

MINUTES SUPREME COURT ADVISORY COMMITTEE

March 7-8, 1986

The Advisory Committee of the Supreme Court of Texas met on March 7, 1986, at 10:30 a.m. pursuant to call of the Chairman.

Members of the committee in attendance were Honorable Luther H. Soules III, Chairman, Gilbert T. Adams, Jr., Pat Beard, David J. Beck, Professor Newell Blakely, Frank L. Branson, Professor William V. Dorsaneo III, Professor J. Hadley Edgar, Chief Justice John Hill, Vester T. Hughes, Jr., Franklin Jones, Jr., W. James Kronzer, Gilbert I. Low, Steve McConnico, Russell McMains, Charles Morris, Harold Nix, Honorable Jack Pope, Tom L. Ragland, Harry M. Reasoner, Sam D. Sparks, Sam Sparks, Broadus A. Spivey, Harry Tindall, Honorable Bert H. Tunks, Professor Orville C. Walker, Justice James P. Wallace, and Honorable Allen Wood.

Welcoming remarks were received from Chief Justice John L. Hill.

Upon motion by Franklin Jones, Jr., seconded by Charles, the minutes from May 31, 1985, were approved.

The Chairman requested discussion concerning Canon 3C of the Code of Judicial Conduct. The language "shall" was changed to "should" by a show of hands 14 to 2. The Chairman's suggestion that the proposed Canon 3C be recommended to the Supreme Court was unanimously approved.

Professor Dorsaneo gave his subcommittee report. Rules 354 and 380 has been incorporated in proposed Rule 30(a)(3)(B). Rule 377 submitted by Raymond Judice has been taken care of by the Supreme Court itself. Rule 4 regarding certification form on the transcript or statement of acts, pursuant to a memo to Chief Justice Pope from Ray Judice, dated August 22nd, was done. Current Rule 423 was done by the Supreme Court in the last amendment of Rule 423. Rule 439, submitted by Justice Robertson, was reported on at the last meeting. It was decided by both the subcommittee and the full committee that Rules 439, 440, and 441 relating to remittiturs not be abolished. Rule 452 was extensively discussed last meeting and there will be no change in the present practice recommended. Rule 458, submitted by Judge Casseb, was voted down in the last meeting.

