jury Argument (Criminal)"

Earl W. Smith, San Angelo
"The Capital Case"

Robert C. Wright, Lubbock
"Courts and the Community"

B. B. Schraub, Seguin
"Post-trial Proceedings (Civil)"

Quentin Keith, Beaumont
"Trial of the Big Case"

Charles J. Murray, Fort Worth
The College will be highlighted by a banquet on Thursday evening featuring an address by Justice Jack Pope, Texas Supreme Court.

The College will adjourn with presentation of certificates.



Texas Center for the Judiciary

Sponsored by
State Bar of Texas

IN CHAMBERS
Published Bimonthly

Managing Editor

Jack H. Dillard

Editor

Don Holmstrom

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Austin, Texas 78711

TEXAS CENTER INCORPORATES

(Continued from Pg. 1)

any funding during the Federal budget process. The Committee designated Justice Denton, Justice Quentin Keith and Presiding Judge Max M. Rogers to be the incorporators.

Judge Tom Stovall contacted the Hon. Gibson Gayle, Jr., of Fulbright and Jaworski in Houston, and requested assistance. Mr. Gayle assigned the Honorable A. T. Blackshear, Jr. and the Honorable Charles Simons to provide assistance to the Center in forming a non-profit corporation.

Articles of Incorporation were drafted and filed with the Texas Secretary of State and a charter was issued on April 24, 1979. Work then began on drafting bylaws for the new corporation. The Bylaws were adopted by the acting Board of Directors (the three incorporators) on June 13, 1980.

On June 13, 1980, at the Judicial Section luncheon held in Dallas in connection with the State Bar Convention, Judicial Section Chairman Quentin Keith, Judge Tom Stovall, and Justice Charles Reynolds reviewed for those in attendance the steps that had been taken in forming the corporation, and outlined to them the pro-

posed Bylaws of the Corporation. Those in attendance endorsed the concept of forming a non-profit corporation.

On August 8, 1980, an application for recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code was submitted to IRS for approval.

On September 19, 1980, the first annual meeting of the membership of the Texas Center for the Judiciary, Inc. was held in Amarillo. Judicial Section Chairman Quentin Keith again reviewed with the membership the work that had been done in establishing the corporation. The nomination committee presented a slate of officers and directors who were elected at the meeting.

The officers and directors of the Texas Center for the Judiciary, Inc. who were elected in Amarillo are as follows: Chairman B. B. Schraub, 25th Judicial District, Seguin; Vice Chairman Tom G. Davis, Court of Criminal Appeals, Austin; Secretary-Treasurer Quentin Keith, Ninth Court of Civil Appeals, Beaumont; Directors James K. Allen, Criminal District Court #5, Dallas; John T. Boyd, 64th District Court, Plainview; Barbara Culver, 318th District Court, Midland; James G. Denton, Supreme

Court of Texas, Austin; J. S. Freels, Jr., County Court at Law, Sherman; Noah Kennedy, Jr., 148th District Court, Corpus Christi; Charles L. Reynolds, Seventh Court of Civil Appeals, Amarillo; Truman Roberts, Court of Criminal Appeals, Austin; Thomas J. Stovall, Jr., 129th District Court, Houston.

On October 17, 1980, the Board of Directors of the Corporation held its first meeting, as a joint meeting with the CLE Committee of the Judicial Section.

The CLE Committee and the Board adopted a joint resolution transferring the operational control of the Texas Center for the Judiciary, Inc. from the CLE Committee to the Board of Directors effective November 1, 1980.

At this meeting it was reported that IRS had issued on September 24, 1980, a favorable determination on the Corporation's application for exemption under Section 501(c)(3) of the Internal Revenue Code. This ruling means that the Corporation will be able to receive financial support from foundations, private individuals, corporations, and other friends. Donations will be tax-deductible by the contributors.

ETHICS COMMITTEE OPINION

Opinion No. 51

Question: Would I, as a District Judge, be in violation of Canon 7 by accepting a position as treasurer of an ad hoc political organization, which confines itself to a "get out the vote" program for all Democratic candidates?

Answer: Canon 7 is limited to "any candidate for a judicial office." Since you are not a candidate for reelection, the restraints imposed by that Canon are not applicable to you at this time. Therefore, the mere acceptance by you of the office of treasurer of the organization described in your question would not be in violation of Canon 7.

However, your acts and activities after you have accepted the office of treasurer may cause you to be in violation of Canon 5B(2), which, in relevant part, provides:

"A judge should not solicit funds for any . . . political organization . . . or use or permit the use of his office for that purpose, but he may be listed as an officer . . . of such an organization."

The question asked by you does not set forth the manner in which the ad hoc political organization intends to "get out the vote." The majority of the Committee is of the opinion that if the nature of the activities of such political organization is to use your name or title in the literature sent out in the solicitation of funds,

such activities, would be in violation of Canon 5B(2). The majority of the Committee is of the further opinion that there would not be a violation of Canon 5B(2) if you merely accepted the office of treasurer and performed the usual duties of such an office, and your name or title as "Judge" did not appear in the literature or other means of solicitation of money. Other members of the Committee are of the opinion that the office of the treasurer of any organization, by its very nature, involves soliciting of funds and since a treasurer is so integrally related to soliciting of funds, the acceptance of that office by a judge subject to the Code of Judicial Conduct would be in violation of Canon 5B(2).

REPORT OF COUNTY COURT AT LAW STUDY COMMITTEE

Resolution No. 5, adopted at the annual meeting of the Judicial Section in 1979 requested the following committee to report its findings and recommendations to the Section with a view toward increasing the role of the Judges of statutory county courts in the Section and toward increasing the efforts of the Section on behalf of the administration of justice in such courts.

FINDINGS

1. There has been some unrest among the judges of the statutory county courts at law regarding the feasibility of such judges continuing in active membership of the Judicial Section.
2. There is insufficient integration of the judges into the Section committees and activities.
3. The conferences of the Judicial Section have not included pro-

grams or optional sessions of special interest programs for the judges of the statutory county courts at law.

4. Some concern has been expressed that statutory county court at law judges have not been given sufficient consideration by the nominating committee in selecting the officers of the Judicial Section.
5. The legislative program of the Section has not adequately addressed concerns of the statutory courts of law, such as uniformity of jurisdiction throughout the State and except in a few jurisdictions, the inadequacy of salaries of the statutory county courts at law in most jurisdictions.

RECOMMENDATIONS

1. We strongly urge that the judges of the statutory county courts at law remain in the Judicial

Section. The committee feels that it is important that all the judges be united in the work of the judiciary and in the efforts in working with the Legislature.

2. More judges of such courts should be selected on committees and appointed to participate in the various activities of the Section.
3. Conference programs should include optional sessions of special interest to such judges as well as more consideration given their interests and concerns in the programs generally at the various conferences.
4. The by-laws committee should consider a revision that would guarantee a recommendation from the nominating committee within a specified number of years that a judge of the statutory county

(Continued on Pg. 6)

1980-81 COMMITTEES OF THE JUDICIAL

Executive Committee

- B. B. Schraub**, Chairman, (1982), 25th District Court, Guadalupe County Courthouse, Seguin, Texas, 78155, (512) 379-1204
- Tom G. Davis**, Chairman-Elect, (1983), Court of Criminal Appeals, P.O. Box 12308, Capitol Station, Austin, Texas, 78711, (512) 475-3935
- Quentin Keith**, Immediate Past Chairman, (1981), 9th Court of Civil Appeals, 406 Jefferson County Courthouse, Beaumont, Texas, 77701, (713) 835-8403
- Clarence A. Guittard**, Secretary-Treasurer, (1981), 5th Court of Civil Appeals, 2nd Floor, County Courthouse, Dallas, Texas, 75202, (214) 749-8381
- Jose R. Alamia**, (1983), 92nd District Court, P.O. Box 174, Edinburg, Texas, 78539, (512) 383-2751
- J. F. Clawson, Jr.**, (1981), 169th District Court, Bell County Courthouse, P.O. Box 747, Belton, Texas, 76513, (817) 939-3521
- Barbara G. Culver**, (1982), 318th District Court, County Courthouse, Midland, Texas, 79701, (915) 682-9481
- Richard Dambold**, (1982), County Court at Law No. 2, Room 301, Potter County Courthouse, Amarillo, Texas, 79101, (806) 372-7350
- Leonard E. Hoffman**, (1981), 160th District Court, 328 County Courthouse, Dallas, Texas, 75202, (214) 749-8271
- Fred M. Hooey**, (1981), 180th District Court, 6th Floor, Criminal Courts Building, Houston, Texas, 77002, (713) 221-6344
- Connally McKay**, (1983), 12th Court of Civil Appeals, County Courthouse, Tyler, Texas, 75701, (214) 593-8471
- John F. Onion, Jr.**, (1982), Court of Criminal Appeals, P.O. Box 12308, Capitol Sta-

tion, Austin, Texas, 78711, (512) 475-2701

Robert C. Wright, (1983), 137th District Court, Lubbock County Courthouse, Lubbock, Texas, 79401, (806) 741-8060

Legislative Committee

- George H. Allen**, (1982), County Court at Law, Courthouse, Waco, Texas, 76701, (817) 756-7171
- Galloway Calhoun, Jr.**, (1981), 114th District Court, Courthouse, Tyler, Texas, 75702, (214) 597-1369
- Robert W. Calvert**, (1982), Chief Justice Retired, 5th Floor, Texas State Bank Building, 900 Congress Avenue, Austin, Texas, 78701, (512) 476-6982
- Joe A. Cisneros**, (1982), 93rd District Court, Courthouse, Edinburg, Texas, 78539, (512) 383-2751
- F. Lee Duggan, Jr.**, (1981), 182nd District Court, 509 Criminal Courts Building, Houston, Texas, 77002, (713) 221-6350
- Dan P. Gibbs**, (1981), 303rd Family District Court, Courthouse, Dallas, Texas, 75202, (214) 749-8726
- Raul L. Longoria**, (1983), P.O. Box 182, Edinburg, Texas, 78539, (512) 383-3831
- William C. Martin, III**, (1982), 307th Family District Court, P.O. Box 8, Longview, Texas, 75601, (214) 758-6181
- W. T. McDonald, Jr.**, (1981), 85th District Court, P.O. Box 1085, Bryan, Texas, 77801, (713) 775-2884
- Don B. Morgan**, (1983), 212nd District Court, Galveston County Courthouse, Galveston, Texas, 77550, (713) 762-8621
- Paul W. Nye**, (1983), Court of Civil Appeals, Nueces County Courthouse, Corpus Christi, Texas, 78401, (512) 888-0416
- Stephen F. Preslar**, (1982), Court of Civil Appeals, 500

City-County Building, El Paso, Texas, 79901, (915) 543-2842

Franklin Spears, (1982), Supreme Court of Texas, P.O. Box 12248, Capitol Station, Austin, Texas, 78711, (512) 475-4414

Joe Spurlock, II, (1983), 231st District Court, Tarrant County Courthouse, Fort Worth, Texas, 76102, (817) 334-1111

Kenneth Vaughan, (1983), County Criminal Court of Appeals, Government Center, Dallas, Texas, 75202, (214) 749-8581

Tom G. Davis, ex officio, Court of Criminal Appeals, P.O. Box 13272, Capitol Station, Austin, Texas, 78711, (512) 475-3935

Committee on Judicial Ethics

- Joe A. Cisneros**, (1982), 93rd District Court, Hidalgo County Courthouse, Edinburg, Texas, 78539, (512) 383-2751
- Hume Cofer**, (1982), 98th District Court, Travis County Courthouse, Austin, Texas, 78767, (512) 472-8164
- Oswin Chrisman**, (1983), 44th District Court, Dallas County Courthouse, Dallas, Texas, 75202, (214) 749-8427
- Vann Culp**, (1983), 238th District Court, Midland County Courthouse, Midland, Texas, 79701, (915) 682-9481
- Richard Dambold**, (1981), County Court at Law No. 2, Potter County Courthouse, Amarillo, Texas, 79101, (806) 372-7350
- Ralph Elliott**, (1981), 43rd District Court, Grayson County Courthouse, Sherman, Texas, 75090, (214) 893-8041
- Harry W. Hopkins**, (1983), 43rd District Court, Parker County Courthouse, Weatherford, Texas, 76086, (817) 594-7343
- Sam Houston**, (1981), 211th District Court, Denton County Courthouse, Denton, Texas, 76201, (214) 382-0413

CIAL SECTION, STATE BAR OF TEXAS

Jack T. Smith, (1982), 189th District Court, Harris County Courthouse, Houston, Texas, 77002, (713) 221-6366

By-Laws Committee

Charles L. Reynolds, Chairman, 7th Court of Civil Appeals, P.O. Box 9540, Amarillo, Texas, 79105, (806) 376-5323

Robert T. Pfeuffer, 207th District Court, 206 Comal County Courthouse, New Braunfels, Texas, 78130, (512) 625-0881

James H. Russell, County Court at Law, P.O. Box 781, Belton, Texas, 76513, (817) 939-3521

Committee on Rules of Civil Procedure

Quentin Keith, General Chairman, 9th Court of Civil Appeals, Courthouse, 4th Floor, Beaumont, Texas, 77701, (713) 835-8403

Sub-committee on Appellate Rules

Clarence A. Guittard, Chairman, 5th Court of Civil Appeals, Courthouse, 2nd Floor, Dallas, Texas, 75202, (214) 749-8381

Austin McCloud, 11th Court of Civil Appeals, Courthouse, Eastland, Texas, 76448, (817) 629-2638

Charles L. Reynolds, 7th Court of Civil Appeals, P.O. Box 9540, Amarillo, Texas, 79105, (806), 376-5323

Max N. Osborn, 8th Court of Civil Appeals, Courthouse, El Paso, Texas, 79901, (915) 543-2840

Sub-committee on Trial Rules

Spurgeon Bell, Retired, Chairman, 2424 Dryden Road, Houston, Texas 77030, (713) 665-1429

William N. Blanton, Jr., 11th District Court, Courthouse, Houston, Texas, 77002, (713) 221-6250

Walter E. Jordan, 48th District Court, Courthouse, Fort Worth Texas, 76102, (817) 334-1461

John T. Boyd, 64th District Court, Hale County Courthouse, Plainview, Texas, 79072, (806) 293-8481 Ext. 232

Leonard E. Hoffman, Jr., 160th District Court, Dallas County Courthouse, Dallas, Texas, 75202, (214) 749-8271

Lloyd Perkins, County Court at Law No. 2, Grayson County Courthouse, Sherman, Texas, 75090, (214) 893-8923

Annette Stewart, 301st Family District Court, Dallas County Courthouse, Dallas, Texas, 75202, (214) 749-8385

Site Selection Committee

George M. Thurmond, Chairman, 63rd District Court, P.O. Drawer 1089, Del Rio, Texas, 78840, (512) 775-3611

Robert E. Montgomery, 100th District Court, Drawer 578, Memphis, Texas, 79601, (806) 259-2811

Sam Roberts, Jr., 262nd District Court, Harris County Courthouse, Houston, Texas, 77002, (713) 221-6961

Nominating Committee

Clarence N. Stevenson, Chairman, 24th District Court, Victoria County Courthouse, P.O. Box 2385, Victoria, Texas, 77901, (512) 575-3172

Fred Biery, County Court at Law, Bexar County Courthouse, San Antonio, Texas, 78205, (512) 220-2573

Tom Cave, 213th District Court, Tarrant County Courthouse, Fort Worth, Texas, 76102, (817) 334-1529

R. Temple Driver, 89th District Court, Wichita County Courthouse, Wichita Falls, Texas, 76301, (817) 322-0721

Phil Peden, 1st Court of Civil Appeals, 604 Civil Courts

Building, Houston, Texas, 77002, (713) 221-6491

Juvenile Justice Committee

Jerry Shackelford, Chairman, 320th District Court, Potter County Courthouse, Amarillo, Texas, 79101, (806) 376-4031

Andrew Z. Baker, 306th District Court, Galveston County Courthouse, Galveston, Texas, 77550, (713) 762-8621

D. H. Buchanan, County Court at Law, Comal County Courthouse, New Braunfels, Texas, 78130, (512) 625-6069

Jim Farris, 317th District Court, Jefferson County Courthouse, Beaumont, Texas, 77701, (713) 835-8588

Darrell Hester, 197th District Court, P.O. Box 2624, Harlingen, Texas, 78550, (512) 546-4854

Rachel Littlejohn, 156th District Court, Bee County Courthouse, Beeville, Texas, 78102, (512) 358-1839

Bill Logue, 19th District Court, McLennan County Courthouse, Waco, Texas, 76701, (817) 756-7171

Robert Lowry, 313rd District Court, Harris County Courthouse, Houston, Texas, 77002, (713) 222-0351

William C. Martin, III, 307th District Court, Gregg County Courthouse, Longview, Texas, 75601, (214) 758-6181

Scott Moore, 323rd District Court, Tarrant County Juvenile Department, 2701 Kimbo Road, Fort Worth, Texas, 76111, (817) 334-1810

E. W. Patteson, 25th District Court, Gonzales County Courthouse, Gonzales, Texas, 78629, (512) 672-3620

Enrique Pena, 327th District Court, City-County Building, El Paso, Texas, 79901, (915) 543-2902

Craig Penfold, 304th District Court, Records Building, 6th Floor, Dallas, Texas, 75202, (214) 749-8295

REPORT OF COUNTY COURT AT LAW STUDY COMMITTEE

(Continued from Pg. 3)

court at law be recommended as chairman of the Section.

5. The committee urges that the Section support legislation for uniform jurisdiction throughout the State of all statutory county courts at law. It may be desirable that in the metropolitan areas that the

statutes creating the statutory county courts at law designate the preferred area.

6. The legislative committee is urged to give high priority to salary consideration of the statutory county court at law judges and work toward a minimum base income for such judges.

SUBMITTED BY:
Wendell A. Odom, Chairman
Jim Barlow
Harold Entz
Jerry Garrett
James H. Russell
Peter S. Solito
Robert C. Wright

REPORT OF STUDY COMMITTEE ON COURT REPORTERS AND TRANSCRIPTION OF APPELLATE RECORDS

Restatement of Charge to the Committee

"... to study and make recommendations for improvement of the delivery of transcriptions for use by the appellate courts of this State" and "... to study the means whereby some uniformity may be attained in a system whereby the legitimate interest of an orderly disposition of trial court proceedings may be maintained while, at the same time assuring a prompt disposition of cases on appeal."

Findings of the Committee

The Judiciary and all certified Court Reporters are part of a profession that has statewide responsibilities to the Judicial Branch of our State Government.

The record is replete with a number of repeated instances of applications for extensions, etc. The accomplishment of an orderly disposition of trial court proceedings while, at the same time, assuring a prompt disposition of cases on appeal in the most part is being attained. Few trial courts and court reporters are involved in the news worthy situations that have attracted the attention of all who are interested in the attainment of the goals of a well-regulated judicial system; therefore, there should not be an over-reaction on the

part of the Judiciary or Legislature. Problems do exist and the situation can be improved without damaging the delicate balance so necessary to our Judicial system.

There is talk about pay, pro and con, and it is a problem in some areas where county commissioners refuse to recognize the facts of life—that those who train for a profession and perform as professionals should be reasonably compensated as their counterparts are about the State. Except for those instances, which will not be eliminated until the State assumes the obligation of paying for the cost of the judicial branch and pays a uniform sum for like services statewide, "pay" is not the cause of the problem. Lack of true professionalism is the root of the problem.

A good judge has a reputation for honor, personal integrity, a sense of duty and responsibility to the office the Judge is privileged to hold. A trial Judge cannot function efficiently and effectively without a certified court reporter who possesses a similar reputation for character, integrity, duty, plus a reputation for making an accurate record that is transcribed in a timely manner. Good trial Judges have good court reporters! A good reporter does make a judge a good judge.

The Committee reaffirms the present relationship between the trial Judge and the official court reporter and concludes that to change same would actually prove to be counter-productive and costly.

The Committee does not believe a machine can replace the official court reporter. The machine will make the task easier, more accurate, and assist in accomplishing the ultimate goal of a constantly busy trial court producing with equal dispatch the transcription of appellate records, but that machine cannot tell the Court it does not understand, or that it is not making an accurate record. A *responsible* court reporter *can* and *should*.

An ideal court reporting method would:

- be inexpensive to purchase and operate;
- permit rapid transcription when required;
- insure absolute accuracy, with a high degree of verifiability;
- be easily learned by reporters or operators; and
- be readily standardized.

The computer-aided transcription technique holds great promise

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COURT REPORTERS—TRANSCRIPTION OF APPELLATE RECORDS

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for improving transcript productivity of stenotype reporters.

Unfortunately, no technique has all these characteristics. At this time, in spite of the heavy initial investment in equipment and supplies, and substantial on-going operating costs, it would appear the computer-aided transcription procedure, if generally used in the multi-court metropolitan courthouse is more likely than any other presently used reporting method to increase transcript production without the disproportionate increase in the number of reporters per trial court.

Justice as conceived by the Constitutions of our Nation and State demands a certain accountability on the part of all who serve as officers of the Court; therefore, The Committee recommends:

SANCTIONS FOR DELAY BY REPORTERS

1. Appellate courts should seek revocation or suspension of the certification of any official court reporter who is guilty of unjustified delay in furnishing transcripts of evidence. (Art. 2324b, Sec. 13(a), V.A.T.S.) Copies of the request for such action should be sent to the official court reporter in question, the judge of the trial court in question, the presiding judge of the administrative district in which such trial court is situated, and to the chairman of the Texas Court Reporters Committee.

2. It is the responsibility of trial judges to provide competent reporting and timely production of the transcripts of evidence. New Judges should be made aware of the statutory requirements for certification of official court reporters. The Judicial Section, through its CLE programs, should help all trial judges comply with Rule 376c,

Texas Rules of Civil Procedure (WORK OF COURT REPORTERS) and Art. 40.09, *Code of Criminal Procedure* (THE RECORD ON APPEAL).

[In metropolitan counties having administrative judges of the various trial divisions (civil, criminal and family law courts), such administrative judges should assist with the supervision of transcript production; in other counties, if necessary, the presiding judge of the administrative judicial district should recommend supplemental reporting assistance be employed at county expense.]

3. Amend Rule 354b, T.R.C.P., to require that written notification of the filing of appeal bond (or notice of appeal) shall be given promptly to the court reporter and the trial judge in all cases requiring a statement of facts; failure to do so should be considered by appellate courts in connection with any request by appellant to permit delay in filing record.

4. Amend Art. 40.09, C.C.P., to require written notice to the court reporter and the trial judge within 10 days after the sentencing, and further require appellant within 20 days to arrange for production of the statement of facts; failure to do so should be considered by appellate courts in connection with any request for permission to delay filing record.

[NOTE: If the constitutional amendment is passed November 4, 1980, giving criminal jurisdiction to the courts of civil appeals and renaming "Courts of Appeals," there may need to be considerable change in both the civil and criminal rules for obtaining and filing transcripts of evidence (Statement of Fact).]

CERTIFICATION OF REPORTERS

5. Require that official court reporters file copy of their certifica-

tion with both the County Clerk and the County Auditor: the certificate itself should also be displayed or available for inspection in connection with any adversary proceedings which are required to be reported.

[NOTE: Art. 2324b, Sec. 1, V.A.T.S., provides that "no person may be appointed an official court reporter . . . unless that person is the holder of a certificate in full force and effect issued by the Supreme Court of Texas." *Violation of this provision is a Class A misdemeanor*, and this statute became effective on May 13, 1977.]

PAYMENT OF REPORTERS FOR TRANSCRIPTS

6. Amend Rule 354, Sec. (a), T.R.C.P. so that the first sentence omits the words "Upon motion of either party;" also omit the entire next sentence: "If the bond is filed in the amount of \$500, no approval by the Court is necessary." (Such changes would permit the trial court to increase the cost bond if cost of the statement of facts exceeds \$500.)

7. To avoid reporters being required to subsidize appeals at their own expense, the Committee recommends further consideration be given the requiring of payment, or the reporter acknowledging satisfactory arrangements for payment having been made, at some reasonable time prior to the date for filing transcript and statement of facts.

SUBMITTED BY:

Leonard E. Hoffman, Jr.,
Chairman
William Blanton
Carl Dally
Leonard J. Giblin
Austin McCloud
Max Osborn
Ardell M. Young

SECTION DUES PAYABLE

The State Bar's Judicial Section dues, for the period of Oct. 1, 1980 to Sept. 30, 1981, are now payable.

Dues are \$25 for active judges and \$12.50 for retired and former judges. Checks, made payable to the Judicial Section, should be sent to Judge Clarence A. Guitard, secretary-treasurer of the Section. His address:

Chief Justice Clarence A. Guitard

5th Court of Civil Appeals
2nd Floor, County Courthouse
Dallas, Texas 75202

Section members may participate in Section activities, including the continuing legal education program and annual state and regional conferences, and participate in the legislative program of the Section, as agreed on in conference in Amarillo in September.

Membership cards will be mailed as dues are received.

JUDICIAL CALENDAR

November 12-14, 1980

Juvenile Court Judges Seminar,
Austin

November 30-December 5, 1980

Texas College of the Judiciary,
Huntsville

February 18-20, 1981

West Texas Judicial Conference
(6th, 7th & 9th Administrative
Judicial Districts), San Angelo

May 6-8, 1981

Criminal Justice Conference,
Huntsville

Spring, 1981

Third Administrative Judicial
District Conference

South Texas Judicial Confer-
ence

(4th & 13th Supreme Judicial
Districts)

Northeast Texas Judicial Con-
ference

(Judges in 1st Administrative
Judicial District)

OFFICERS ELECTED AT CONFERENCE

B. B. Schraub, 25th District Court judge of Seguin, assumed duties as chairman of the Judicial Section, State Bar of Texas, at the recent Section Conference in Amarillo. Tom G. Davis, Court of Criminal Appeals judge, is the new chairman-elect.

Three new members were elected to the Executive Committee of the Judicial Section: Jose R. Alamia, 92nd District Court judge of Edinburg; Connally McKay, 12th Court of Civil Appeals justice of Tyler; and Robert C. Wright, 137th District Court judge of Lubbock.

In addition to election of officers, conference participants passed resolutions regarding propositions on the November 4 ballot. The following were adopted:

RESOLVED, that in the Appellate
Judges Session of the Judicial

1981 CONFERENCE DATES, SEPT. 29 TO OCTOBER 2

Annual Judicial Section Conference in 1981 will probably be held in Corpus Christi, Sept. 29 through October 2, B. B. Schraub, Section Chairman, has announced.

Section officials have booked these dates at the Holiday Inn, Emerald Beach in Corpus Christi and are in negotiations with the facility as to lodging rates.

The 1980 Conference was originally scheduled for Corpus Christi, with headquarters at the Holi-

day Inn, but damage to that facility caused by Hurricane Allen resulted in a change from Corpus Christi to Amarillo.

Section of the State Bar of Texas in meeting at Amarillo, Texas, on September 18, 1980, opposes the adoption of Proposition 2 (House Joint Resolution 97) to the Constitution of the State of Texas, which would permit interlocutory appeals in criminal cases.

RESOLVED, that the Appellate

Judges Session of the Judicial

Section of the State Bar of Texas

in meeting in Amarillo, Texas on

September 18, 1980, favors the

adoption of Proposition 8 (Senate

Joint Resolution 26) to the Consti-

tution of the State of Texas, which

would give appellate jurisdiction

to the Texas Courts of Civil Ap-

peals in criminal cases.

The Conference concluded with a business meeting in which the Texas Center for the Judiciary was voted a non-profit corporation and a board of directors was elected. B. B. Schraub is board chairman, Tom G. Davis is vice-chairman, and Quentin Keith, 9th Court of Civil Appeals justice of Beaumont, is secretary-treasurer.

"I think Corpus Christi as the site of the 1981 Annual Conference is 95 percent certain," Judge Schraub said, urging judges to mark the dates of Sept. 29 to Oct. 2 on their calendars.

Judge Tom Davis, Chairman-elect of the Judicial Section, will be Program Chairman for the 1981 Conference.

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