

Judges agree

# Change needed

By JACK HODGES  
Battalion Staff Writer

85th Dist. Court Judge W. C. Davis said Thursday he favors the merging of the Texas Supreme Court and the Court of Criminal Appeals as proposed in the upcoming constitutional revision election Nov. 4.

"It seems to me, when there is a person's life on the line and there are 14 courts for civil appeals and only one for criminal appeals, there should be a change," Davis said.

Proposal Two on the constitution revision ballot, if passed, will combine the Texas Supreme Court with the Court of Criminal Appeals. The two courts then would become the Texas Supreme Court with one chief justice and eight other justices, with not fewer than five in session at any time.

The change would rename the chief justice of the Supreme Court to the Chief Justice of Texas.

The Courts of Civil Appeals would no longer be constitutionally restricted to review only civil cases if the proposal passes.

There is a controversy that the two courts have specialized in either civil or criminal matters.

"But we sometimes handle both cases and there should not be much trouble if there is a change," Davis said.

Davis said that the proposed revision should speed up the court system and reduce the case load because of the combination.

"If there is an overloading of cases in a particular court district then the state Supreme Court could assign judges from another court district to relieve the stress," Davis said.

There are a lot of districts that have small caseloads and help from those districts could benefit others, he added.

"I think Briscoe's stand against the proposals came out a little late but he has his opinion and I don't want to argue with others who come out against the proposals," Davis said.

Brazos County Judge Bill Vance said he is also for the merging of the two courts also and viewed the proposal much the same as Davis.

"It creates a unified court system and will help alleviate case overloads," Vance said. The court system would be under the Supreme Court of Texas which would have the final say on criminal and civil cases, he added.

## Part 4 of 9

Associated Press

AUSTIN, Tex. — Texas needs judicial reform so desperately that many top officials support the new constitution principally because of its simplified judiciary article.

But included among the critics of the article are a few heavyweights, including the presiding judge of the state's highest criminal court, John F. Onion Jr.

### Special News Analysis Series

Reform is needed, says Onion, but this article fails to provide it. Texas Supreme Court Chief Justice Joe Greenhill, however, says it does.

How can a voter make up his mind when the state's top two judges differ? Especially when they use the same language to justify their positions?

Here is Onion: "It's not necessarily the punishment but the swiftness and certainty of punishment, I believe, that deters crime. What good are speedy trials if we don't have speedy appeals?"

Here is Greenhill: "Swiftness of trial and punishment is the most

effective deterrent we have to crime."

Onion's detractors say his real opposition is to the loss of his title as presiding judge.

The main features of the judiciary article are the merger of the Supreme Court and the Court of Criminal Appeals, and the creation of a unified judicial system under the administrative control of the Supreme Court.

The five criminal appeals judges, and the court's two special commissioners, would become Supreme Court judges, raising the total from nine to 16. Death and retirement will drop it back to nine.

So Onion wouldn't be out of a job, just a title.

"I'm not sure there's that much difference between being an associate justice on the Supreme Court and being presiding judge on the Court of Criminal Appeals," he said.

Onion argues that criminal appeals will be prolonged, not speeded up, by giving the 14 courts of civil appeals criminal jurisdiction and allowing the Supreme Court to hear appeals from those intermediate courts.

The time it will take for the top court to decide whether or not to take a case, added to the time needed to write opinions on those it accepts, will clog up the criminal docket worse than it is now, Onion says.

Onion finds opposition to his position on his own court. Judge Truman Roberts predicted two years ago the court's huge caseload would lead to a scandal. Onion said

recently that problem has been solved. Roberts disagrees.

"We have heard arguments in 120 cases, which we have not decided, another 543 have been filed for arguments, and there are approximately 2,000 cases around the state in which notice of appeal has been given. This court simply cannot handle 2,600 cases," says Roberts.

The courts of civil appeals with a total of 42 judges, have a caseload one-fourth the size of the caseload of Onion's and Robert's court.

Among others opposed to the new judiciary article is Dallas Democratic state Sen. Oscar Mauzy, who says the other 48 states that have one top appellate court are the ones that are out of step, not Texas.

"The State Bar of Texas and the Supreme Court of Texas have recognized the specialization in law, as we've seen in medicine during the last decade, by providing for specialized law licenses," says Mauzy. "To practice certain kinds of law now, you have to have a certain kind of license issued by the Supreme Court, on certification."

"Those special areas are domestic relations law, labor law and criminal law."

"Now, if it makes sense to require the lawyer who practices criminal law — and I'm not one of them — to take a specialized examination and to be given that specialized license, then it makes sense to me that the judges who try those criminal cases should also be specialists."

The AFL-CIO opposes the judiciary article because it allows

the state to appeal criminal cases where a trial judge declares a law unconstitutional and where the Supreme Court feels it needs to clear up conflicting views of the new courts of appeal.

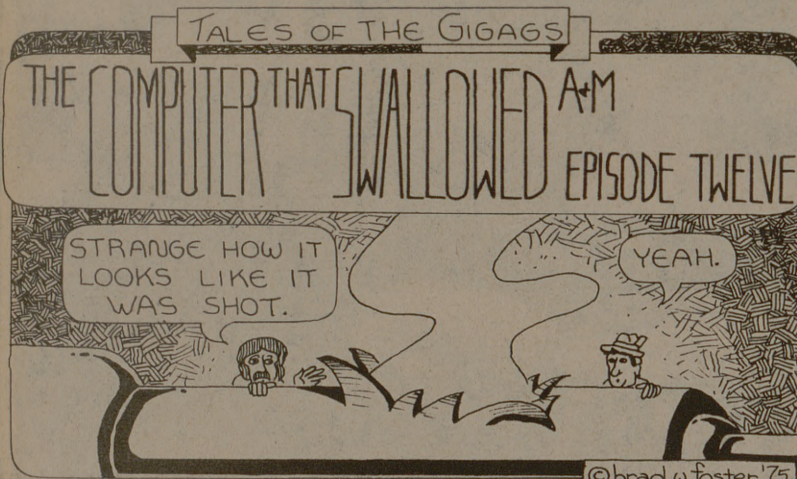
Some county judges who never went to law school oppose the article because it would give the legislature the power to take away their jurisdiction to try cases and put it in new circuit courts whose judges must be lawyers.

Some district and county clerks oppose it because local voters would be allowed to merge the two offices.

There are many top public figures who support the article, including former Texas Chief Justice Robert W. Calvert, Lt. Gov. Hobbs, and Atty. Gen. John H. Brown.

A major selling point of the centralized administrative power of the Supreme Court, Texas is the only state whose judiciary lacks authority to transfer cases between courts at the same level or assign judges within or between levels. Supporters say this will change an inefficient system into an efficient one.

Tuesday: Proposed changes to the voting and election article.



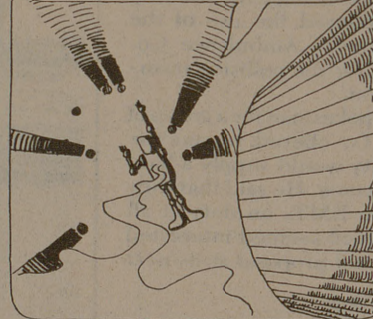
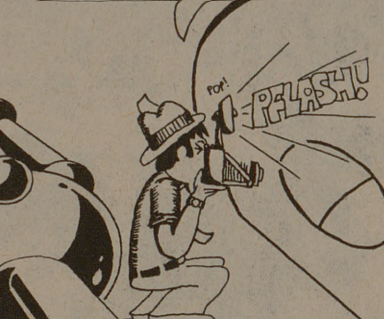
THE K.K. COULDN'T PUT A DENT IN IT! PROBABLY HAPPENED WHEN IT FELL.



WHEN THEY GOT CRAIG DOWN HE SAID A LITTLE BEAR IN A PANTHO WALKED UP THE TOWER AND SHOT IT DOWN.

UH-HUH... AND SANTA CLAUSE DIVE-BOMBED IT WITH PRESENTS...

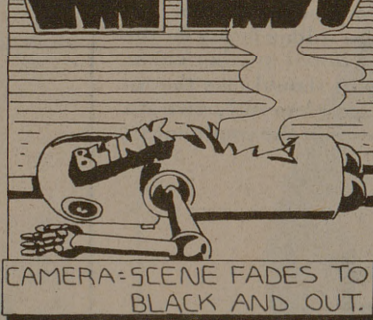
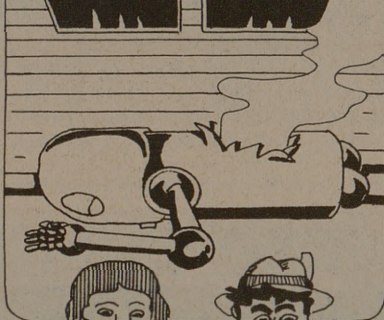
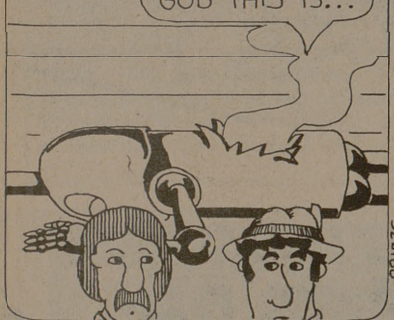
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THE END

THE END?



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