

TEXAS ASSOCIATION for COURT ADMINISTRATION

JOURNAL

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THE ADMINISTRATIVE CHALLENGES OF A NEW PENAL CODE

By Ken Anderson and John Bradley

Mr. Ken Anderson and John Bradley recently completed *Texas Sentencing*, a legal description of the procedures for criminal sentencing in state court. The book is rapidly becoming a standard source book for judges and lawyers throughout Texas.

The legislature has passed a new Penal Code that takes effect September 1, 1994. It only applies to crimes committed after August 31, 1994. The new Penal Code presents two significant challenges for the proper administration of criminal courts: state jail felony reviews and a transition period when courts must operate under two penal codes.

STATE JAIL FELONY REVIEWS

Defendants who commit certain low-level property and drug offenses after August 31, 1994, face a new penalty range (the state jail felony) of not less than 180 or more than two years in a state jail. A trial court must probate the sentence and place the defendant on community supervision. However, if a defendant violates the conditions of supervision, the judge may revoke the supervision and impose the state jail sentence.

A defendant must serve his entire sentence in a state jail as flat time with no opportunity for parole. In addition, the sentence is not reduced for good conduct.

While in the state jail, a defendant is placed in a 90-day program of education, rehabilitation, recreation, and treatment. The director of a state jail facility must send the sentencing judge a progress report not less than every 90 days. The progress report must detail the defendant's progress in rehabilitation programs, conduct, and conformity to facility rules.

The trial judge retains jurisdiction of the case for one year after a defendant arrives in a state jail. On his own motion, or on the motion of the state or defendant, the judge may rely on the progress report and order the defendant's early release from a state jail and placement back on community supervision at any time between the 75th and 365th day the defendant serves in a state jail.

This procedure is a hybrid between our current shock probation and a parole release. The legislature did not set out any procedural guidelines for courts on how to receive the progress reports or conduct a release hearing. There is no statutory requirement that the judge hold a hearing to either grant or deny the motion for shock supervision.

This new form of early release places the responsibility for rehabilitation completely in the hands of the defendant. In the absence of any

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FEEL THE BURN! ENERGIZE WITH TACA

Feeling the burnout that often afflicts participants in the justice system? Does the filing of a Motion of Continuance cause your teeth to gnash? Got a docket that's out of control? T.A.C.A. has an offer that you won't want to miss.

The 1994 Texas Association for Court Administration Annual Conference is scheduled to open October 11th at the Omni Hotel in beautiful downtown Austin. That's right Austin, the capital of this great state where the pulse of the 74th Legislative Session is already approaching a rapid tempo.

In order to jumpstart your motivation and recharge your stamina, communications expert, Leslie Farias, of Reno will "synergize" participants in the opening session. This collective energy will facilitate our role as team player back in the courts and serve as a catalyst for the week's training. Armed with the energy to address our goals, Ms. Farias will share the techniques and tools necessary to network and negotiate these goals through neurolinguistic communication skills.

In regards to communications, how do the courts effectively communicate to the public the practical application of the ideal of an impar-

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Texas Association for Court Administration

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THE ADMINISTRATIVE CHALLENGES OF A NEW PENAL CODE

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signs of progress by a defendant toward rehabilitation, a trial judge may require a defendant serve every day of his or her sentence. This new form of short but certain punishment is expected to enhance the opportunity and incentive for a defendant to break out of the cycle of crime that can lead to more destructive violent behavior.

TRANSITION PERIOD - TWO PENAL CODES

In 1974, the legislature wrote a Penal Code that has been used for the last 20 years. In the last session, the legislature passed a new penal code, effective only for crimes committed after August 31, 1994. Crimes that occur before then are governed by the old Penal Code.

When judges adjudicate criminal cases, they must be careful to apply the law in effect for that case. For several years, these two penal codes will apply to cases, depending on the date of the offense.

The legislature made a significant number of changes - both increases and decreases - in crime classifications, changed some punishment ranges, and created an entirely new punishment range (the state jail felony). The following tables summarize the new punishment ranges.

Ken Anderson is the elected, District Attorney for Williamson County and currently serves as a member of the Judicial Advisory Council.

In creating the state jail felony, the legislature assigned about 55 offenses in the 1994 penal Code to this new punishment range. The following table lists some of the more common offenses to arise in the prosecution of state jail felons.

CONCLUSION

Trial judges will face difficult decisions regarding if or when to release state jail felons from their sen-

Selected State Jail felonies (committed after 8/31/94)		Prior Punishment Range (committed before 9/1/94)
Criminally Negligent Homicide		Class Amisdemeanor
Injury to a Child, Elderly Individual or Disabled Individual (if by criminal negligence)		Class Amisdemeanor
Criminal Nonsupport		Class Amisdemeanor
Criminal Mischief (if value of damage is 51,500 or more, but less than 520,000; or if damage inflicted on place of worship or human burial, public monument or community center, and value is less than 520,000)		3rd degree felony
Burglary of a Building (other than habitation)		2nd degree felony
Theft (if value of property is 51,500 or more, but less than 520,000; or if involves domesticated livestock valued at less than 520,000 or if involves one or more firearms, regardless of value)		3rd degree felony
Theft of Service (if value of service is 51,500 or more, but less than 520,000)		3rd degree felony
Unauthorized Use of a Vehicle		3rd degree felony
Forgery		3rd degree felony
Credit Card or Debit Card Abuse		3rd degree felony
Unauthorized Absence from Community Corrections Facility		new offense
Engaging in Organized Criminal Activity (if underlying offense in Class Amisdemeanor)		3rd degree felony
Manufacture or Delivery of Controlled Substance (if penalty group 1, less than 1 gram)		1st degree felony
Possession of Controlled Substance (if penalty group 1, less than 1 gram)		2nd degree felony
Delivery of Marihuana (if one fourth of an ounce to 5 pounds)		2nd degree felony
Possession of Marihuana (if 4 ounces to 5 pounds)		3rd degree felony

Felony Punishment Ranges (offense committed after August 31, 1994)		
Degree	Confinement	Fine (optional)
Capital felony	life or death	None
1st degree felony	life or 5-99 years in prison	511,000 maximum
2nd degree felony	2-20 years in prison	510,000 maximum
3rd degree felony	2-10 years in prison	510,000 maximum
State jail felony	180 days-2 years in state jail	510,000 maximum

Misdemeanor Punishment Ranges (offense committed after August 31, 1994)		
Class	Confinement	Fine
Class Amisdemeanor	Up to 1 year in county jail	54,000 maximum
Class Bmisdemeanor	Up to 180 days in county jail	52,000 maximum
Class Cmisdemeanor	None	5500 maximum

tences. In addition, judges and lawyers must constantly be vigilant in applying the correct set of laws to offenses, depending on the date of the offense. Court personnel will be challenged throughout 1994 to absorb

the enormous changes passed by the legislature and provide support for judges and lawyers to make a smooth transition under the 1994 Penal Code.

John Bradley is an Assistant District Attorney in Williamson County.

'97 • DOING TIME IN HUNTSVILLE"

By Debra Montagne, Director of Professional Development, Harris County, Houston, Texas.

Ninety-seven court personnel "did their time" in Huntsville during the week of June 13th. This year marked the 14th Professional Development program held for Texas Trial Court Coordinators, Administrators and court support personnel. The



An outstanding group of attendees from Fort Worth, Huntsville, June 1994.

Criminal Justice Center on the Sam Houston State University campus in Huntsville served as "home away from home" during the week-long seminar. The Texas Center for the Judiciary, Inc., sponsors the professional development course which provides education and certification for Texas court personnel.

This year's curriculum remained the same with the program's stated purpose which is to provide professional education to persons employed by the judiciary.

New this year was a mandatory, team exercise which placed participants in mixed teams from all three courses. The objective was to work as a team to identify common themes, concepts, attitudes, perceptions and images they wished to communicate to each other and the rest of the participants about professionalism, courts, problems, perspectives and/or change. The challenge was to express their thoughts graphically. Yes, draw a picture. Everyone had to contribute to the drawing, sign it, develop a motto and select a song that best represented the group's ideas and images. The best was yet to



The get acquainted "Who Are You?" winners are Lon McEndree, Mary Lou Jaramillo and Grady Patterson, Huntsville, June 1994.

come! Each team displayed their drawing and took turns explaining it to the other participants, plus the group had to sing its selected song. We have some extremely talented court staff, who may pursue an alternate career if given that call.

Texas trial judges volunteering their time and talent as faculty members included: Judges Larry Gist, Beaumont; Michael Keasler, Dallas; Cynthia Kent, Tyler; Lamar McCorkle, Houston; Neel Richardson, Houston and Ken Sims, Wheeler. We are grateful to these judges for their assistance in providing educational programs that enhance our courts and professional performance.

We sincerely appreciate the Texas Center for the Judiciary staff and it's Board of Directors for providing us the occasion to promote these educational opportunities. We will remain forever indebted to Tricia Hall,

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Trial Court Administration, Class of 1994.

Judicial Calendar

Judicial Section Annual Conference
September 27-30, 1994
Fairmont Hotel, Dallas

TACA Annual Conference
October 11-14, 1994
Ornni Hotel, Austin

Texas College for New Judges
December 4-9, 1994
Criminal Justice Center, Huntsville

Texas College of Advanced
Judicial Studies
March 5-8, 1995
Ornni & Marriott Hotels, Austin

Criminal Justice Conference
May 17-19, 1995
Hyatt Regency Hotel, Austin

Professional Development Program
June 19-23, 1995
Criminal Justice Center, Huntsville

Judicial Section Annual Conference
September 24-27, 1995
Hyatt Regency Riverwalk,
San Antonio

TACA Annual Conference
October 24-27, 1995 (Tentative)
Hotel to be determined, Austin

Juvenile Justice Seminar
November 15-17, 1995 (Tentative)
Hotel to be determined, Austin

Texas College for New Judges
December 3-8, 1995
Criminal Justice Center, Huntsville

FASTEST WALKER IN THE EAST

Our own Teri Williams won the "fastest female walker" category in the 5K Fun Run/Walk at the NACM conference held in Miami in July. And, she took "4th Place Overall" in the race! Congratulations, Teri.

IACA BOARD NOMINEES

The following biographical sketches represent the three nominees to fill two, open positions on TACA's Board of Directors. These positions are currently held by Marsha Edwards and Wayne Porter. Marsha is eligible to serve an additional two year term if re-elected.



**MARSHA EDWARDS
NOMINEE**

Marsha Edwards is the Court Manager of the 12 County Criminal Courts of Dallas County. She received her B.A. from Texas Christian University, is working on a Masters in Information systems at the University of Texas at Dallas and is a Fellow of the Institute for Court Management.

She served on the Board of Directors for the Texas Association for Court Administration and is exhibit coordinator of the Annual Conference. She is the current Chair of TACA and has served on the following committees: Vendor Coordinator for 1990-1993, Board of Directors 1992-93 and Membership Chair. Marsha is serving on the Board of Directors for National Association for Court Management for a two-year term, 1993-95.

She was named Outstanding Committee Member in 1991 by the National Association for Court Management for work on the membership committee and was the 1991 recipient of the Chief Justice Thomas R. Phillips scholarships from TACA as well as the recipient of the Paul Ferguson and Jack Dillard Scholarships.

Marsha founded the Dallas Association for Court Administration in 1988 and has served as president and vice-president of that organization.

She was on the editorial board for Pursuing Justice: *Management of the Texas Trial Courts* and has written numerous articles for the *TACA Journal*. She is a member of NACM, the American Judicature Society, Texas Corrections Association, and the American Association of Probation and Parole. She has served on the faculty of the Professional Development Program since 1987.

Marsha has stated that she would like to continue the work she has started on setting a future plan for TACA.



**RUTH PUSKAR
NOMINEE**

Ruth Puskar has worked in the Dallas court system for the last twenty-three years. She has been the Court Coordinator for Judge Tom Fuller of County Criminal Court #5 since appointed in 1983.

Ruth is married and has two lovely children, Clint age 11 and Emily age 9. She enjoys being team mom with her daughter's cheerleader squad.

Ruth has been an active member of TACA since 1983. She has attended all phases in Huntsville and has been certified as coordinator. She is currently in the process of completing the Trial Court Administration course offered in Huntsville.

She is a member of the Dallas Association of Court Administration and has served as Treasurer for the last five years. She has served on the Law Day, Membership and Education committees.

If elected to the Board of Directors, Ruth states that she would serve your organization to the best of her ability.



**PATRICE "TRISEY" EUBANKS
NOMINEE**

Trisey is the Court Administrator for County Court at Law #1 in McKinney. She has been in the judicial system since 1976. She began her work in the County Clerk's office and moved to the County Court at Law, Clerk's office where in 1980 she was appointed Chief Deputy County Clerk. In 1982 she worked for Judge Richard Schell as Court Coordinator for a County Court at Law court. Since that time, she has worked under two other judges, and now works as Administrator for Judge Weldon Copeland.

She became a member of TACA in 1979 and has attended all annual conferences except one and has completed all phases of training in Austin

and in Huntsville. She is currently a member of NACM and joined in 1984. She has attended all but two of the annual conferences of NACM since 1984. She has attended numerous other conferences to improve her job performance in the courts.

Trisey has served on numerous TACA committees. Last year she served as chair of the nomination and scholarship committees and this year is the current education chair.

Trisey is married with two children, Jennifer, age 17 and Misty, age 13. She attends First Christian Church in McKinney where she and her children are very active. She is a two-year president of the Marquette Booster Team, treasurer of Faubion

PTA and past treasurer of Caldwell Middle School. She will soon be on the Board of Directors for Collin County Boy's and Girl's Club.

If elected to the Board, Trisey states that she will continue to work hard to make TACA the best organization possible. She believes training through classes and talking to your peers is the best available learning tool. She feels that the key to this great organization is getting everyone involved in TACA, no matter how shy, quiet, or what section of the state they live. She further states that she will work hard to bring new ideas and a great attitude to TACA's membership if elected.

"ONE CUSTOMER AT A TIME"

By Marsha Edwards

The American Bar Association has recently released a video titled "One Customer at a Time." The purpose of the video is to encourage judges, administrators and court staff to adopt a customer service focus in their daily work.

The bulk of the tape is devoted to three topics - Who are the courts' customers? What specific steps can courts take to better meet customer needs? How does a court institute a long-term program to improve customer satisfaction?

The tape presents examples of court actions, illustrated by footage of actual court proceedings and courthouse scenes, that can improve customer's satisfaction with their court experience.

The program divides these examples into three "P's" - Places, Process, and People. "Places" deals with changes to physical surroundings such as courthouse signs, parking, lighting and restrooms. "Processes" addresses the way in which the court conducts its business such as calendaring procedures, jury management and courtroom communication. "People" deals with courtesy on the telephone, at the clerk's office counter and other dealings with the public.

The Videotape comes with a self-assessment questionnaire, a bibliography and a facilitator guide. All materials are designed to help judges and court staff use the Videotape as part of a seminar or work session on improving customer service in a particular court.

The Videotape and materials are available for \$24.95 from the Lawyers Conference of the American Bar Association, phone (312) 988-5704.

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PROXY BALLOT

TACA is offering a proxy ballot in the *Journal* to enable those who are unable to attend the Annual Conference in Austin in October on opportunity to vote for the Board of Directors. Any regular TACA member in good standing is eligible to vote. No proxy ballots will be received or counted for the October election unless they are mailed to Martin Allen, TACA Secretary-Treasurer, and postmarked no later than October 4, 1994.

Texas Association for Court Administration Proxy Ballot

Nominees are: Marsha Edwards, Patrice "Trisey" Eubanks, and Ruth Puskar. Those eligible for the Choir position are the previously mentioned individuals (if elected) plus the remaining Board members: Blanco Briones, Diane Lowder and Dottie McDonald.

I, _____, certify that I am a regular TACA member in good standing, am unable to attend the 1994 TACA Annual Conference, and hereby submit my proxy ballot to vote for the following three persons as board members:

I also cast my vote for the following person to be elected Choir:

Mail to: Martin Allen, Secretary-Treasurer
Comal County Courthouse, Annex 317
New Braunfels, TX 78130

Signature of Voting Member

Proxy ballot must be postmarked no later than October 4, 1994.

ASSOCIATION OF ATTORNEY-MEDIATORS

WILLIAMS SQUARE IN LAS COLINAS
5215 N. O'CONNOR BLVD., SUITE 1795
IRVING, TEXAS 75039
PHONE (214) **869-1183** II FAX NO. (214) 739-2056

The Association of Attorney-Mediators ("AAM") is a nonprofit trade association whose members are trained, qualified independent attorney-mediators offering mediation services throughout the United States. They are united by a common commitment.

"...to achieve the prompt, fair and cost-effective resolution of disputes through voluntary and court-annexed mediation. "

- 450 trained, qualified attorney-mediators with a minimum of 8 years experience as attorneys.
- Our members have mediated over 25,000 legal disputes.
- Minimum of 40-60 hours of classroom and on-the-job training as approved by AAM.
- Each mediator is a licensed attorney with ongoing continuing education and experience requirements.
- Virtually all areas of subject matter expertise available.

AAM can assist you in arranging a mediation by referring you to our mediators. At your request, you will be provided our roster so that you may select a mediator. You and the mediator of your choice will make all necessary arrangements to conduct the mediation. All mediation fees are established independently by each mediator and will be agreed upon by you and the mediator as part of the scheduling process. There are no fees or charges by AAM for its participation in this process.

Feel free to contact our Administrator, Elise Mahesh,
for a roster of our members in your area or for
referral to our attorney-mediators.

Association of Attorney-Mediators
Williams Square in Las Colinas
5215 North O'Connor Boulevard, Suite 1795
Irving, Texas 75039
Phone: (214)869-1183 Fax: (214)739-2056

SCHOLARSHIPS FOR 1995

By Ruth Grimaldo, Cameron County

The newly formed Scholarship Committee consists of the following members: Stella Cavazos, Cheryl Whitworth, Elida DeLeon, Debra Montagne and Ruth H. Grimaldo, Chair.

The following scholarship awards are available to any TACA member who submits an application and is selected by the Scholarship Committee. The application forms are a part of this issue of the *Journal*. Members desiring to be considered should apply by letter and application to:

Ruth Grimaldo
Scholarship Committee Chair
Texas Association for Court Administration
138th District Court
974 E. Harrison Street
Brownsville, Texas 78520

In order to be considered, applications should be submitted no later than September 12, 1994. The scholarships will be awarded during the TACA Annual Education Conference in Austin, Texas on October 11-14, 1994.

The Honorable Paul Ferguson and Jack Dillard Scholarships are each \$500 and were created to fund the tuition of any seminar sponsored by the following: the Institute for Court Management, Justice Management Institute, National Center for State Courts, National Association for Court Management, National Judicial College or National Symposium for Court Technology. The seminar may be of a week's duration or less. While we hope the member attending the ICM seminar will also consider completing the Court Executive Development Program; this is not a requirement to be considered for either scholarship.

The Chief Justice Tom Phillips Scholarship for \$2,000 was created to fund the tuition costs for ICM's Phase II portion of the Court Executive Development Program which is a three week in-residency course in Virginia. Applicants must meet the requirements set out by ICM for admission to the Phase II program.

Note: Dottie McDonald discov-

ered a new source of funds for the ICM Phase II tuition. The Houston Bar Foundation has an endowment each year for this purpose and is available only to Harris County members. For more information, contact Dottie at 127th District Court, 301 Fannin, Room 606 A & B, Houston, Texas 77002, or at (713) 755-5590.

TACA SCHOLARSHIP APPLICATION

NAME: _____

TITLE: _____ COURTS: _____

ADDRESS: _____

CITY: _____ ZIPCODE: _____

PHONE: _____

TACA MEMBER: _____ HOW LONG?: _____

TACA PROFESSIONAL DEVELOPMENT TRAINING PROGRAM:
COMPLETED WHAT YEAR? _____

IF NOT COMPLETED, HOW MUCH COMPLETED? _____

Part of my commitment upon receiving a TACA Scholarship is to assist where needed in the Professional Development Training Program or the Annual Education Conference. The funds provided by TACA are necessary to my attending ICM or other approved seminar or conference. My country will not pay these expenses (or will only pay a part of them). I understand that this scholarship award is no longer valid if I leave court administration prior to utilizing this scholarship.

Basic scholarship requirements are:

1. TACA membership for at least 2 years.
2. Certification in Cour! Coordination
3. Commitment to assist in training or education program.
4. Need.

For ICM Phase II Seminar (4 weeks in residence)

1. TACA membership for at least 5 years.
2. Completion of Professional Development Training Program
3. A faculty member of Professional Development Training Program,
4. Or, assists as needed in Annual Education Conference.
5. Need.
6. Has completed all necessary ICM Phase I workshops and any other ICM requirements for ICM Phase II admission.

Submitted by:
Applicant

Date

Approved by:
Judge

MEET OUR ADVISORY JUDGES

By *Aurora I. Zamora, Uvalde County*

It is with honor and pride that we welcome one of the newest members of TACA's Judicial Advisory Board. The Honorable Mickey R. Pennington is Judge of the 38th District Court and presides in Medina, Uvalde and Real counties.

Judge Pennington was born April 2, 1950, in Tom Green County, San Angelo, Texas and grew up in Eldorado, Texas. He received his Associate of Arts degree from Schreiner College in Kerrville, Texas in 1970 and a Bachelor of Business Administration's degree from the University of Texas at Austin in 1972. He received a Doctorate of Jurisprudence degree in 1977 from St. Mary's University Law School, San Antonio, Texas. He is married to the former Barbara Jane Amstead of Austin, Texas, a registered pharmacist. They are the parents of two girls; Sarah Jane, age 12 and Rebecca Jane, age 8.

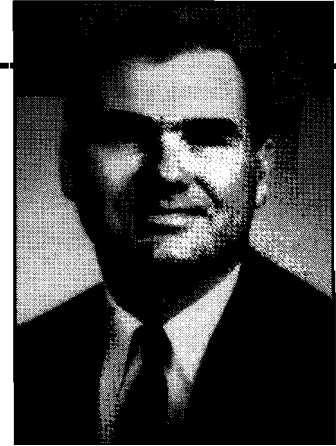
Appointed to the bench in April, 1983 at age 33, Judge Pennington has run unopposed and was re-elected to two out of three terms to office. His court staff include two TACA members; Court Reporter/Coordinator, Gene Steele who has been with the 38th District for 22 years and Court Administrator, Aurora I. Zamora.

Judge Pennington has been involved in the community of Uvalde, Texas since 1977. His genuine love for the care and welfare of children is evident by his involvement in the following: as trustee and charter member of the Eldorado Excellence Scholarship Trust; as volunteer counsel and attorney for the Uvalde Dale Evans Sheltered Day Care, Inc.; as past President of the Uvalde County Child Welfare Board; and as a former volunteer counsel and attorney for Uvalde Cares for Children, Inc. Judge Pennington was responsible for establishing the charter under which Uvalde Cares for

Children, Inc. operates. This organization now operates as a shelter home that houses court-removed children and serves as an alternative placement facility to juvenile probation or TYC placement. He is past president of the Uvalde Evening Lions Club, former Director of the Uvalde Area Development Foundation and former Director of the Uvalde Arts Council.

Judge Pennington is a member of the State Bar of Texas, American Bar Association, Uvalde County Bar Association, Medina County Bar Association and the Border Bar Association. He is a Fellow of the Texas Bar Association and a member of the college of the State Bar of Texas. He is currently serving his last year as member of the Board of Directors for the Texas Center for the Judiciary, Inc.

Although he does not consider himself as such, Judge Pennington is known as a trend setter. He became a firm believer of alternative dispute resolution and mediation well before its time. He utilizes mandatory settlement conferences as he believes that half of the work in docket control and disposition is bringing opposing counsels together. He is one of the first in this area to implement and enforce pretrial release programs, restitution and placement of nonviolent offenders in treatment facilities. The 38th District now operates one of the most respected centers in the area with a capacity of 100 residents. One of the most unusual, yet effective restitutions ordered by Judge Pennington was made to the local animal shelters after the defendant pled to charges of intentional killing of a neighbor's angora goats. The Judge never thought of this as extraordinary or abnormal, but rather as effective and a community-oriented use of the justice system.



Judge Mickey R. Pennington

To match the high-paced, court activity that a tri-county district provides, Judge Pennington unwinds in his personal time by snow skiing and trout fishing in New Mexico. He also enjoys boating and water skiing on Amistad Lake in Del Rio, Texas with his family. He is a Captain in the Civil Air Patrol - Uvalde, Texas and has a Private Pilot's license. His newly acquired "toy", a Sahara Jeep, has certainly brightened his days and ultimately ours.

POSITIONS AVAILABLE

District Court Administrator: Orange County, Orange, Texas. The District Judges of Orange County, Texas are accepting applications for District Court Administrator. Requires a Bachelor's Degree from an accredited university. Prefer someone with experience in court docketing, management, and supervision. Salary \$30,000 plus. Submit resume and references by August 12, 1994 to: District Court Administrator's Office, Orange County Courthouse, Orange, Texas 77630, (409) 882-7075 EEO.

Civil District Courts Administrator, Bexar County, San Antonio, Texas. Send resumes to Civil Courts Administration Office, 100 Dolorosa, Room 305, San Antonio, Texas 78205.

FEEL THE BURN! ENERGIZE WrrH T.A.C.A.

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ual, fair, and unbiased judiciary? Lady Justice exemplifies the concept, but how exactly do we incorporate that lofty goal into court policy and procedure. Clifton Grandy, senior staff attorney of the National Center for State Courts will impart the mechanics of eliminating bias from decision-making systems, will share useful strategies and techniques for planning and starting work force diversity programs, and will identify auditing methods for court compliance with civil rights laws.

Other general sessions for the week include: a session led by Justice Linda Thomas, 5th District Court of Appeals, Dallas and Judge Suzanne Stoval, County Court of Law #1 of Conroe, who will speak to the ramifications of the revised Code of Judicial Conduct ordered by the Supreme Court of Texas effective March 1, 1994. Perspectives on dealing with Pro Se Litigants and the Unauthorized Practice of Law will be the issues covered by Jim Blume, Attorney at Law. Mr. Blume, appointed by the Supreme Court, chairs the Unauthorized Practice of Law Committee that investigates and prosecutes persons who practice law without being licensed to do so.

Breakout Sessions will cover the following timely topics: Criminal Justice, issues which will once again dominate the legislative session and education. Rob Kepple, General Counsel for the Texas District and County Attorneys Association is back by popular demand to discuss the State Jail felony System and Juvenile Justice Issues. Whether or not you work in a Probate Court, we can all profit personally from the information shared in the session on probate law, guardianship law and procedure. It goes without saying that we will all eventually be involved in probate, to some extent, in our personal lives. Coordinators Joan Green and

Diane Lowder of Georgetown will share their handbook and tips on the workshop they developed for Williamson County on "Court Procedure Training for Attorneys and Staff". Interpreter Olga Mencke of San Antonio will examine the needs and use of interpreters in the courts. Rural court coordinators who procure those services or provide them, as well as coordinators in urban areas who must schedule, identify, or hire interpreters will also benefit from this breakout.

In addition to the educational opportunities that Curriculum Coordinator, Teri Williams, has provided for the October Conference, Patrice Eubanks, Education Chair, and her committee will offer a number of opportunities for members to network during some very interesting social events. Debbie Rutledge, Exhibitor Coordinator has lined up some outstanding exhibitors who contribute greatly to the caliber and technical perspective of this Conference.

I hope that you all plan to attend this excellent educational opportunity. You will also have the occasion to meet the new director of the Texas Center for the Judiciary, Mari Kay Bickett. We are looking forward to the leadership and direction that a fresh perspective promises. Please join us in Austin in October.

LOCAL NEWS

Congratulations to Debra Montagne on her new position as Director of Professional Development and Training in Houston! Debra's new address is:

Debra Montagne

Professional Development & Training Director

301 San Jacinto, Room 401

Houston, Texas 77002

(713) 755-5394

FAX (713) 755-8931

Editor's Corner

By Joan Green

Read the TACA *Journal*. The *Journal* is here to provide current information concerning important issues and upcoming events in TACA.

- Note the highlights of the upcoming Annual Conference to be held in Austin, Texas on October 11-14, 1994. Be sure to register and attend!
- Read and submit your applications for scholarships and recommendations for the prestigious Justice Charles W. Barrow Award-to be announced at the ARnual Conference.
- Learn about the nominees for the Board of Directors for TACA to be voted on at the Annual Conference in October. If you can't attend, please use the Proxy Ballot in this issue.
- District Court persOlmel — please note the article entitled, "The Administrative Challenges of a New Penal Code" by Ken Anderson and John Bradley. This is an extremely informative article with useful charts.

Yes, we have it! Take time to read the *Journal*, enhance your professional knowledge and skills.

If you wish to submit an article or information to the *Journal* please write to:

Joan Green

405 Martin Luther King Boulevard

Box 6, Georgetown, Texas 78626

New Phone # (512) 930-4325

New FAX # (512) 930-3323

Thanks to those who have already shared in the preparation and publishing of the *Journal*.

JUSTICE CHARLES W. BARROW AWARD - NOMINATION FORM

Information concerning the Justice Charles W. Barrow Award was highlighted in the last issue of the *Journal*. This award was created for one who has made extraordinary contributions in promoting court administration in Texas. This is TACA's most coveted award which recognizes the "high standards of excellence" exhibited in all endeavors of the recipient.

Below is the nomination form to be filled out by you. Please mail this form to: Mr. Bob Wessels, Courts Manager, County Courts At Law, 301 San Jacinto, Room 401, Houston, Texas 77002. Please submit your nomination no later than September 12, 1994.

TEXAS ASSOCIATION FOR COURT ADMINISTRATION

Nomination for the Justice Charles W. Barrow Award

Member Nominated: Name _____

Title _____

Address _____

City _____ Zip _____ Phone _____

Eligibility: Any member in good standing, who has contributed significantly in promoting Court Administration.
 (criteria: A. Nominee must have provided outstanding assistance to the overall Court Administration effort.
 B. Nominee must exhibit sustained dedication to Court Administration activities **generally**.
 C. Nominee should have participated actively in promoting Court Administration.

Narrative: Emphasis on eligibility, criteria and accomplishment submitted should be attached to this form. Please limit to two (2) pages of narrative.

Member Making Nomination:

Name _____

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"WE THE PEOPLE, FOR THE PEOPLE..."

Marsha Edwards, Dallas County

What is the responsibility of the courts to the public? If Thomas Jefferson has his way, we should all quit our jobs and return to the farm. And that is exactly what he told the 350 attendees at the 9th Annual NACM Conference in Miami, Florida.

Clay Jenkinson has impersonated Thomas Jefferson on more than 1000 occasions. He appears in the costume and character of Jefferson and couches his speech as much as possible in the actual language of Jefferson. He began the NACM conference by presenting Jefferson's thoughts on what he envisioned the role of courts to be when he wrote the Declaration of Independence and worked on setting up our democratic form of government.

Jenkinson's portrayal provided a thought provoking look at how our democracy has evolved. "Democracy is not that everyone have the same thing, but that everyone have dignity." He feels that all of our problems stem from the fact that we have removed ourselves from our agrarian roots and live in cities. His recommendation to everyone was to grow something in the next year and see what a difference it makes in your life.

Note: Thomas Jefferson will appear at the State Judicial Conference in September.

The remainder of the week at the NACM conference was packed with so many classes - total quality management, leadership and diversity, dealing with difficult people, space planning, increasing collections, training, budgeting and technology. The only complaint of conference participants is that they couldn't take it all in.

Thursday was devoted to sessions showcasing the latest in innovative court technology programs from a variety of court systems around the

country. TACA members Harry Lev-erett and Bob Wessels from Houston taught one of the breakout sessions.

Over 60 exhibitors displayed the latest in case tracking, imaging, assistive listening, architecture, publishing and security devices. A new feature of this year's conference was a "Knowledge Fair" where practitioners from the field sat at booths much like the vendors and met one-on-one with anyone interested to discuss concerns and issues. Some of the featured topics: Drug Courts, Disaster Recovery, Jury Management, Ethics, Courthouse Design and PC Technology.

Next year NACM will celebrate its 10th anniversary "A Decade of Excellence, A Future of Promise". The conference will be held at the Fairmont Hotel in Chicago, Illinois July 9-14, 1995. Mark your calendars and plan to attend!

"97 - DOING TIME IN HUNTSVILLE"

Continued from Page 3

whose dedication to professionalism and excellence is evidenced by her years of service to our endeavors. Tricia, thank you for your tradition of service and commitment.

Congratulations to everyone who attended this year's program. From your remarks, coupled with the faculty's comments on your participation, it was an excellent program, one that we are all very proud of. Your Professional Development faculty is committed to the continued enhancement of educational programs and networking opportunities to assist you in developing and building a network of friends and professional peers outside your home jurisdictions. Mark your calendars for next year: 1995 PDP, June 19-23, Criminal Justice Center, Huntsville, Texas.

Letter from the Chair

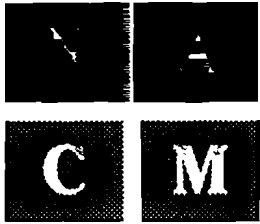
By Marsha Edwards

TACA extends a warm welcome to Mari Kay Bickett. She has hit the ground running as the new director of the Texas Center for the Judiciary, Inc., and TACA is looking forward to working with her. An article about Mari Kay can be found in this issue of the *Journal*.

I would be remiss if I did not take time to thank Judge B. B. Schraub and the wonderful staff at the Texas Center for steering through this difficult time. Tricia Hall, Linda Gary and Nancy Lovejoy have exemplified the term "grace under fire."

Registration for the October conference will be in the mail soon. Be sure and mark your calendars for October 11-14th at the Omni Hotel in Austin. We have some major competition this year in the Court Technology Conference which will be held the same dates in Nashville. We hope you will join us in Austin for a great conference - maybe even an Elvis sighting!

As I traveled the State this spring attending the Regional Judicial Conferences, I was struck by the fact that 1994 was not a good year for a great many people. Illness and death have touched the lives of so many people. Priscilla Pechal of Kaufman was one of the first coordinators I met when I joined TACA. Although Kaufman is much smaller than Dallas, we shared similar experiences since many of the same attorneys practiced in both places. She would occasionally call to see if people really were in trial (and sometimes they weren't!) I will miss her humor and smiling face this October.



TAKE THE NEXT STEP!

The National Association for Court Management (NACM) invites you to join other court management professionals (from all levels and types of courts) to increase your proficiency and improve the administration of justice.

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Membership benefits include receipt of a quarterly journal and newsletter, The Court Manager and Forum Conveniens, reduced NACM and ICM conference and seminar fees and networking/information exchange.

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For further membership information, contact:

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THE HONORABLE B. B. SCHRAUB

URIM DIRECTOR, TEXAS CENTER FOR THE JUDICIARY

I Joyce Strauss, Lavaca County

Judge B. B. Schraub has successfully carried out the duties of the Executive Director for the Texas Center for the Judiciary at a critical time of change. Judge Schraub began his duties in late October, 1993 through July of this year. He made sure that the Texas Center was operational by providing his excellent executive guidance. Our judges, Chair and Board of Directors at the Texas Center for the Judiciary placed all their confidence in him and as he kept the Texas Center on track while a new Executive Director was being sought. He gave of his time each week to the staff and the judiciary to ensure that the administrative functions of the Center were ongoing.

The Honorable B. B. Schraub was born February 17, 1928 in Seguin, Texas. He served in the United States Marine Corps, 1946-1947 and 1950-1952. He was in Korea during 1951 and 1952 and was Honorably Discharged at rank of Sergeant. He is married to Estella Jackson and they have one son, Fred Schraub, who is a 1989 graduate of Baylor University School of Law and is presently associated with Butler & Binion, Attorney at Law, San Antonio, Texas.

Judge Schraub graduated from St. Mary's University School of Law in San Antonio, Texas in 1954, with a LLB Degree.

Career life for Judge Schraub has been very full and rewarding. It began as an associate with the firm of Knetsch and Schraub from 1954-1971. During this time, he served as Municipal Court Judge for the City of Seguin in 1961; County Court-At-Law Judge for Guadalupe County, 1967-

69; and County Judge for Guadalupe County, 1969-71. In 1971, he served as District Attorney until he was appointed as District Judge of the 25th District Court where he served for 20 years. In 1990 he was appointed by the Governor to serve as Presiding Judge of the Third Administrative Region.

He is a member of the Guadalupe County Bar Association, South Central Texas Bar Association and the American Bar Association. He served as Past President of the South Central Texas Bar Association.

Other professional activities included: serving as Chair of the Judicial Section, State Bar of Texas; Chair of the Texas Center for the Judiciary from 1980-81; Faculty member for the Texas College of the Judiciary, 1979-1986 and the National Judicial College in 1985. He served as Faculty Advisor for the National Judicial College, 1979-1980; Member, Senate-House Select Committee of the Judiciary, 1983-1984; Member of Texas Adult Probation Commission, 1983-1989; Chairman, National American Bar Association, 1988-1989; Liaison, Judicial Administration Division to Torts and Insurance Practice, American Bar Association, 1990-1994; Vice-chair, Title Insurance Law Committee, Tort and Insurance practice Section, American Bar Association, 1993-1995; Recipient of 1992 Outstanding Jurist Award presented by the Texas Bar Foundation; Board of Director, National Judicial College, 1992-present; Interim Director, Texas Center for the Judiciary, 1993-94.

Judge Schraub has been very involved in his community. He served as Past President of Seguin



Judge B. B. Schraub

Lions Club; Past Deputy District Governor, Lions International; Past President, Seguin and Guadalupe County Friends of the Library; past Vice-President, Seguin and Guadalupe County Chamber of Commerce; Member, City of Seguin Planning Commission; Commissioner, Public Housing Authority, City of Seguin. He is a member of Faith Lutheran Church in Seguin; former member, Faith Lutheran Church Council; and he served as an adult Sunday School Teacher.

Judge Schraub is the President of Guadalupe County Abstract Company of Seguin, Texas; served as past president of the Texas Land Title Association 1970-71 and the State Trade Association of Abstract and Title Insurance Industry.

From all who have had the pleasure of knowing and working with Judge Schraub, we take this time to say, "Thank you". Serving as Interim Director of the Texas Center for the Judiciary, Inc. was an unselfish endeavor. The support Judge Schraub has shown, both professionally and civically, is an example of persistent dedication to help his fellow man.

TEXAS CENTER HAS NEW DIRECTOR

Mari Kay Bickett joined The Texas Center for the Judiciary, Inc. as its executive director in June. Ms. Bickett is the former academic director of The National Judicial College in Reno, NY where she was responsible for the development, organization, implementation and administration of all judicial course offerings for the college. In addition to her academic responsibilities, she participated in the overall management at the college and its grant funding program, from the preparation of grant proposals to the supervision and administration of grants from both public and private funding sources.

She received her J. D. degree cum laude from Nevada School of Law, and then entered private practice, specializing in appellate work, family law and criminal law. She is the past president of Northern Nevada Women Lawyers and served on the CLE committee for the State Bar of Nevada. Ms. Bickett also served as judge Pro Tern in the Reno Municipal Court and as an arbitrator for the Judicial District Court of Nevada.

Please join the Texas Center in welcoming Ms. Bickett for what promises to be a successful tenure.

CONGRATULATIONS!

Dottie McDonald, Court Coordinator for the 127th District Court in Houston, completed the three-week ICM Phase II of the Court Executive Development Program at the National Center for State Courts in Williamsburg, Virginia. The June 27th through July 15th experience was most rewarding and Dottie thanks TACA for allowing her the scholarship to attend.

AMERICANS WITH DISABILITIES ACT AFFECTS JURY SERVICE

By Marsha Edwards

Recently a Tarrant county juror was able to participate in the jury orientation in the Center Jury Room, jury selection in the courtroom, and serve as one of the 12 jurors in Judge Lee Ann Dauphinot's Criminal District Court No.2 with the help of a court reporter utilizing real-time writing and her notebook laptop computer.

The juror was familiar with the advent of real-time writing and made the jury room officials aware of it. The Deaf Action Center in Dallas was referred to the court reporter in Tarrant County.

A unique factor with this particular prospective juror was that she is not able to use sign language and she can speak. The real-time transcription was the perfect solution for her to get a literal, 100% interpretation of the proceedings. Judge Dauphinot swore the court reporter in as an interpreter, and explained that she could not keep her notes, nor transcribe what she wrote. She would sit in the jury box and be allowed in the jury room to act as the juror's "ears," as a hearing aid. Judge Dauphinot's court reporter still operated as the official court reporter for the court and maintains the formal transcript of the proceedings

New Members

since January 1, 1994

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Judge Lynn Burson
Juan Campos
Meg Depositario
Judge Cas Dunlap
Cynthia Edington
Judge Ben Ellis
Judge Roy Engelke
Judge Molly Francis
Judge Tom Fuller
Judge Marshall Gandy
Judge John Hendrix
Torri Jackson
Marilyn Lewis
Judge John McCall
Carla Mueller
Elsa Paniagua
Mary Running
Judge Mike Schwillie
Patricia Sepulveda
Anthony Serrano
Donna Smith
Judge Ralph Taite
Eric Williams
Judge Sharen Wilson

We express our deepest sympathy to the family, co-workers and friends of Priscilla K. Kaufman Pechal. Priscilla who passed away June 10th, 1994 was a member of TACA and Court Coordinator for the Honorable Glenn Ashworth of the 86th District Court of Kaufman County, Texas. Priscilla will be missed by us all.

PROGRAM BRIEF

BUREAU OF JUSTICE ASSISTANCE

by Marsha Edwards, Dallas County

The following is a first of a series of articles taken from the Program Brief "Family Violence: Interventions for the Justice System" which presents the findings of two Bureau of Justice Assistance (BJA) sponsored projects from 1986 to 1990. The projects, which included 11 demonstration sites in courts across the country, were designed to develop and document improved justice system practices for handling family violence cases.

High-profile events, such as the recent furor over O. J. Simpson, help establish the need and motivation for change. Planning for long-term change, however, cannot be based solely upon public reaction to current events. The resources and leadership available to support the project over a longer period of time must be considered. Successful implementation of a family violence intervention program requires careful planning and a realistic assessment of the community's readiness or acceptance of a need for the program.

THE NEED

Opinion about the appropriate role of the State as an arbiter of family disputes has undergone considerable revision in the past century, fueled in part by a growing awareness of the prevalence and magnitude of the problem. The tragedy of family violence has required the State to become more actively and intrusively involved in family affairs. Recognition of the devastating effects of violence on victims has prompted changes in legislation, judicial philosophy and social norms.

- Between 1.8 and 4.0 million

American women are abused in their homes each year.

- In 1992 nearly 3 million children were reported abused or neglected. This number represents a 132 percent increase in the last decade.
- In 1991, 28 percent of all female murder victims were killed by their husbands or boyfriends.
- When child abuse is present in a family, there is a high probability of spouse abuse as well.
- Delinquency and significant emotional disability are far more prevalent among children from violent homes than among children from nonviolent homes.

Family violence cases are heard in a variety of settings within one court system. Misdemeanor, felony, juvenile, family and civil courts all handle varying aspects of domestic violence. Successful intervention requires improved coordination and information sharing. Too often, related cases involving the same family are pending in several courts, but information about each of the cases is not readily available to all judges and court officials in related cases. Children are present in 80 percent of violent homes and are victims of abuse themselves in at least 40 percent of these homes. Yet these cases are rarely coordinated.

Although each court has its strengths, neither the stern process of the criminal court nor the ameliorative process of civil intervention provides all that is necessary to deal with the complex issues surrounding family violence. Across the board, there has been a failure to recognize the special nature of family violence cases, particularly in the areas of the victim-offender relationship and other family dynamics.

In the BA sponsored projects, one emphasized criminal prosecution and the other coordination of services with both civil and criminal case processing. The Family Violence Inter-

vention, programs were in Baltimore, Denver, Indianapolis, Los Angeles, Ann Arbor, Milwaukee, New York and Tulsa. The Family Violence and the Role of the Family Court projects were in Portland, Oregon; Wilmington, Delaware and Quincy, Massachusetts.

The next in this series will focus on the critical elements necessary for successful planning and implementation of a family violence program.

A copy of the complete program brief can be obtained from the Bureau of Justice Assistance, 633 Indian Avenue, N.W., Washington, D.C 20531 (202) 514-6278s.

MANDATORY EDUCATION FOR COURT ADMINISTRATORS

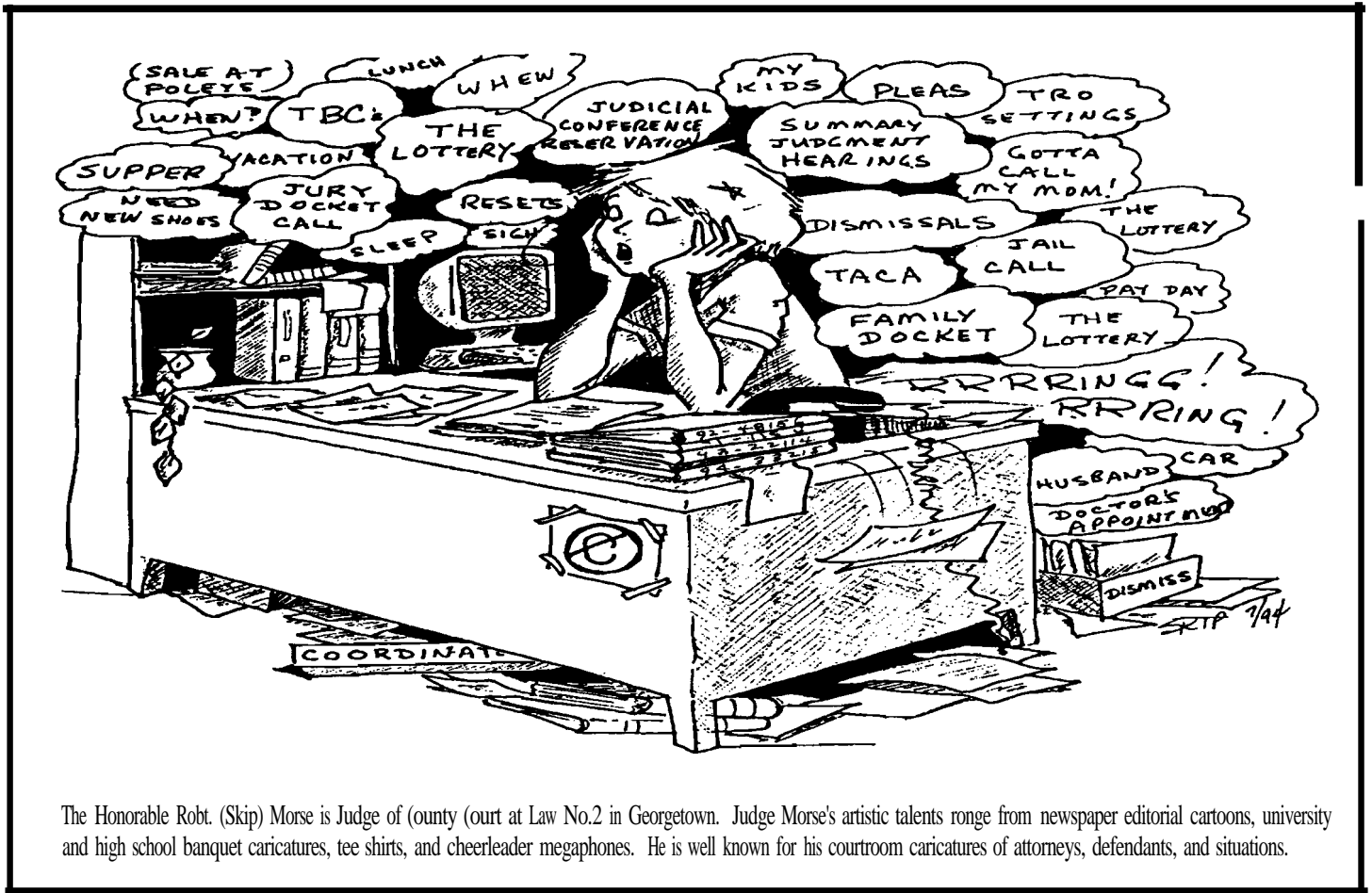
The following members (If TACA met at the Annual Conference in Austin, Texas on October 22, 1993 concerning legal education requirements for Court Administrators for the State of Texas:

Cathy Adams	Jose Louis Lopez
Kristi Austin	Sandra McBee
Marilyn Batterton	Cyndia Maxwe]J
Linda Dixon	Debra Montagne
Brenda English	Elsie B. Pfeiffer
Kathy Gannaway	Janice Pruitt
Joan Green	Myrna Salcido
Frances Henley	Joyce Strauss
Nelda Jones	

If you would like to Join these TACA members and express your concern for this educational issue, please write to:

Joan Green
405 MLK Boulevard
Box 6
Georgetown, Texas 78626
or FAX (512) 930-3323

If you are interested in meeting together at the Annual Conference, please call Joan Green: (512) 930-4325.



The Honorable Robt. (Skip) Morse is Judge of County Court at Law No.2 in Georgetown. Judge Morse's artistic talents range from newspaper editorial cartoons, university and high school banquet caricatures, tee shirts, and cheerleader megaphones. He is well known for his courtroom caricatures of attorneys, defendants, and situations.

Texas Association for Court Administration

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