



Journal of the TEXAS SUPREME COURT HISTORICAL SOCIETY

Summer / Annual Dinner Issue 2012 Vol. 1, No. 4 Executive Editor David Furlow

Methods for Common Law Judges

By Jack Pope

Explore what a common law judge may and may not do, as noted in this lecture to the Texas Railroad Lawyers Association in 1964. [Read more...](#)



Hon. Jack Pope

President's Page: Taking Stock

By Lynne Liberato

When I was State Bar President, I learned how easy it is to get caught in the trap that threatens to ensnare the president of every volunteer organization. [Read more...](#)



Lynne Liberato

Board Elects Officers for 2012-13

In late February, the Society's Board of Trustees unanimously elected officers for the one-year term beginning June 1, 2012. [Read more...](#)

Four New Members Elected to the Board of Trustees

At the annual meeting of the general membership, the Society members elected four members to fill vacancies. [Read more...](#)

The Best People in Texas Are Dying to Get In: Justices in the Texas State Cemetery, Part 1

By Will Erwin

The Texas State Cemetery has been the burial ground for distinguished politicians and soldiers since the mid-1850's. [Read more...](#)

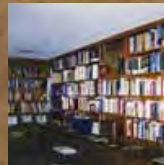


I'm buried there. Know who I am?

Executive Director's Page: An Uncommon Judge

By Bill Pugsley

One of the pleasures I enjoy as Executive Director is to see the homes of justices who served on the court. [Read more...](#)



Hon. Jack Pope's library

History of Texas Supreme Court Now in Press

The Society-sponsored history of the Court is now in full production at the University of Texas Press. [Read more...](#)

The Mystery of the Sam Houston Bible

By Tiffany Shropshire

The Chief Justices of the Texas Supreme Court have used a plain, unassuming King James Bible for over 150 years. [Read more...](#)



Did Sam Houston really own it?

Fellows Column: A Successful First Year for the Fellows

By David Beck

As we celebrate the one-year anniversary, I am pleased to report that we now have fifteen Fellows. [Read more...](#)



David Beck

Portrait Ceremony Will Honor Justice Harriet O'Neill

The Supreme Court of Texas will officially accept the portrait of Justice O'Neill during a June 1 dedication ceremony. [Read more...](#)



Hon. Harriet O'Neill

Justice Guzman Speaks at Tejano Monument Dedication

By Bill Pugsley

The first Latina to serve on the Texas Supreme Court, Justice Eva Guzman spoke at the dedication of the Tejano Monument on the Capitol Grounds. [Read more...](#)



Hon. Eva Guzman at the dedication

2012 Hemphill Dinner

Mayor Rudolph W. Giuliani will be the keynote speaker for the Society's 17th Annual John Hemphill Dinner. [Read more...](#)



Mayor Rudolph Giuliani

Officers, Trustees, & Court Liaison

Keep in touch with your Society. [Read more...](#)

Society Calendar of Events

Dates to remember. [Read more...](#)

New Member List

Welcome, newest members! [Read more...](#)

2012 Membership Upgrades

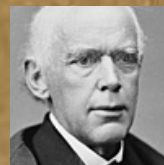
Some members have moved to a higher membership category. [Read more...](#)

Membership Benefits & Application

Discover the benefits of membership. Apply to join the Society today! [Read more...](#)

Society Will Cosponsor Court Reenactment

The Society will cosponsor a reenactment of the U.S. Supreme Court argument in *Texas v. White* at the State Bar Annual Meeting in Houston. [Read more...](#)



Chief Justice of the original case, Salmon Chase

Methods for Common Law Judges

By The Hon. Jack Pope

Editor's Note: The following lecture was presented to the Texas Railroad Lawyers Association in October 1964 by Justice Jack Pope, then serving on the Fourth Court of Appeals in San Antonio. Justice Pope was the Democratic nominee for Place One on the Supreme Court of Texas. He won the general election and was sworn into office January 4, 1965. He would go on to serve exactly twenty years on the Texas Supreme Court, capping his last two years as Chief Justice. When he retired at age 71, he was the Supreme Court justice with the longest continuous judicial service. The editor has subdivided a few of the longest paragraphs for the reader's convenience.



Hon. Jack Pope

MR. JUSTICE HOLMES once lectured his colleagues on the court about the binding force of the common law when he said in his dissent to *Southern Pacific Co. v. Jensen*, 244 U.S. 205 (1917):

A common-law judge could not say, I think the doctrine of consideration a bit of historical nonsense and shall not enforce it in my court. No more could a judge exercising the limited jurisdiction of admiralty say, I think well of the common law rules of master and servant and propose to introduce them here *en bloc*.

These are the words of a judge who had been nurtured in the common law, understood legal history, was experienced as a judge of a state court, and then was elevated to the highest court of law in the land. Justice Holmes knew that he would not go to jail if he violated those common law limitations, but he felt bound by the common law and said so.

For a few minutes, we shall extend his remarks and explore the limitations upon and the leeways available to a common law judge. First we shall examine the range of choices open to a judge with respect to the kind of an opinion he will write in the case at hand.

We shall then mention some of the limitations imposed upon a judge by his obligation to follow binding precedent. Finally, we shall call attention to some other, but less frequently mentioned, criteria which in a common law society contribute to stability in the law.

Choices of Kind of Opinion

What choices are open to a judge who is required by the rules to write an opinion? Strangely, it is more or less assumed that a given judge will write the same kind of opinion in every case. Actually, the judge will probably, from case to case, make up his mind what kind he will write.

- A judge can write the brush-off opinion. If the appeal is frivolous, it may be the right kind. Ordinarily it does harm in the long run.
- He can simply decide the case. He may do this in a very craftsmanlike manner which entails the reading of all applicable opinions and marshaling them under clear and neat rules. When he has finished, he has decided the case, and that is important, but he has only said what has already been said. This is, perhaps, the prevailing opinion form in Texas, and it is usually compelled by the pressures of time. An intermediate judge pressed to produce an opinion a week and to confer about others being prepared by his colleagues often finds himself going home evenings thinking in terms of getting the work out instead of contributing to jurisprudence.
- He may write a spelunking opinion. He explores deeper into unknown caverns. When inventive man produces new and novel problems, he may seek for answers where there is very little light. He knows, when he undertakes it, that he may fall upon bad times, that as light is brought to bear, his errors will be exposed and revealed by law review articles, by the organized bar, and by other sources of clearer light. If there is no light on the subject, the judge has little choice of methods, but where there is light, only a fool will go off into the darkness.
- He can write what Cardozo calls the magisterial or what Llewellyn calls the Grand style of opinion. He can examine the state of the law. Where it is confused, in conflict, or obtuse, he can bring his research and analytic powers to bear upon the problems. He can then make an effort to restate and revitalize the rules, set them in order by tying them to principles which undergird the case illustrations and thus tidy up one more little corner of the law.

As already mentioned, the time limitations upon the court compel the judge to be selective. But when the case presents itself wherein a judge and a court can make an effort at judicial statesmanship, it should not be passed by, for it may be years before the opportunity is again afforded. Every opinion cannot be the kind last catalogued. Lack of time, lack of industry, lack of talent, lack of insight, lack of scholarship, sadly make most of us workhorses instead of judicial statesmen.

The Use of Precedent

The primary tool of the common law judge and lawyer is the precedent. Our American legal system is grounded upon the force of precedent, as recognized by Holmes in the remark which I just read to you, and the thing which lawyers seem most concerned about is the failure of a court to accept the precedents which they rely upon. We no longer live during times when the criticism of courts was that "the interests own them." Today, the complaint is more likely to be that precedent is not followed. The common law practice of *stare decisis* is actually an example of applied history, though it consists of small pieces of history at a time. Our common-law system can make mistakes and errors, but the system provides means for healing. The practice which requires written

opinions exposes the fat and unhealthy tissue which in time will be replaced with healthier tissue. The thing that the system will not stand is a sustained period of time during which a system of binding precedent is discounted or ignored. It is easy, when precedents are ignored or discounted, simply to take the final step and discard the whole system.

The fact that the court does not follow cited precedents does not, however, mean that the court either ignores, discounts or discards them. The genius and success of the system is its capacity to move while it still relies upon binding precedent. The system provides room enough for short testing steps. Those of you who subscribe to the Lawyers Literary Society recently received Llewellyn's five-hundred-page treatment of the Common Law Tradition. He lists some three score things that a precedent—your precedent—permits a judge lawfully to do. I shall mention only some of them. I do this to demonstrate that the system of precedent usually affords that leeway essential to reach new and novel and analogous situations.

A court can simply cite a precedent and follow it. It can do this, because it is so firmly established that it must yet stand although it is currently revealed to be based on false policy or reason. It may follow precedent to the exclusion of other candidates who would seek admission into the orbit of the precedent. It may extract an unstated rule from a prior holding, dress it in the phraseology of a rule, and then follow the rule. It may reexamine the reason or theory behind the precedent, and if it is not sound, it may ignore the holding. It may take a previously phrased rule or concept, deduce from it a corollary and then follow the corollary. The court may move back and forth until enough ground has been explored to establish a rule. While this exploratory process is yet in progress, a court may accept a precedent but distinguish it.

Or, it may distinguish a precedent and yet follow it because its underlying reason is within the reach of the present situation. An affirmative rule found in a precedent may have a negative opposite which may be regarded as included within the former affirmative statement. A court may enlarge a concept by simply moving out to the edge of the language in a precedent and then give the precedent a broader basis which stretches into new territory. The tendencies of several precedents may, when viewed together, afford a basis for an extension—or a limitation.

A pure dictum may be quoted, raised to the level of a rule, and then followed. A precedent may produce a doctrine and a sub-doctrine. The latter may be severed, and amoeba-like, may begin an existence as a separate entity. A dictum may be treated as dictum and killed. A precedent may be accepted but rejected because, as you have heard, "each case must be decided upon its own facts." The case may simply be declared outside the rule. The court may expressly limit the precedent to a field of the law, or to its specific situation, or it may overrule the precedent. A precedent may hint at a result and a later case may take the hint and give a new approach to an old subject. Precedents and statutes may be enlarged by looking to the "spirit" of the precedent or statute.

There are some illegitimate methods of treating a precedent. This occurs when an opinion cites those cases which accord with the decision but goes blind as to another group which conflicts. A court can brush off an older and controlling precedent without giving reasons.

These are methods with which all of you have had some experience. They are enough to demonstrate that *stare decisis* does not and should not lead to slot machine justice. While the good case gets you far down the road to victory, it must pass through the mind of the judge for evaluation before you can mount the victor's stand. It is for this reason that I am not charmed nor enchanted with the notion that UNIVAC or IBM machines will ever supply anything more than memory and a warehouse for legal knowledge.

I am doubtful whether judgment and discretion will ever successfully be fed into their maws. I am not

waiting for the day that machines can write a reasoned opinion, nor your pleadings, nor a motion for rehearing.

When we actually get down to it, the thing that the system promises and the thing an attorney expects and is entitled to is not certainty in a changing world; it is foreseeability, predictability; that degree of chance that a businessman is willing to take when he undertakes a business risk: a fair expectation that his prophecy about the result will come true. These are really the same things an attorney is often called upon to decide when he files a lawsuit, or determines to defend it instead of settling; when he wrestles with himself in making up his mind whether an appeal is worth the effort; when his client decides the chance is worth taking. This is as much as the appellate lawyer is entitled to from a system of growing precedent. He is entitled to that much.

Other Unsteady Factors

When we point to precedent in flux as the culprit, we do so at the risk of endorsing other unsteady factors which are more at fault. At the risk of borrowing too generously and making this really a book review, I again go to Llewellyn's excellent study of the system. He lists and discusses fourteen factors which are built-in stabilizers to a system of common law decision. I shall list them.

- (1) Judges are or ought to be law-conditioned officials—officials who look at their problems through law spectacles.
- (2) Judges are tied to a body of legal doctrine which is embalmed in the books in your own libraries. We have discussed this element already.
- (3) Judges work with precedents and use them as binding, as analogous, as indicative, or as spurious. This is a system and technique known to all lawyers.
- (4) There is a sense of responsibility on the part of those deciding to do justice. I would have added, "under the law."
- (5) There is an idea that there is a single right answer to each problem.
- (6) The practice of writing an opinion eliminates hurried hunches, serves as a back-check and a cross-check, and also exposes our judicial mistakes and ignorance so they may be corrected.
- (7) The record is frozen, beyond which the judge and the attorneys are not free to rove.
- (8) That record is further narrowed and frozen by issues or points which sharpen the dispute.
- (9) There is an adversary argument which marshals and uses established law as its basis.
- (10) There is a court or team decision which is designed to eliminate the one-man opinion.
- (11) This makes more probable the recollection of prior actions, prior attitudes, and prior decisions.
- (12) Given a bench that has had reasonable continuity and tenure, its previous opinions reveal not just *what* was decided, but *how* it was decided.

- (13) Opinions, and there are not enough of them, says Llewellyn, which are grounded upon principles which check up on precedent from time to time and provide the foundation for a healthy body of law.
- (14) The written opinion also provides a sense of a judiciary that is professional.

I suggest that within this list may be found important factors, which if long disregarded, could undermine the common law system of *stare decisis*. Within that list of stabilizing factors, we can locate some unsteady forces upon the reckonability and evaluation of a case. As you may know, I have had occasion recently to visit in several thousand law offices. If I learned nothing more from the experience, I found that the Texas Supreme Court, except for occasional case-angry lawyers, meets with the general approval of the Texas Bar. I found more frequent expressions of alarm concerning the U.S. Supreme Court. I have a rule that I refuse to discuss any opinion written by that beset court unless I have read it and unless the one with whom I am talking has also read it. Too often, I have discovered that the court is on sound ground and really is reminding us of some history that we are about to forget. I do not say anything new, however, when I disclose the fact of criticism and that the criticism is open and frequent, right or wrong.

There is some basis for alarm when the criticism gets beyond that of the case-angry lawyer and spills out into a rather extensive criticism among laymen. I daresay that most lay criticism is not grounded upon the court's handling of *stare decisis*. I find it a little time-consuming and difficult even to explain this basis of decision making to my lay friends. But getting back to the reliable criteria for evaluating judicial opinions, perhaps we can find the sources of the current criticism.

I suggest we need go no further than the first one: Judges are or ought to be law-conditioned officials. In a "law country," the third branch of that country can rightfully be expected to be a purely law body. Show me a man who has opened a law office, interviewed clients, fretted over problems of proof, wondered whether an appeal is worth the risk, has marshaled authorities and legal history in support of a point: has prepared for adversary arguments to the jury or before the trial or appellate courts; has written opinions for clients or on a court; one who has taught law; one who has done these things as a source of livelihood derived from a career in the law, and I will show you a man who is law-conditioned. Law is to him no expedient; it is a necessary way of life. It is not a notion; it is an institution.

Show me a man who has spent a career making policy as an active member of the executive branch, or one who has marshaled economic and social reasons in support of a worthwhile piece of tax, trade, economic, military, defense, park, river or a multitude of other kinds of legislation; and I will show you a man who has been conditioned away from the common law tradition and toward policy. This is not to say that he cannot recapture the spirit of the common law; but recapture it he must, if he is to understand it. Whereas the aim of the executive is to execute and the legislator is to make the law, the judge neither executes nor makes it. He declares it.

Looking at the first of these criteria, should we be surprised that there would be public clamor about our highest court? Sometime ago, I do not recall where or when, I read an article by Mr. Justice Frankfurter wherein he defended the practice of going to the executive and legislative arms of our government for judges on the Supreme Court. He reasoned that the court devotes most of its time to matters of administrative law, legislation, public law. He reasoned that prior experience on a state or federal bench, or in the trial practice, did little to equip a judge for the kind of cases lodged in our highest court. I wonder, however, if that court had judges who felt at home with the common law, if it would not grant more writs in cases they felt at home with. I wonder if the reason the court has almost ruled out common law matters is that they feel uncomfortable with them. I wonder if they understand the common law in the sense that Holmes did. I wonder if we do not today have two distinct kinds of

courts somewhat as we once had a separation between courts of law and the chancellor.

In the one, precedent was binding; in the other it was not; in the one, rules of evidence were observed; in the other it may not. I suggest that today we again have two distinct kinds of courts. The state and some federal courts administer the common law. The Supreme Court administers public law. There is a great gulf between them. There are two distinct systems; two different worlds. Precedent has one value in the one; and a differing value in the other.

This is not another criticism; it is an effort to get our attention focused upon the right factors. It is not a problem of precedent; it is a problem of law-conditioned officials to operate law courts. Here may be the real basis for the lack of reckonability in the law.

The same man, Professor Llewellyn, who prepared the list of criteria I have dwelt upon, also wrote, and I quote:

But this I do assert: I assert it on the basis of this study; there has been on the Supreme Court of the United States I until quite recently, a loss of the doctrine-response; doctrine-responsibility, doctrine-rebuilding tradition is a man-dominating power. I am I repeat, no careful and sustained student of that Court. But I know, in my own reading and in the comments of sympathetic careful readers, signs and patterns recently lessening—that have troubled me far more than could any particular decision. Frankfurter can want his own doctrine until it is to hell with the court and with his duty as a team-player. Douglas can twist a case beyond all legal decency or honesty and use it, straight-faced, as if it supported his conclusion. Black can whittle authorities into shavings, and who knows, from this where he is at. Warren can put out a principle as broad as all outdoors, and then disregard it in the next case, as soon as one touch of the phrasing proves uncomfortable. This is not, I say again, a book about the Supreme Court, and I do not propose to document these observations about the work of particular Justices whom I admire both as men and as judges. I do instance some types of error of method, because I feel strongly that all that the court has to do is to free itself from such errors of method, and to recur cleanly to the Grant Tradition of method, and manner, in order once again, as always to find itself sheltered from any storm.

Llewellyn, *The Common Law Tradition*, p. 387.

And so I close with this. Stability in the law is the product of many received common law methods. Precedent is one but only one of them. Law-conditioned officers who administer the law is another, and in a government of law it is indispensable.

Published by permission of Judge Jack Pope and the Special Collections at Brown Library, Abilene Christian University.

[Return to Journal Index](#)

The Best People in Texas Are Dying to Get In: Justices in the Texas State Cemetery, Part 1

By Will Erwin

THE TEXAS STATE CEMETERY has been a burial ground for distinguished politicians and soldiers since the mid-1850s, but it fell into disrepair and disuse in the latter half of the 20th Century. In 1994, Lieutenant Governor Bob Bullock initiated a project to add a visitor center and renovate the Cemetery as a place of honor for Texas greats. In 1997, it was rededicated and reopened to the public.

The Cemetery has been a place of burial for distinguished judges and lawyers since 1856, when Texas Supreme Court Justice Abner Smith Lipscomb became the second person buried there. Today, many district judges, intermediate-appellate court judges, Supreme Court Justices, and Attorneys General are interred within Cemetery grounds.



Abner Smith Lipscomb

The first man buried at the Texas State Cemetery was a soldier and Vice President of the Republic of Texas. Edward Burleson was no lawyer; he was a surveyor and frontiersman, a Texas Ranger, and the man who helped survey Waterloo (now Austin), San Marcos, and a few other cities. He also fought at San Jacinto. As a member of the Republic Congress, Burleson helped draft and pass the laws of the Republic. Lipscomb helped enforce them.

Abner Lipscomb was a sitting Texas Supreme Court Justice when he died in Austin in December 1856 at the age of 67. His judicial career had spanned almost four decades in two states. Born in Abbeville District, South Carolina in February 1789, he had an eye on the practice of law from an early age. He studied law with fellow Abbeville native son John C. Calhoun. Lipscomb was admitted to the Bar at the age of 21 and was appointed a judge in Alabama when he was still just 30 years old. It is easy to lose historical perspective on men who practiced law in nineteenth-century Texas, and all too often we think of them, if at all, as mere precedents in a text or bullet points in a PowerPoint presentation.

Rather than permit the memory of Judge Lipscomb to fade, we should seek to understand him as a man of his era, a frontiersman and pioneer who also dedicated his life to advancing the Rule of Law in Texas. Just after he was admitted to the Alabama Bar, Lipscomb picked up a rifle and fought in the War of 1812. He spent much of the war fighting either the Creek or the Muscogee in and around Tennessee, Georgia and Alabama. He practiced law in the chaotic border region between the established states of the Union and the bleeding edge of the Western frontier, and made a name for himself in that region. When the young United States annexed Alabama, Lipscomb was appointed circuit judge. Under the laws of Alabama at that time, an appointment as a circuit judge meant that a man served on the Alabama



Supreme Court. It also meant travel. Circuit judges often rode on horseback to communities needing their service, and they carried pistols in their saddlebags right next to their law books.

Just four years after his appointment as a circuit judge, Lipscomb was appointed Chief Justice of the Alabama Supreme Court. He served for a dozen years as Chief Justice and then one term in the Alabama Legislature before he left for Texas in 1839. It was still a dangerous journey despite Texas's recently won independence, and Lipscomb was no spring chicken. Too often, we picture judges and lawyers out of their time, safe in a courtroom and away from battles and the violence of the frontier. Lipscomb was a man of his times, a man who needed to be able to fight for what he believed in as well as for his life. He passed through hostile territory on his journey to Texas. The Creek, the Choctaw, the Chickasaw, and the Cherokee were all still living in the Mississippi, Louisiana, and East Texas areas and held little love for Americans traveling through their lands.

Lipscomb made it to Texas and settled near Stephen F. Austin's original colony in Washington County. It was not long before President Mirabeau B. Lamar tapped the newly arrived Lipscomb to serve as his Secretary of State, which he did for about a year. He was an ardent supporter of Texas's annexation and worked toward that goal until 1845 when he helped prepare the annexation papers. In 1846 Governor James Pinckney Henderson appointed Lipscomb as an Associate Justice on the first Texas Supreme Court after statehood. Texas voters elected and re-elected him to the Court in 1851 and 1856. Lipscomb died in office in 1856 and was buried not far from Edward Burleson, starting a tradition of Texas Supreme Court Justices being buried at the Cemetery.



What qualifies a person for burial at the State Cemetery today? Traditionally, burial at the Cemetery was reserved for statesmen who died in office, hence Burleson and Lipscomb, but it has evolved into something more. The Cemetery's governing statute is found in sections 256(d) and (e) of the Texas Government Code. Those automatically eligible for plots at the State Cemetery are statewide elected officials from district judge to governor, excluding county judges or other county officials.

A statutory sub-clause also allows cultural figures to be buried at the Cemetery. Authors such as Fred Gipson, scientists like Stephen Weinberg, astronaut Gene Cernan, and baseball player Willie Wells all qualify as cultural figures. One needs to have made "a significant contribution to Texas history" in a selected field. A three-member committee must vote on the prospective cultural candidate. The committee itself is comprised of individuals nominated by the governor, the lieutenant governor, and the speaker of the house.

Statutory qualification for burial within the State Cemetery alone does not make a historical figure memorable. Too many times, a person's life is boiled down to bullet points on a resume. Justice of the Texas Supreme Court is certainly an impressive bullet point to have. However, when looking only at the one bullet point, you lose the fact that Justice Lipscomb was a war hero, was an Alabama Supreme Court justice at 30, and served as the Texas Republic's Secretary of State for a time as well.



If you want a nice break from downtown Austin's chaos or want to have a pleasant Saturday, walk amongst the headstones at the Cemetery and look for the rest of the bullet points besides "Supreme Court Justice." In the spring, when the weather is nice, it can be a perfect day. But no matter what the bullet points say, a person is always something more than a Supreme Court Justice or a Senator.

Will Erwin is the Senior Historian at the Texas State Cemetery. In 2011, he coauthored the seminal tome telling the stories of both the Cemetery and the notable Texans interred beneath its great oaks. Copies of Texas State Cemetery are available through the University of Texas Press [website](#).

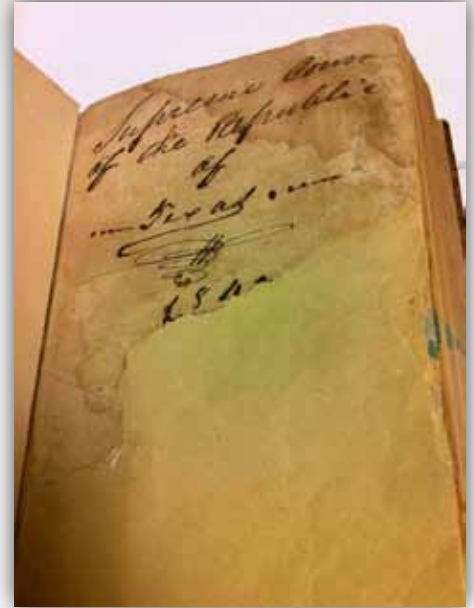
[Return to Journal Index](#)

The Mystery of the Sam Houston Bible

By Tiffany Shropshire

THE CHIEF JUSTICES OF THE TEXAS SUPREME COURT have used a plain, unassuming King James Bible to inaugurate governors and other elected officials for over 150 years. Notable figures of Texas history like John Hemphill, James Hogg, “Ma” Ferguson, and Dolph Briscoe have laid their left hand upon it and raised their right, swearing allegiance to the state and its laws. But perhaps the most interesting aspect of the book lies in the mystery of its origin. Here at the Court, the Bible is commonly believed to have once belonged to Sam Houston. Hence, for many years it has been referred to as the “Sam Houston Bible.” Chief Justice Wallace B. Jefferson’s interest in illuminating Texas’ legal history led to an investigation into the Bible’s past.

The Bible itself— an almost pocket-sized book, bound in simple brown sheepskin—has a plain, hand-drawn cross on the back cover, and an antique Supreme Court seal inked on the front. Gently opening the book reveals an inscription on the flyleaf in an archaic hand: “Supreme Court of the Republic of Texas, 184[-].”



The last digit is missing—at some point, the page was torn in half, right through the date. Although the Old Testament’s imprint was also torn out, the New Testament has its own title page, which states: “Hartford: Printed by Hudson & Co., 1816.”¹

Although he was arguably the best source of information about the Bible, former Chief Justice Joe Greenhill was already too ill to be interviewed at the time of the research. However, former Clerk of the Court John Adams explained that he’d heard about the Houston connection from former Chief Justice Tom Phillips, who was told by Chief Justice Greenhill that he himself had seen Houston’s signature in the Bible while a briefing attorney in the 1940s. The story repeated at the Court tells of the substantial theft of Court records in April, 1972, including the ripping of Sam Houston’s signature from the Bible for sale on the black market—an act that has been duplicated too often by criminals who steal historic court records for private gain.² While Clerk of the Court, Adams visited

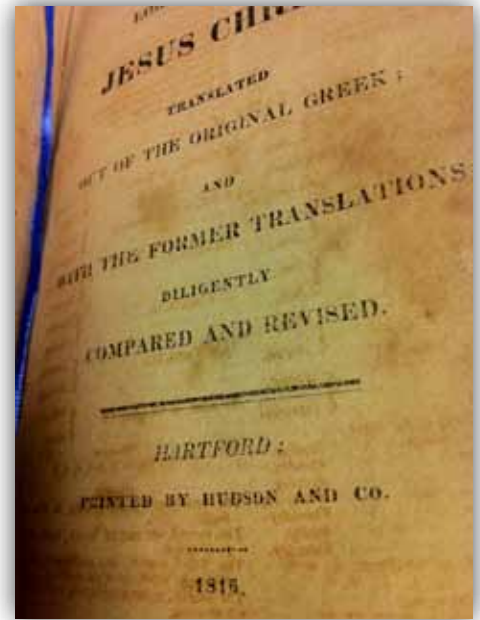
¹ Houston traveled frequently from 1815-1816 while convalescing from injuries he received in the 1814 Battle of Horseshoe Bend. His travels took him to Washington, New Orleans, New York, and points between. It’s possible he purchased the Bible during that period. (Handbook of Texas Online, <http://www.tshaonline.org/handbook/online/articles/fho73>.)

² There was in fact a major theft of Supreme Court records by an employee in 1972. However, our archived records listing the materials stolen during the incident do not mention the mutilation of perhaps the Court’s most precious artifact. Additionally, the *Austin American-Statesman* article from January 1973, while highly detailed in its description of the Bible and torn flyleaf, did not report the theft. Therefore, it is currently unknown exactly how and when the page was torn.

the State Archives to compare the remaining handwriting with known Houston documents. According to Adams:

In a meeting with [former State Archivist Chris] LaPlante, we compared the writing in the Bible and saw that there were some unique characteristics of the writing in the Bible that matched Houston's hand. We agreed that we would not pursue confirmation further than our own opinions, but concurred that the writing surely was that of Sam Houston.

The first written reference connecting the Supreme Court's Bible to Houston seems to occur in former President George W. Bush's autobiography, when he described the Bible used at his first gubernatorial inauguration ceremony in 1994. But six newspaper articles spanning from 1895 to 1973 that discuss the Bible in concurrence with the state's inauguration ceremonies make no mention of the connection with Houston. An 1895 article in the *Austin Daily Statesman* noted that the Bible was used to swear in Houston as Governor in 1859, and John Hemphill as Chief Justice, potentially as early as 1841. A *Breckenridge American* article from 1955 claimed that the Bible used in that year's ceremony had been used continuously since 1840. A 1973 *Austin American-Statesman* article focused heavily on the Bible, describing the inscription and ripped flyleaf. All of the articles refer to the "Supreme Court Bible"—with no mention of Houston. Oddly, an 1897 article in *The Southern Mercury* referred to the inaugural Bible as having once belonged to the Alamo hero Jim Bowie. But if Houston had signed the Bible, and the signature was there at least up to the 1940s when Chief Justice Greenhill saw it, why didn't any of these sources report the connection?



Nevertheless, three Texas historians and rare book experts, who recently examined the Bible at Chief Justice Jefferson's request, determined that the writing in the Bible is Houston's. Dorothy Sloan, rare books dealer and Houston expert, came to the Court and personally scrutinized the inscription in the Bible. She concluded that the handwriting closely matches verified samples of Houston's. After reviewing a photograph of the inscription, Mac Woodward, director of the Sam Houston Museum in Huntsville, was of the same opinion. Prominent Houston scholar and biographer James L. Haley also agreed that the Bible is an authentic Houston artifact:

...I can say with a high degree of confidence that the inscription is indeed in his hand. The formation of the letters is uniformly consonant with all that I have seen, and the rubric, especially, is unquestionably his personal final.

It seems the experts agree: the handwriting is Houston's and likely dates from the Texas Republic era prior to 1846. We may never know for certain where the Bible came from, but the lore surrounding its origins only adds to its mystique.

Tiffany Shropshire currently holds the position of Archivist at the Supreme Court of Texas. She is a graduate of the University of Texas at Austin, with a degree in archival administration and a certificate of advanced study in preservation. She is also a Certified Archivist.

[Return to Journal Index](#)

Justice Guzman Speaks at Tejano Monument Dedication



JUSTICE EVA GUZMAN, the first Latina to serve on the Supreme Court of Texas, addressed visitors from around the state at the Tejano Monument Dedication Ceremony held Thursday morning, March 29, 2012.

Sculpted by Armando Hinojosa, the Tejano Monument stands on the south grounds of the Capitol, near the 11th Street entrance, and west of the Capitol Visitors Center. Mounted on a 250-ton slab of pink granite, the Monument's bronze statues depict a Spanish explorer, a vaquero on his mustang (*below, left*), a longhorn bull and cow, and a family of settlers. It pays tribute to Texas' earliest pioneers, Tejano explorers and settlers who made important contributions to the state's history.

The winter and spring issues of the Society's eJournal featured the first two parts of David Furlow's article on the continuing influence of Castilian law on Texas and the Texas Supreme Court. The third and final installment will appear in the Fall issue. For more about the monument, visit <http://www.tejanomonument.com>.



Photos by Bill Pugsley

[Return to Journal Index](#)



Lynne Liberato

Taking *Stock*

When I was president of the State Bar of Texas, I experienced how easy it is to get caught in the trap that threatens to ensnare the president of every volunteer organization. On one hand, there are ceremonies to attend and actions requiring reaction. On the other hand is the truly hard stuff that requires initiative and sometimes forces change. Forces conspire to promote the former to the exclusion of the latter.

That is not to say that both are not important. I had so many wonderful opportunities to represent the Bar and to respond to the demands of the office. But those demands can suck the life out of your time in office. I came to understand why Britain has separate roles for the queen and the prime minister.

It is with that perspective that I look back on my year as president of the Society. Presidents hold board meetings, we authorize expenditures, we tend to unexpected problems, we give a few speeches, we write president's pages. But it is accomplishing the active, as well as the reactive, that makes the year a success.

It's time to review the progress we have made—both exciting and mundane—and the key people who made it possible. No task, required or innovative, happens without execution by talented, dedicated people. Here are some highlights from the last year and the people who made them happen:

- **Texas Supreme Court: A Narrative History, 1836-1936**—Our book on the history of our Supreme Court is in the final stages of completion. It will be published next year. It is the centerpiece accomplishment of the Society and would not exist were it not for the vision of former president **Larry McNeill**. Larry recruited **Harry Reasoner**, who helped lead the fundraising that resulted in a fully-funded book. Executive Director **Bill Pugsley** and Manuscript Editor **Marilyn Duncan** pushed the book to publication and handled the innumerable details necessary to shepherd such a complex project to completion.
- **Journal**—For most members of a bar-related organization, the only tangible benefit of membership is the receipt of a newsletter. If every president feels she needs a signature project, this is mine. The Journal you are reading is our fourth issue. It has the dual purpose of keeping you informed (newsletter) and adding to the body of historical knowledge (journal). Our greatest resource is **David Furlow**, our editor, who writes magnificent historical articles. **Dylan Drummond**, Co-Editor of the State Bar *Appellate Advocate*, now also finds himself an integral part of our team—writing, editing, advising on technology, and securing articles. Bar tech guru **David Kroll** designed the layout and puts the pieces together for each issue. **Bill Pugsley** and **Marilyn Duncan** pull it all together and get it out.
- **Fellows**—**Warren Harris** developed a program to increase our membership participation and add to our coffers by creating our Fellows program. Led by **David Beck** as chair, the Fellows each donate \$2,500 or more annually. In addition to David, our Charter Members are **Lauren and Warren Harris, Allyson and James C. Ho, Retired Chief Justice Jack Pope, Randy Roach, Reagan W. Simpson, Paul Yetter,**

Mike McKool, Jr., Shawn Stephens, Joe Jamail, Tom Cunningham, Dee J. Kelly, David Keltner, Richard Mithoff and me. Funding from the Fellows will be dedicated to discrete projects that **Warren Harris**, the Supreme Court and Society Leadership are developing.

- **Supreme Court Liaison**—**Chief Justice Wallace Jefferson** appointed **Justice Paul Green** as our liaison to the Supreme Court. We are delighted to have Justice Green, who already is helping us work more closely with the court as we roll out new history projects. More on that in later issues.
- **Governance**—The Board rewrote the bylaws this year to bring us into the modern world with such improvements as provisions for electronic voting, term limits and requirements for higher levels of donation by board members. If board members don't care enough to donate, how can we ask our members to do so?
- **Membership**—You may be shocked, as I was, that we had fewer than 100 paying members. No more. That number has more than doubled, and, between the efforts of Membership Chairs **Justice Jeff Brown** and **Rob Gilbreath** and our increased member service and profile, our organization is growing rapidly.
- **Annual Dinner**—**Mayor Rudy Giuliani** will be the keynote speaker at this year's annual Hemphill Dinner, the signature event hosted by the Society. Proceeds from the dinner fund the operations of the Society. Thanks to **Marie Yeates**, who chairs the dinner committee, we had a record number of table sponsorships before invitations were even mailed. If you have tried to tell Marie "no," this won't surprise you.
- **Website**—We have an attractive, serviceable website—thanks especially to **Marilyn Duncan**. But, to keep up with our mission and expanded services, president-elect **Doug Alexander** is heading our effort to redesign the website to allow for more content and features such as being able to pay dues through PayPal.
- **Symposium**—No one puts on a better CLE than **Richard Orsinger**. Along with **Warren Harris** and the State Bar's **Pat Nester**, Richard is developing a history program on Supreme Court jurisprudence to be held in conjunction with next year's Supreme Court Practice Course. The exact date is not set, but it will be held in the Spring and will focus on the historical development of the law, especially in the social and political context of the times.

These are some of the many projects nudged along, completed or launched this past year. But the mission of the Society can endure only if the day-to-day tasks are also handled well. The name you see over and over is **Warren Harris**. Warren rises to leadership in every organization he belongs to. Anyone who works with him knows why. Not only does he work hard, but he possesses unparalleled judgment and commitment. He will take over as president on June 1. Following him is president-elect **Doug Alexander**. Working with Executive Director **Bill Pugsley**, I know we are in good hands.

Let me also express my appreciation to **Bill Pugsley**. I correspond with him almost daily. Bill's e-mails are sometimes humorous, occasionally eloquent, but always reflect his passion for our mission. Most moving is his interaction with our senior retired justices. He visibly possesses genuine love and respect for them, especially **Justice Jack Pope** (who continues on the path of creating his latest book, "Common Law Judge"). As will I, he is quick to credit editor at large **Marilyn Duncan** and assistant **Mary Sue Miller**, who help keep the pieces in place and whose responsibilities increase with the energy and imagination of their energetic leadership.

I close this message—and my year as president—with a note of thanks to the entire membership of the Society. It has been a privilege to work with you to honor our history and make a little history at the same time.

— **Lynne Liberato**, Haynes and Boone, L.L.P.

[Return to Journal Index](#)



Bill Pugsley

An *Uncommon Judge*

One of the pleasures I enjoy as Executive Director of the Texas Supreme Court Historical Society is the chance to see the homes of the justices who served on the court. Judge Jack Pope's home was the first one I visited. One year earlier, in looking through his biographical file, I had run across a newspaper article that featured his home. Photographs showed a tree-shaded ranch-style house in the hills south of Town Lake. What immediately caught my attention was his spacious office, lined with custom-made, solid-wood bookshelves, the envy of any bibliophile. When Society business called me to his house in 2002, the judge greeted me at the door with an enthusiastic handshake, thanked me for coming, then ushered me back to his office. The library was larger than the pictures made it appear.

"This is my second library," he said as he swept his hand around the room. "I cleared out most of the law books when I retired." The surviving law volumes, mostly *South Western Reporters*, took up half of one wall, and within those ranks of ochre books one can find the 1,000-plus opinions Judge Pope wrote while on the appellate courts. "Ones on this side are my pets on the common law and I love them every one."

To either side of that collection and on the wall on the opposite side of the room were books published over the past three decades covering everything from Texas history, geography, grammar, religious studies, legal writing, multi-volume reference works, biographies, the American Civil War, classics, legal studies, dictionaries, and even some fiction.



As I walked around the room looking over the titles, Judge Pope said, "This is what I love." I responded over my shoulder, "The scholar's life." He corrected me, "I mean these books. I'm happiest right back here; I really am." He then gave an account of his judicial education that basically repeated the version he gave Bill Brands in a 1988 oral history interview for the University of Texas Law School.

"I did not set out to be a judge," Judge Pope said of his 38-year career on the bench. "I became a judge by circumstances over which I, at the time, had no control." But when the opportunity arrived in October 1946 to replace Judge Allen Wood on the 94th District Court, attorney Jack Pope accepted the post, and set about educating himself.



In mid-April, Judge Pope celebrated his 99th birthday with a few friends at the Headliner's Club in Austin. Shown from left to right: Adrian Martin, Molly Martin, Judge Jack Pope, Terry Martin, Larry McNeill and Bill Pugsley. Photo taken by Lauren Barrett.

“There was no place in Texas where anyone could go to attend an institute, or even hear a lecture on what is a judge, what does a judge do, how do you impanel the jury, where do you find the oaths that you administer to the grand jury,” he said. Therefore, the newest and, at 33, the youngest district judge in Texas mapped out a curriculum of self-study. Over the next decade, he assembled a small library of books— history, sociology,

biographies of great judges like Benjamin Cardozo and Oliver Wendell Holmes—and read a chapter a night before he went to bed. He clipped newspaper and magazine articles, sorted them by subject, and indexed them. He started a notebook in which he would enter basic operating procedures for running an efficient court—such as the oaths of office—a notebook he maintained until the day he retired. “If the material is there,” he would say, “then anyone can dig it out and make use of it.” By dint of tenacious study and careful preparation, Judge Pope tutored what he deprecatingly deemed “an ordinary mind” into a judicial mind, “a law-conditioned official,” as he put it to the members of the Texas Railroad Lawyers Association, someone who ensures that the rules of evidence are observed, believes that judicial precedent is binding and that the law’s steadying influence on society is necessary. In short, Judge and then-Justice Jack Pope devoted himself to the practice of common law.

“I’m a common-law judge,” he would say in his later years to summarize his judicial philosophy. But in his many oral history interviews, he never characterized himself in that manner, though referring to someone as a common-law judge was the highest compliment he could give a fellow justice. At the retirement program for Justice Robert Hamilton, Judge Pope centered his remarks on how his friend and colleague was an ideal example of a common-law judge, and he enumerated those qualities.

That speech and hundreds of other writings are preserved in a set of forty brown binders that sit on a long shelf in his office. One binder alone serves as master index for the others, listing the contents by category of writing—speech, law review article, essay in a state or local bar journal, etc. He was a consummate public speaker who stipulated that he be given at least eight weeks to prepare and always strove to give his audience some new piece of information or a new slant on an old idea. His speeches, like his judicial opinions, were concise, well-organized, and—as Marilyn Duncan noticed almost immediately—beautifully written, exhibiting a certain timeless quality. In 2010, under the direction of Terry Martin—interim director of the Tarlton Law Library—the University of Texas

School of Law digitized much of the material kept in those binders to ensure that students and researchers would have access to it.

When the Society decided to publish a sampling of Judge Pope's writing, we began with writings that incorporated his judicial philosophy. The title for the first book to be published under the Society's own imprint came easily: "Common Law Judge: The Legal Legacy of Chief Justice Jack Pope." One speech that will be included in the book is featured in this issue of the eJournal.



Judge Craig T. Enoch made the publication of Judge Pope's "Common Law Judge" his central priority during his term of office, launching a successful fundraising drive that included pledges from all of Judge Pope's former briefing attorneys and every member of our Board of Trustees. Thanks to the guidance and inspiration of Kelly Frels, every director on the Texas Center for Legal Ethics Board of Directors made a personal pledge, over and above the \$10,000 contribution the organization itself made toward the project. The Society continues to receive donations toward this book project.

I have been to Judge Pope's house many times since that first visit ten years ago, and every visit has afforded me some new insight into a man for whom I have tremendous admiration and respect. I could easily write several more columns on his many attributes, allotting one entirely to his sense of humor, but those will have to wait until there's time enough to do him justice.

— **Bill Pugsley**, Executive Director

[Return to Journal Index](#)

Fellows Column: A Successful First Year for the Fellows

By David Beck, Chair of the Fellows



Photo by Alexander's Fine Portrait Design-Houston

As we celebrate the one-year anniversary of the Fellows of the Texas Supreme Court Historical Society program, I am pleased to report that we now have fifteen Fellows. In the last two months alone, we have added seven new Fellows: Tom A. Cunningham, Joseph D. Jamail, Jr., Dee J. Kelly, Jr., David Keltner, Mike McKool, Richard Warren Mithoff, and S. Shawn Stephens. I am also excited that the Society has its first Hemphill Fellow, Richard Mithoff. This growth in the Fellows program is certain to have a major impact on the Society.

In recognition of their early commitment to the program, our fifteen current Fellows have been designated by the Society as Charter Fellows. The Charter Fellows will be given special recognition at this year's Hemphill Dinner.

The Fellows are members of the Society who contribute at the highest levels, with Hemphill Fellows contributing \$5,000 or more annually and Greenhill Fellows contributing \$2,500 or more annually. The Fellows program raises funds for special projects, which will be announced as they are developed. In addition, there will be special events for the Fellows, likely including dinners, and special recognition at all Society events.

If you are interested in becoming a Fellow of the Society, please contact me or the Society's office.

CHARTER FELLOWS OF THE SOCIETY

HEMPHILL FELLOW

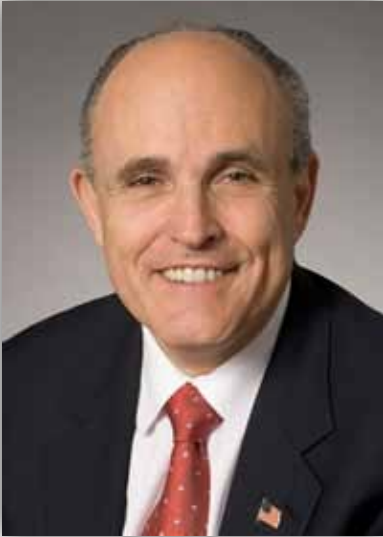
Richard Warren Mithoff

GREENHILL FELLOW

David J. Beck	Lynne Liberato
Tom A. Cunningham	Mike McKool
Lauren and Warren Harris	Hon. Jack Pope (Chief Justice, Ret.)
Allyson and James C. Ho	Robert M. Roach, Jr.
Joseph D. Jamail, Jr.	Reagan W. Simpson
Dee J. Kelly, Jr.	S. Shawn Stephens
David Keltner	R. Paul Yetter

[Return to Journal Index](#)

2012 Hemphill Dinner Highlights Include Mayor Giuliani Keynote, Judge Garwood Memorial, Pope Awards



Mayor Rudolph W. Giuliani

Mayor Rudolph W. Giuliani will be the keynote speaker for the Society's 17th annual John Hemphill Dinner.

Mayor Giuliani served as mayor of New York City from 1993 to the end of 2001. After leaving office, he founded Giuliani Partners, a New York-based consulting firm specializing in security, preparedness, and crisis management. In 2005, he joined the law firm of Bracewell & Patterson, now known as Bracewell & Giuliani LLP.

The dinner will honor Judge William L. Garwood, senior judge on the U.S. Court of Appeals for the Fifth Circuit, and former justice of the Texas Supreme Court. Judge Garwood passed away in July 2011. Judge Priscilla Owen will deliver the memorial. Judge Garwood's wife, Merle, has been invited to attend as a guest of the Society.

The Texas Center for Legal Ethics will present the 4th Annual Chief Justice Jack Pope Professionalism Awards to former Texas Supreme Court Justice Harriet O'Neill and attorney Kevin Dubose. Chief Justice Wallace B. Jefferson will make the presentation.

The dinner will be held on Friday, June 1, at the Four Seasons Hotel in Austin.

[Return to Journal Index](#)

Society Will Cosponsor Court Reenactment

The Society will cosponsor a reenactment of the U.S. Supreme Court oral argument in the case of *Texas v. White* at the 2012 State Bar Annual Meeting in Houston. This case centered on U.S. bonds issued to the State of Texas in payment for the 1850 boundary adjustments that were sold to George White by the Confederate State of Texas during the Civil War. Chief Justice Salmon P. Chase ruled in 1869 that actions taken by the Texas Legislature regarding the bonds were null and void because Texas never left the Union, as the Union was perpetual and could not be broken “except through revolution or through consent of the States.”

Trustee David Beck, of Beck, Redden & Secrest, will represent the State of Texas and Board President Lynne Liberato, of Haynes and Boone, will represent George White. The program will be held in the 1910 Courthouse on June 15 from 2-4 pm with a reception following from 4-5 pm.



Chief Justice Salmon P. Chase

[Return to Journal Index](#)

Board Elects Officers for 2012-13

In late February, the Society's Board of Trustees unanimously elected officers for the one-year term beginning June 1, 2012. Those officers are as follows: Doug Alexander, President-elect; Marie Yeates, Vice President; Rob Gilbreath, Secretary; and Hon. Jeff Brown, Treasurer.

Current President-elect Warren Harris will be sworn in as the Society's 11th President at the 2012 Hemphill Dinner on June 1.

The Board also elected Richard Orsinger and Macey Reasoner Stokes to serve as Trustee members on the Executive Committee.



Warren Harris

[Return to Journal Index](#)

Four New Members Elected to the Board of Trustees

At the annual meeting of the general membership,
the Society members elected four members to fill vacancies
on the Board of Trustees. The newest Trustees are:

Dylan Drummond
of the Austin office of Griffith Nixon Davison

Robin Gibbs
of Gibbs & Bruns in Houston

Harry Reasoner
of Vinson & Elkins in Houston

Paul Yetter
of Yetter Coleman in Houston.

Their three-year term of office begins June 1.

[Return to Journal Index](#)

History of Texas Supreme Court Now in Press

The Society-sponsored history of the Court is now in full production at the University of Texas Press. In April, the Press adopted as the final title *The Texas Supreme Court: A Narrative History, 1836-1986*. According to the sponsoring editor, the marketing team chose to keep the name simple and direct in order to promote the book as the definitive reference work on the Texas Supreme Court. Use of the word “narrative” emphasized the book’s storytelling approach, which is a hallmark of author James L. Haley’s writing style.

Under the leadership of former Board President Larry McNeill and with key assistance from Harry Reasoner, the Society raised \$130,000 in support of the narrative history book. Fundraising efforts were notably advanced by generous contributions from Vinson & Elkins and Joe D. Jamail, Jr. The most recent contributors are the law firms of Yetter Coleman and Alexander Dubose & Townsend, who responded to the final call for donations in April.

If everything stays on track, the book will be released in January or February 2013, in time for the Texas State Historical Association annual meeting in Fort Worth. In conjunction with promoting the book during the conference, James Haley will present a paper at the Society’s TSHA joint session.

[Return to Journal Index](#)

Portrait Ceremony Will Honor Justice Harriet O'Neill

The Supreme Court of Texas will officially accept the portrait of Justice Harriet O'Neill during a June 1 dedication ceremony in the Supreme Court Courtroom. Chief Justice Wallace B. Jefferson will accept the portrait on behalf of the Court, and former Chief Justice Thomas R. Phillips will offer remarks when presenting the portrait.

O'Neill retired from the Court in June 2010 after serving two terms. At that time, she became the longest-serving female justice in the history of the Texas Supreme Court.

Her judicial career began in 1992, when she was elected to the 152nd District Court in Houston. In 1995, she was appointed to the Fourteenth District Court of Appeals, winning election to that seat in 1996.

In 2002, and again in 2006, the Texas Association of Civil Trial and Appellate Specialists named Justice O'Neill the Appellate Justice of the Year. Following her retirement from the Court in 2010, she founded the Law Office of Harriet O'Neill in Austin.

The portrait was painted by nationally known artist Dean Paules of York, Pennsylvania, who has done several portraits for the Court.

The dedication ceremony is scheduled for 3:00 p.m. in the Courtroom. The event is open to the public, but seating is limited.



Justice Harriet O'Neill

[Return to Journal Index](#)

TEXAS SUPREME COURT HISTORICAL SOCIETY

To profit from the past, we must first preserve it.

OFFICERS

PRESIDENT

Ms. Lynne Liberato

PRESIDENT-ELECT

Mr. Warren W. Harris

VICE-PRESIDENT

Ms. S. Shawn Stephens

TREASURER

Mr. C. Andrew Weber

SECRETARY

Mr. Douglas W. Alexander

IMMEDIATE PAST PRESIDENT

Hon. Craig T. Enoch, Justice (Ret.)

CHAIR EMERITUS

Hon. Jack Pope, Chief Justice (Ret.)

PRESIDENT EMERITUS

Hon. Jack Hightower, Justice (Ret.)

BOARD OF TRUSTEES

Justice Jeff Brown

Mr. Keith Calcote

Mr. William J. Chriss

Mr. R. Ted Cruz

Judge Mark Davidson

Mr. J. Chrys Dougherty

Mr. David A. Furlow

Mr. Robert B. Gilbreath

Ms. Marcy Hogan Greer

Mr. David F. Johnson

Mr. Peter M. Kelly

Mr. Christopher W. Martin

Prof. Joseph W. McKnight

Mr. Larry McNeill

Mr. W. Frank Newton

Hon. Harriet O'Neill, Justice (Ret.)

Mr. Richard R. Orsinger

Prof. James W. Paulsen

Hon. Thomas R. Phillips, Chief Justice (Ret.)

Mr. Randall O. Sorrels

Ms. Macey Reasoner Stokes

Prof. Steven Harmon Wilson

Ms. Marie R. Yeates

COURT LIAISON

Justice Paul W. Green
Supreme Court of Texas

TEXAS SUPREME COURT
HISTORICAL SOCIETY
P.O. Box 12673
Austin, Texas 78711-2673

Phone: 512-481-1840

Email: tschs@sbcglobal.net

Web: www.texascourthistory.org

Executive Director
Bill Pugsley

Accounts and Operations Manager
Mary Sue Miller

JOURNAL STAFF

Executive Editor
David Furlow
david.furlow@tklaw.com

Deputy Executive Editor
Dylan Drummond
ddrummond@gndlaw.com

Assistant Editor
Bill Pugsley
tschs@sbcglobal.net

Consulting Editor
Marilyn Duncan
mpduncan@austin.rr.com

Production Manager
David Kroll
dkroll@texasbar.com

[Return to Journal Index](#)

Society Calendar of Events

2012 Events

- June 1** 3:00 p.m. **Portrait dedication ceremony honoring Justice Harriet O’Neill**
Supreme Court of Texas Courtroom
201 W. 14th St., Room 104
Austin, Texas 78701
- 6:30 p.m.
7:30 p.m. **Reception**
17th Annual John Hemphill Dinner
Four Seasons Hotel
98 San Jacinto Blvd.
Austin, Texas 78701
- June 2** 9:00am **Briefing Attorney Breakfast**
UT Alumni Center
- June 15** 2:00-4:00 p.m. **Joint Session with State Bar of Texas, State Bar Annual Meeting**
Reenactment of *Texas v. White*
1910 Courthouse, Houston
- June-August** **Court tours for Education in Action middle-school students**
Supreme Court of Texas Courtroom
201 W. 14th St., Room 104
Austin, Texas 78701
- October** Time TBA **Fall Board of Trustees meeting**
San Jacinto Center, Conference Room
98 San Jacinto Blvd.
Austin, Texas 78701

[Return to Journal Index](#)

New Member List

The Society added 33 new members since December 20, 2011. They are as follows:

HEMPHILL FELLOW

Richard W. Mithoff

GREENHILL FELLOW

Tom Cunningham

Joseph D. Jamail, Jr.

Dee J. Kelly, Jr.

Mike McKool, Jr.

TRUSTEE

Marcy Hogan Greer

CONTRIBUTING

Barry Abrams

Sherry M. Barnash

Zachary J. Bowman

Roland Garcia

William P. Haddock

Kenneth H. Molberg

Michael Northrup

Laurie Ratliff

Reagan A. Reaud

Gabe T. Vick, III

Peter S. Wahby

REGULAR

Thomas F. Allen, Jr.

Jennifer R. Bickley

Christopher Gibson Bradley

Don L. Davis

Melanie L. Fry

Earl C. Huse

Martha Hill Jamison

Jonathan Mark Little

Ashley Presson

Howard N. Richards

Matthew Clay Sapp

James P. Sharp, Jr.

Lauren E. Sneed

Bruce K. Thomas

Eric Walraven

H. Randolph Williams

[Return to Journal Index](#)

2012 Membership Upgrades

The following Society members moved to a higher dues category after the release of the winter issue of the e-Journal.

GREENHILL CHARTER FELLOW

David Keltner
S. Shawn Stephens

TRUSTEE

Macey Reasoner Stokes

PATRON

N. Terry Adams, Jr.
Charles A. Babcock
John B. Holstead

[Return to Journal Index](#)

Membership Benefits & Application

Hemphill Fellow - \$5,000

- Autographed Complimentary Hardback Copy of Society Publications
- Complimentary Preferred Individual Seating and Recognition in Program at Annual Hemphill Dinner
- All Benefits of Greenhill Fellow

Greenhill Fellow - \$2,500

- Complimentary Admission to Annual Fellows Reception
- Complimentary Hardback Copy of All Society Publications
- Preferred Individual Seating and Recognition in Program at Annual Hemphill Dinner
- Recognition in All Issues of Quarterly *Journal of the Supreme Court Historical Society*
- All Benefits of Trustee Membership

Trustee Membership - \$1,000

- Historic Court-related Photograph
- Discount on Society Books and Publications
- Complimentary Copy of *The Laws of Slavery in Texas* (paperback)
- Personalized Certificate of Society Membership
- Complimentary Admission to Society's Symposium
- All Benefits of Regular Membership

Patron Membership - \$500

- Historic Court-related Photograph
- Discount on Society Books and Publications
- Complimentary Copy of *The Laws of Slavery in Texas* (paperback)
- Personalized Certificate of Society Membership
- All Benefits of Regular Membership

Contributing Membership - \$100

- Complimentary Copy of *The Laws of Slavery in Texas* (paperback)
- Personalized Certificate of Society Membership
- All Benefits of Regular Membership

Regular Membership - \$50

- Receive Quarterly *Journal of the Supreme Court Historical Society*
- Complimentary Commemorative Tasseled Bookmark
- Invitation to Annual Hemphill Dinner and Recognition as Society Member
- Invitation to Society Events and Notice of Society Programs

12ej5

[Return to Journal Index](#)



Membership Form

The Texas Supreme Court Historical Society is a nonpartisan, nonprofit organization that conserves for posterity the lives and work of the appellate courts of Texas through research, publication, preservation and education. Your dues will support activities such as maintaining the judicial portrait collection, the ethics symposia, the Judicial Oral History Project and Texas Legal Studies Series. Annual dues are tax deductible to the fullest extent allowed by law.

Thank you

Name: _____

Firm/Court: _____

Building: _____

Address: _____ Suite: _____

City: _____ State: _____ ZIP: _____

Telephone: _____ Email: _____

Please select an annual membership level:

- | | | | |
|---------------------------------------|---------|---|---------|
| <input type="checkbox"/> Trustee | \$1,000 | <input type="checkbox"/> Hemphill Fellow | \$5,000 |
| <input type="checkbox"/> Patron | \$500 | <input type="checkbox"/> Greenhill Fellow | \$2,500 |
| <input type="checkbox"/> Contributing | \$100 | | |
| <input type="checkbox"/> Regular | \$50 | | |

Payment Options:

- Check enclosed
- Credit Card
- Bill me

Amount: \$ _____

Card Type (Circle): Visa MasterCard Discover

Credit Card No: _____

Expiration Date: _____

Cardholder Signature: _____

Please return this form with your check or credit card information to:

Texas Supreme Court Historical Society
P. O. Box 12673
Austin, TX 78711-2673

[Return to Journal Index](#)