THE SAN ANTONIO DEFENDER

A Publication of The San Antonio Criminal Defense Lawyers Association

SEPTEMBER/OCTOBER 2010

Volume XII Issue 3

THIS IS YOUR ORGANIZATION!



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- **Judicial Responses from the Fourth Court of Appeals**
- **Judicial Responses from San Antonio Trial Courts**
- **2010 Judicial Poll Survey**



Homeruns

by Adam Kobs

SACDLA Executive Director, Aissa Garza and **SACDLA President Jeff Mulliner** obtained a quick two word verdict, following a five day Assault Bodily Injury trial before Judge Guerrero in CC7. The complainant and her soon to be ex-husband are in the midst of a contentious divorce, with both parties seeking sole custody of the children. The complainant is an attorney, the case was hard-fought and following the conclusion of the trial, the jury told the prosecution that proceeding with this case was a waste of taxpayer money.

Jim Oltersdorf and Brian Powers got NOT GUILTIES on all 17 Counts of Continuous Sexual Assault from the jury in the 226th. Their client also had a prior conviction for attempted murder.

Hilda Valadez and Joel Hoelscher got another Not Guilty (as a team) after only a 30 minute jury deliberation. It was an aggravated assault deadly weapon, with a self defense charge, and emanated from 226th impacted to Judge George Godwin.

Carlton Conley got a Not Guilty on a 1-4 gram possession case out of the 186th. The 6 year TDC offer was rejected.

Demetrio Duarte, Jr. got a MTS granted in a 1,000 kilo plus marijuana case out of Federal Court in Laredo. Judge Micaela Alvarez signed the dismissal order after the Court granted the Motion.

Brian Powers received a dismissal after a complicated Photo Array Suppression Hearing over a Burger King Robbery. The suspect entered into the BK shortly before closing wearing a hoodie, a cap, sunglasses, and a scarf over his nose and lips. He purported to have a gun in his jacket and after two minutes, left with no physical evidence behind. A confidential informant released the Defendant's name weeks later, which police used to produce a single photo-array. One of the three witnesses chose the defendant from the line-up. This evidence was used to arrest the Defendant. During the suppression hearing, the State attempted to prove the 16-year-old worker behind the counter was a reliable witness despite having seen the defendant for only a few seconds. Despite the disguise and the witness's inability to describe the suspect, she was able to pick the defendant out of a line-up. During the hearing, Powers brought up issues involving cross-cultural factors in identification, distracting factors when a gun is present, and improper non-verbal cues given by law enforcement to witnesses during a photo-identification. The Judge after a recess of two weeks stated a desire to suppress the photo-identification. The State after a brief period, dismissed the matter. After more than six months in custody, the Defendant was released.

Pat Montgomery had a busy summer with the following results:

1. Won a Motion to Suppress on a search warrant case in the resulting in the dismissal of a first degree felony.
2. Won a "not true" verdict on a juvenile assault jury trial, where the offense was recorded on video.
3. Hung a jury on an Aggravated Robbery where the complainant identified the Defendant both pretrial and in court.
4. Had two parolees continued on parole despite new criminal convictions.
5. Had a possession of a controlled substance on a military installation dismissed on search and seizure grounds.
6. Garnered a non-suit on an Aggravated Robbery juvenile adult-certification case.
7. Obtained a Mis-prison of a Felony and a downward departure for probation on a 10-life federal drug conspiracy charge.
8. Secured a dismissal of a multiple-count two complainant Aggravated Sexual Assault of a Child case.

Mark McKay and Juan Aguilera received dismissals on a two year old murder case. Lots of investigation and tag-teaming helped locate some serious flaws in the states case and together they convinced the prosecutor to drop the case.

Mark McKay also obtained a two year probated sentence on a 4 count sexual assault of a child case.

Anton Hajek got a Not Guilty in CC 8 in an Assault case.

William T. Reece and Robert F. Gebbia received a 10 year probated sentence from a jury for a defendant charged with Sexual Assault of a Child in Tarrant County. The Defendant was accused of impregnating his 14 year old daughter. The State offered him 14 years TDC. A DNA paternity test was presented as evidence by the State.

(cont'd pg. 8)

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The San Antonio Defender

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* Statements and opinions expressed in The Defender are those of the authors and are not necessarily those of SACDLA.

President's Message

from SACDLA's president, Jeff Mulliner

Many years ago, at the beginning of my career, I would listen with great interest to the experienced lawyers, who would often talk about the old days, back when the District Attorney's Office was still located in the Bexar County Courthouse. Various district courts occupied the space now designated as County Court No. 2 and 5. Sam Millsap was the last District Attorney who spent his entire term housed in the Bexar County Courthouse. Fred Rodriguez began his term as District Attorney in the Bexar County Courthouse and moved his office mid-term to the Justice Center. The Justice Center was more recently renamed the Cadena Reeves Justice Center.

It appeared to me that the vivid memories of those bygone days were, for the most part, fond memories, reflecting on a less structured time -- when wine and liquor, hams and holiday gifts moved in and out and flowed freely throughout the courthouse.

The security personnel we are accustomed to today were not in place and all entrances to the building were open, with the public freely moving in and out of the structure. The Travel Lodge was the after-hours social focal point and the world was different than today.

I understand that a majority of the District Attorney's Office will be moving again, this time into the newly constructed and as-yet, unnamed building. Times change, but yet we see the same patterns repeated over and over, I guess history suggests that is to be expected.

There will be additional changes as well; not every incumbent will return in January and a great number of contested races will be decided in November. The race for District Attorney provides two opponents with very different views and life experience.

New construction, new courts, new judges, new lawyers, but amidst all that is new, we have the same basic obligation. Our task is to provide vigorous representation for our clients, the citizen-accused, who is presumed innocent and subject to the burden of proof the government must assume.

This responsibility we undertake will continue long after I am no longer practicing law. It will also continue past the time when the younger members of our organization reach the point in their careers when they begin to remember the "good old days" when they heard the stories from the older lawyers about the way things were.

We don't realize it as it happens, but we are making and seeing our own history which we will pass along to those who follow us. So, look around, talk to and listen to your friends and colleagues, and work diligently at our honorable calling. Enjoy it all because you are writing your own stories.

Special Note:
I offer my sincere thanks to SACDLA Director Emeritus, the Honorable Charlie Butts, for his extraordinary manuscript and presentation this past July, entitled Opening Statements and Thoughts on Closing Argument. (photo enclosed)



ADAM KOBS
CRIMINAL DEFENSE
ATTORNEY AT LAW
MEMBER OF THE COLLEGE OF THE STATE BAR OF TEXAS

August 27, 2010

Re: San Antonio Criminal Defense Lawyer's Association
Fourth Court Judicial Candidate Questionnaire

Dear Judicial Candidate:

The San Antonio Criminal Defense Lawyer's Association (SACDLA) is conducting a questionnaire that will be sent to all Fourth Court of Appeals judicial candidates in the Bexar County November elections. We would appreciate your participation and will publish all responses in the upcoming Defender magazine.

Please limit your response to 150 words or less for each numbered question. Any responses exceeding the 150 words limit will be published. Please e-mail them in either a Word or WordPerfect format to akobs@hotmail.com by September 10, 2010, 5:00 pm. Any responses received after the deadline will not be included in the publication.

1. What current or past judge do you most want to inspire your approach to judicial excellence? Why?

2. What has been the greatest accomplishment in your legal career? In your personal life?

3. What, if anything, would you change to improve the procedures and efficiency of the court you are seeking?

4. Do you feel that all citizens have equal and adequate access to justice in our county? How would you improve that access?

5. Bexar County officials are concerned about the rising costs of defending indigent persons in criminal courts despite the fact that the appointed attorney hourly pay rate in Bexar os one of the lowest in Texas. Is this a concern to you? Do you think it could be a barrier to effective representation?

6. What do you perceive as the greatest obstacle to justice in Bexar County?

7. Without commenting an a specific case or type of cases, should Bexar County explore more or different types of alternative sentencing? What do you think works?

8. Recently a Dallas judge made the news when he replaced a white juror with a minority one in a capital trial where the jury was all white and the defendant was not. Do you believe it is important for a minority defendant to have a jury that contains minority members?

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9. When a judge's sense of justice appears to be at variance to the strict application of the law, what approach should an ethical judge take to resolve the conflict?

10. Do you believe that our system of partisan election of trail judges should be continued? How can it be improved?

11. Tell the voters one thing about yourself that isn't on any website, nor discussed at any forum.

12. What factors are important in deciding whether to grant oral argument and in determining whether to publish an opinion?

13. What is your opinion of the SACDLA Judicial Poll which asks all Bexar County attorneys (as listed by the State Bar of Texas) to give Judges a "yes" or "no" response on questions like "Does this Judge show good judicial temperament?" and "Is this Judge punctual?" Would you make any changes to it?

Thank you in advance for responding to our questionnaire. If you have any questions, please contact me at 223-4177 or at akobs@hotmail.com.

Sincerely,



Adam Kobs

JUDICIAL RESPONSES
FOURTH COURT OF APPEALS

Listed in order of Republican Candidate first since a Republican Governor currently holds that office.

FOURTH COURT OF APPEALS PLACE 2

Candidate: Justice Marialyn Barnard

1) Two justices come to mind: Chief Justice Blair Reeves and Justice Shirley Butts.

As a briefing attorney and a practicing attorney both Chief Justice Reeves and Justice Shirley Butts inspired me because of their common sense, legal experience, understanding of the law, fair and impartial character, and unquestionable, steadfast, and admiral judicial temperament.

2) Legal accomplishments: First, I was competitively selected by the United States Department of Justice as a Western District of Texas Assistant United States Attorney (AUSA) for a one year detail as an Assistant Director with DOJ's National Advocacy Center for training other AUSAs in civil and criminal substantive and procedural subjects. Second, I was humbled and honored to be appointed to the Fourth Court of Appeals on January 1, 2009, where I was once a briefing attorney for then Justice Orlando Garcia who is now United States District Judge Orlando Garcia.

Personal accomplishments: 1) my thirty-eight year marriage to Gary Barnard, 2) being the mother of two wonderful and accomplished, adult children, 3) being grandmother (Nonna-in Italian) to two precious little boys, and 4) being the daughter of parents who taught me the meaning and importance of hard-work, integrity, loving, and giving back.

3) I am fully supportive of the upcoming Texas Appellate Management E-filing System (TAMES) implementation for the purposes of saving time and money for the courts and the people who come before the courts. That entails updating management programs within each court with software and training. I am fully supportive of a continuous process improvement plan for the courts, the attorneys, and the parties that come before the court.

4) No system is perfect; there is always room for improvement. While not everyone has equal or adequate access to justice, we have made significant improvements in the last century. I believe the legal bar and the State of Texas are striving to continuously improve access to justice for all.

Access to justice is improved with providing more services to those who are unable to insure access to justice themselves. Improvement in money, pro bono, training for attorneys, community awareness as well as other however, is always a major issue in providing access to justice for all.

5) Yes.

Yes, it could possibly be a barrier to effective representation.

6) Continued budgetary concerns.

7) This is a question that does not seem to be directed to an appellate justice. That said, exploring options for improving the sentencing system or any aspect of the legal system on a continuous bases can be beneficial.

8) I believe it is important and critical for a minority defendant or any other defendant to have an impartial jury. As a sitting justice, I do not make a personal comment on what specifics factors make up an impartial jury in any specific fact issue that may come before my court.

9) An ethical appellate justice is tasked with upholding the Constitution and applying the law in each case

and that includes applying the appropriate standard of review in each case. Opinions, including concurrences and dissents, certainly can address the issue of justice.

10) Until the time that the legislative branch and executive branch change, the process the partisan system will need to continue.

While there are several suggested options for changing the system discussed within the bar, I do not make any specific suggestions. What should be the emphasis for selecting judges is judicial experience, fair and impartial reputation, legal knowledge, known for applying the law, excellent character, and exemplary judicial temperament. Being challenged in an election for other reasons does not seem to serve the people of Texas.

11) In 1964, I saw and attended The Beatles live in concert in Dallas, Texas. It was a great experience and a memorable one.

12) Whether to grant oral argument is generally based on factors such as whether both sides request oral argument, whether the issue warrants and oral argument, whether the court believes it would provide clarity to the issues, and whether the attorneys need oral argument for board certification.

Whether to publish an opinion is generally based on factors such as whether it is a new or novel issue, whether the opinion would assist the legal community on a legal issue, and whether the attorneys specifically request the publication of the opinion.

13) No opinion.

No suggestions for changes.

Candidate Rebeca C. Martinez

1) While in law school, some of the most invigorating discussion in constitutional law or criminal procedure stemmed from the jurisprudence written by Justice Thurgood Marshall. His strong support for Constitutional protection of individual rights, especially the rights of criminal suspects against the government, was enlightening. I'm inspired by Justice Sonia Sotomayor, whose diversity of personal and professional experiences can add to the discussion at the "table" as a member of the U.S. Supreme Court. Her recent dissents reflect her strength to voice her opinion when not among the majority.

While one might see it as political suicide to act on one's beliefs despite disapproval, it takes political courage to achieve balance in the desire to do good versus achieving justice when the issues conflict with the minds of the voting public. A Justice should believe that the judiciary must seek to do justice, without regard to person or party.

2) I am proud that I have taken advantage of the opportunities I have been afforded. I'm a navy brat. I lived on a military base through age thirteen. I didn't have a high school diploma in my bloodline, but I earned a college scholarship, obtained a law degree, and clerked for a federal and state appellate judge. I've been employed by a 500+ attorney Boston law firm, tried multi-million dollar lawsuits, represented families, and defended the poor, mentally ill and indigent. As a solo practitioner I employed over 16 individuals with families to support and enjoyed a successful career.

Like so many hard-working lawyers struggling to earn a living while making a difference, I continue to contribute to my family, my profession, and my community. I'm grateful for the opportunities my profession allows me, and even more thankful for the experiences I've had both in and out of the courtroom.

3) My tenure with the Thirteenth Court of Appeals as Briefing Attorney for Justice Fred Hinojosa gave me insight into the obligations of an appellate court justice, which are not limited to brief reading and opinion writing. When faced with the legislature's performance-based budgeting, the appellate courts seek to maintain funding based on disposition rates. As a briefing attorney, I learned the value of the strong work ethic required to efficiently manage an assigned caseload. Justice Hinojosa's performance outcome was among the highest in the State. I am committed to assisting Chief Justice Catherine Stone by efficiently managing my caseload while contributing to the history of scholarly decisions from the 4th Court. My

ultimate goal is to preserve the public's trust in the judiciary while promoting the effective administration of the Court.

4) Equal access to justice is a precept to our government's judicial system. As the only candidate who has actively practiced in Bexar County courts, both civil and criminal, I am aware of circumstances that should be improved to preserve equal access to everyone. While all judges do pay attention to the merits of the case, different life experiences lead to viewing and interpreting the facts differently. If you were to address the public's perception on judicial fairness, I believe you'd find that for many, the most important thing is procedural fairness. Those components include respect, trust in the decision-makers, neutrality of the judges, and a voice. People deserve to be heard. And we, as lawyers and judges, reduce the perception that money and politics matter more than merit and performance.

5) The cost of effective representation through court-appointed counsel for the growing population of indigent defendants is second to the price levied on society if the justice system fails to adhere to the principles of "equal justice for all." After 15 years of a successful civil and criminal practice, I am grateful for the opportunity to serve as a court-appointed attorney (CAA) for defendants facing misdemeanor or felony charges in Bexar and a few other surrounding counties. The criminal practice brings me to the courtroom on a daily basis, and I'm confident that my knowledge and courtroom skills benefit my court-appointed clients. I'm concerned that there aren't more bilingual attorneys like myself accepting appointments. I know that higher rates paid outside the county attract qualified attorneys away from Bexar County, but every CAA accepting appointments anywhere must provide effective representation regardless of the rate of pay.

6) I believe the greatest obstacle to justice in Bexar and every other county in America is a lack of perceived fairness in the judicial system. For me, the most important thing is procedural fairness. The key components of which are respect, trust in our decision-makers, and a belief in the neutrality of the judges. If a citizen, especially a juror, feels a lack of respect in the courtroom, suffers from a lack of trust in the judge, or feels that their voice is not being heard –whether it be because of a gender, race, economic or other bias –there is no perceived justice in the judicial system.

7) State law provides for the appropriate form of sentencing in Bexar County. The judge or jury, in accordance with the Court's Charge, is empowered to sentence upon conviction. I believe that the sentence must fall within the parameters of the law and be just. Alternative sentencing that is not prohibited by law is a solution when "justice" is achieved. What works in one case may not work in another, which in itself makes the case for alternative sentencing.

8) I believe there are those who suggest a minority defendant does not get a fair trial without a minority on the jury. I do not believe that suggestion is necessarily or always true. If on appeal, the 5th Court of Appeals may determine that the trial court's ruling was either appropriate or reversible.

9) You want a judge who will read the law and apply it as written, without regard to special interests that helped put them into office. Now, you may ask, in a state that prefers to elect its judges, "Is it 'political suicide' to act on one's belief's despite disapproval?" I believe it takes political courage to achieve balance in the desire to do good versus achieving justice when the issues conflict with the minds of the voting public. Application of the law is neither conservative nor liberal, and it is unethical for a judge to indicate a predisposition to view the facts in a case or apply the law with a commitment to preserve a liberal or conservative views. Resolving conflicts between what is viewed as "judicial activism" and "strict application of the law" is a battle fought many times by those in front of the bench, not behind it.

10) While I prefer a fair appointment-retention system of choosing judges, a majority of Texas voters want to elect judges. I am a Democrat and sought the Democratic nomination for this office. While I have earned the support of both Democrats and Republicans, I know that too many voters go into a booth without enough information about a candidate. I do not think the majority of voters believe that party affiliation is a proxy for skill, intelligence or proper temperament. Many, however, do believe that party affiliation provides an insight into the candidate's prospective decision-making. Application of the law

should be neither liberal nor conservative. Regardless of party affiliation, a judicial candidate should not indicate a predisposition to view and interpret the facts or law from a partisan standpoint to solicit a vote or contribution. To do so compromises the neutrality of judges and the public's trust in the judiciary.

11) I've already discussed the fact that I am a military brat, the proud daughter of a Vietnam Veteran. I have not ever disclosed the fact that, when I was in high school, I had contemplated going to the Air Force Academy, I wanted to be a jet pilot in the Air Force. I have a fear of heights, so my dream of flying the skies would never get me off the ground. I do hope, one day, to conquer my fear of heights by jumping out of an airplane (with a parachute, of course). My older brother has done it, with little regret. But the older I become, the less likely I'll jump!

12) Requests for oral argument should always be granted to allow full access to the appeal process. Whether it is for the simple opportunity for a young lawyer to experience oral argument at the appellate court and offer argument on their case, for board certification, or for the litigant who wishes to elaborate on points already outlined in their brief. An opinion is published for many reasons, only some of which are to outline the basis for the court's decision that will serve as precedent, distinguish the case from other decisions, and to ultimately provide a thoughtful response to the party's points of error raised on appeal.

13) The questions, as worded, may be difficult to answer, depending on how one defines "judicial temperament" and under what context is "punctual" being used.

Knowledge of the law is not enough if not "tempered" with actual experience. Judicial temperament, in my opinion, is not derived simply by one's attitude but, more importantly, by one's constitution. For the public servant on the bench, its definition is derived from the legacy of experience that precedes her oath of office and fashions her perspective. It is not simply a benchmark for good humor, much less personality, but instead is the result of a progression from naiveté to wisdom. Proper judicial temperament is realized when the decision-maker acts with the quality of having experience, knowledge and good judgment. As the only candidate with actual civil and criminal courtroom experience, I believe I offer the proper judicial temperament for the 4th Court of Appeals.

FOURTH COURT OF APPEALS PLACE 6

Candidate: Justice Sandee Bryan Marion
No Response

HOMERUNS *(cont'd from front cover)*

Daphne Previti in the past few months received post indictment dismissals on the day of trial for three different clients in the 218th District Court on a Possession of Controlled Substance Case, an Indecency with a Child by Exposure (4 Complainants/4 counts) case, and a Burglary of a Habitation case. Additionally, in Bexar County, her client received a dismissal after presenting statements to the State on a post-indictment Assault 2d case in the 187th District Court. After conferring and presenting anticipated testimony to the State, another client received a dismissal on the day of trial on an Aggravated Assault case in the 399th. She also received post-indictment dismissals for her clients on the day of trial in the 186th District Court on an arson of a habitation case when the State was unable to locate a witness, and in the 226th on an Assault Public Servant case when the Deputy did not show up.

Alex Scharff's client was acquitted by a Dimmit County Jury of Aggravated Assault with a Deadly weapon, where the Defendant stabbed the victim in the back 15 times. The Judge gave the jury a lesser charge of misdemeanor assault plus self defense and defense of 3rd party.

Jacqueline Kriebel secured a 7 minute acquittal on an Assault Bodily Injury- family in CC7 despite the state having photos of bruising, a frantic 911 call by a witness, and live testimony by the 8 months pregnant complainant and her mother.

Bob Behrens got a not guilty on an aggravated assault (knife) in the 226th in the first week of August. No lessers were submitted.

Theresa Connally got a Not Guilty on an ABI-Public Servant out of the 144th, Judge Godwin presiding. Her client was a nurse who is working on re-instating her license.

ADAM KOBS
CRIMINAL DEFENSE
ATTORNEY AT LAW
MEMBER OF THE COLLEGE OF THE STATE BAR OF TEXAS

August 27, 2010

Re: San Antonio Criminal Defense Lawyer's Association
Judicial Candidate Questionnaire

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2. What has been the greatest accomplishment in your legal career? In your personal life?

3. What, if anything, would you change to improve the procedures and efficiency of the court you are seeking?

4. Do you feel that all citizens have equal and adequate access to justice in our county? How would you improve that access?

5. Bexar County officials are concerned about the rising costs of defending indigent persons in criminal courts despite the fact that the appointed attorney hourly pay rate in Bexar os one of the lowest in Texas. Is this a concern to you? Do you think it could be a barrier to effective representation?

6. What do you perceive as the greatest obstacle to justice in Bexar County?

7. Incarceration is the most expensive criminal sanction available. How would that fact affect your sentencing decisions?

8. Without commenting an a specific case or type of cases, should Bexar County explore more or different types of alternative sentencing? What do you think works? What would you like to try?

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9. Recently a Dallas judge made the news when he replaced a white juror with a minority one in a capital trial where the jury was all white and the defendant was not. Do you believe it is important for a minority defendant to have a jury that contains minority members?

10. When a judge's sense of justice appears to be at variance to the strict application of the law, what approach should an ethical judge take to resolve the conflict?

11. Do you believe that our system of partisan election of trail judges should be continued? How can it be improved?

12. Tell the voters one thing about yourself that isn't on any website, nor discussed at any forum.

13. What does/would "docket call" mean in your court?

14. What is your opinion of the SACDLA Judicial Poll which asks all Bexar County attorneys (as listed by the State Bar of Texas) to give Judges a "yes" or "no" response on questions like "Does this Judge show good judicial temperament?" and "Is this Judge punctual?" Would you make any changes to it?

Thank you in advance for responding to our questionnaire. If you have any questions, please contact me at 223-4177 or at akobs@hotmail.com.

Sincerely,



Adam Kobs

JUDICIAL RESPONSES - TRIAL COURTS

144TH CRIMINAL DISTRICT COURT

Candidate: Angus McGinty

1) My Godfather, the late Judge Clarence N. Stevenson, of Victoria, Texas. He was very soft spoken, rarely raised his voice, always had a smile, but never got played by anyone. He was the most dignified man I ever knew and if I'm half the judge he was, I'll be great.

2) Professionally: after 20 years in practice, I am actually proud that I have held this job for so long. Several individual cases stand out, but one does above the rest. A trial of a woman accused of murdering her abusive, drug dealing husband. I fought as hard as I could for a week and a half, but she was found guilty and given 30 years. As she was being handcuffed, she told me not to be upset, that she was at peace with everything, and she thanked me profusely for trying so hard. She said I had done a wonderful job, but I can't change the facts. She said to go home and kiss my kids. So I did.

Personally: Becoming a successful man and good father, despite a lack of influence and help from my own.

3) A whole lot. The business of the 144th needs to be run more as a business. The judicial decisions, of course, need to be dictated by justice alone. The court's business can be greatly helped with daily use of texting and emailing by attorneys to the court staff. The court's staff must be available via email to answer questions ALL day. From the start of business to close. Phone calls and messages are very inefficient. My coordinator will be surgically connected to his/her PDA. Attorneys will be permitted and encouraged to email pleadings and requests. My first Standing Order as judge will be that, henceforth, all pleadings WILL be accepted that way. I will not wait for the Criminal District Court Admin to catch up to the 21st Century.

4) Yes, they do. However, not all citizens can afford the best attorneys. Sometimes they get a court appointed attorney who is so-so. I think more citizens can have greater access to justice in our county with an Indigent Defense system completely independent from the District Judges' authority. Whether that's a court appointed attorney system, where the pay and hiring is NOT up to the judge, or a Public Defender's Office for misdemeanors, felonies, or both.

5) Yes, it is. I see an inherent conflict in a judge deciding whom to appoint, and what to pay that attorney. A judge wants the case to be plead, and may appoint that case to an attorney he knows will plead it. Low hourly court appointed attorney fees is a factor, but so is the fact that the attorney gets paid after the case is over, so he has an incentive to plead it quick.

6) The meddling of the District Judges in matters of budget, jail overcrowding, and indigent defense. Administrators, not jurists, should handle all of those matters. A judge decides legal issues on cases in his court.

7) Not much at all. If some administrator sees incarceration as too expensive, then the administrators need to come up with ways to make it less so. Impact on the county budget is NOT a reason to either send or not send a man to jail.

8) Absolutely. Bexar County needs to put a tremendous amount of thought and planning into this. Our jail is too full of people who could be out, being productive members of society. Rent a warehouse at KellyUSA. Try more creative ways of using location-finding technology through cell phones, to keep Defendants at home or at work. Remote check in stations for the Probation Department.

9) I think it's important, very important that the law be followed on jury selection and the prohibitions on striking potential jurors based solely on race. I think its important that a minority Defendant have jurors that have been selected WITHOUT a consideration of their race. Minority jurors should be as available to be jurors as non-minority jurors.

10) A judge's sense of justice should be a correct application of the law to the particular set of facts before him/her.

11) No I do not. I believe all our state judges should be appointed, either through the help of a non-partisan

committee, or some other way, with perhaps retention elections.

12) I can make my own furniture. I can ride a bike 60 miles without stopping. I am a great 2-stepper.

13) I would like for trial weeks to be every other week, or perhaps the first 2 weeks of every month. I don't like the current way courts do it. It's a terribly inefficient business model. Making attorneys and clients come back to court over and over.

14) I love it, and I hope it is continued. I would try to get a better response rate. It is already one of the best, but more would yield a truer result. It needs to be advertised more. Show results at a yearly dinner and invite all the attorneys and the press. The attorneys in town need to wake up and stop letting the bad judges keep getting away with it.

Candidate: Judge Catherine Torres-Stahl

1) Judge Pat Priest, is certainly the judge that many of us aspire to emulate. Beyond Judge Priest's good judicial temperament, he is a scholar with the life experiences necessary to make just and fair decisions. Judge Priest always makes himself available to help discuss and resolve legal issues with other judges and/or attorneys. His constant pursuit of scholarly understanding of the law is admirable. Furthermore, his continued service to the citizens of Bexar County as a visiting judge reflects his commitment to the effective administration of justice in San Antonio. With good mentors, such as Judge Priest, many of us on the bench have the opportunity to improve our approach.

2) In my legal career, I am proudest of the opportunity to help create and initiate the Teen Court for San Antonio and although some may not believe that this a great legal accomplishment, a lot of my heart and soul went into this project. It allowed me to mentor and encourage children from inner city areas to aspire for more. Some of them are currently in law school or in college. Having come from very humble beginnings, I believe that exposure is absolutely necessary. I have received some very nice awards in my career but they only mean something if I practice what they espouse.

My greatest accomplishment in my personal life is my children. I am proud of their brains, their creativity and their hearts. In today's world it is increasingly harder to raise respectful and compassionate children, who are not bogged down by materialism and conflicting messages.

3) There is current work being done to improve the case assignment procedure for the Criminal District Courts through the IT department. A better equalization of the dockets will assist in improving efficiency. In beginning the new case flow management system there will also be procedural changes to the dockets to increase productivity and efficiency.

4) I do believe that we have one of the better systems and strict compliance with Senate Bill 7 ensures that attorneys are quickly and efficiently appointed. I believe that cases should be brought to court quicker. It appears that some cases are not showing up on dockets as quickly as they should.

5) I believe that attorneys should be paid for their work. I recognize that there are complaints that we spend a lot of money on paying for criminal defense however, it does concern me that we do have one of the lowest rates paid to attorneys in Texas. I do not believe that attorneys would neglect their duty to effectively represent their client on this basis. I believe also the voucher committee helps to create checks and balances to ensure fair payment for services.

6) With the most recent decision of Padilla, I believe, especially in San Antonio we need more attorneys versed in Immigration law and perhaps we need a more structured procedure for ensuring that defendants are being properly advised.

7) I do not believe it is appropriate to factor that into such an important decision. I do believe there are times where alternative sentencings may be more appropriate and as a result may create an inherent cost benefit.

8) There are certain types of cases that do not merit alternative sentencing, however, with that said, I believe there is room for more alternative sentencing in certain situations. I would like to see the Veteran's Court extend to address some appropriate state jail felony cases. Furthermore, what I have seen while on this bench is the need for better connections with the civil courts on cps or family cases so that we can more wholly address the issues that face not only a defendant but the family thereof. We currently do not have in place residential programs for women who are pregnant and who need substance abuse treatment but

are going to deliver during that time.

9) I believe that a defendant is entitled to a true jury of their peers. I believe that the law provides the necessary procedures that can help ensure that occurs.

10) Judges are sworn to follow the rule of law and must do so. Beyond that I do not believe it is appropriate for a judge to comment on this question.

11) I think there is currently not a firm answer on what is a better system. All systems across the country have their issues - whether it be election, appointment with retention elections, or merit selection appointments. It does appear, however, that some states have improved results on non-partisan elections. Judges are simply required to be fair and impartial.

12) I am currently working on writing a book and if I'm lucky I will be done in the next 20 years.

13) Docket call means calling the docket and expecting lawyers to show up and at a minimum confer on their cases. The prosecutors should also have all files available in court to confer. This is an opportunity to view the file, confer with the prosecutor and determine what is necessary - whether it is a plea, an assessment of future filing of motions, exchange of evidence or an opportunity to explore any potential problems or resolutions of the case.

14) I am fine with the Judicial Poll, however I do believe that those questions in particular may need to be more specific. A yes or no answer may not narrow the question enough. Does punctual mean, to court, to docket call, to trial? Judges have various responsibilities, that may be administrative in nature in chambers or maybe attending a number of meetings that a judge is attending, at lunch or in the morning and those are not taken into consideration in the form of the question.

186TH CRIMINAL DISTRICT COURT

Candidate: Judge Tessa Herr

1) I know I am not alone in my admiration for the learned Senior Judge Pat Priest. As a prosecutor in his court, I had a real appreciation for how he ran his court, for the fairness of his rulings and for his judicial temperament. As a judge, I have sought his guidance more times than I can count. I do my best to be a judge with those same qualities.

2) I am proud to have been involved in the development of the Felony Drug Court Program. I presided over the Drug Court for two years, and worked hard to obtain community support for the program, to access federal dollars for treatment, to create a steering committee and the alumni association. We maintained statistics that showed the success of the program and eventually received funding from commissioner's court for a full time drug court magistrate. The Felony Drug Court continues to maintain its standard of excellence.

As for my personal life, my greatest accomplishments are my three children. My greatest joys are my four granddaughters.

3) Several courts including the 186th have begun to utilize a new case management system. The main tenets of which are: Access to Justice, Expedition and timeliness, equality, fairness and integrity, independence and accountability, public trust and confidence. This new system has moved us into a more efficient running of the court dockets. The improvement is already noticeable. I'm committed to continuing in this new direction.

4) There is a good deal of attention given to making sure that someone in custody is provided counsel as soon as possible, if they can't afford an attorney. So it is not a situation that someone would not have access to justice. I believe it is important to continue to monitor our court-appointment list and be sure that it continues to have qualified and committed attorneys available to represent indigent defendants.

5) There is so much monitoring that goes on with respect to the cost of indigent defense. I wish the emphasis would shift to something else. Indigent defense costs what it costs. There are safeguards in place to protect against abuse. Other than that, the cost will always be there. It is not a budget cutting area, nor should it be.

6) n/a

7) It is not the expense of incarceration only that affects my sentencing decisions. Incarceration is not always the appropriate sentence. I've already talked about Felony Drug Court. I believe that when the reason a person keeps coming to the attention of law enforcement is a substance abuse problem or mental illness, and their

crimes are non-violent, then there are better alternatives. Problem –solving courts seek to find alternatives to incarceration that result in addressing the underlying problem and preventing that revolving door to the penitentiary that results from simply incarcerating an addict or a person with mental illness. I agree with that philosophy.

8) I think Bexar County is engaged in that process right now. The probation department is putting a great deal of effort into developing graduated sanctions to address violations of probation, rather than simply asking for revocation, for example. Treatment programs work, both in-patient and outpatient. In some situations, intensive supervision is the answer. Pushing a probationer and assisting a probationer in the search for a job, or getting his GED can make an enormous difference in their success or failure. Family violence counseling, life skills counseling even community service has brought about positive changes in some probationers.

9) n/a

10) n/a

11) n/a

12) I wish I had more time to think about this.

13) It means a whole new thing under the case management plan. If you've been to the 186th, then you already know. If you haven't, and don't know about anything about the case management plan, come by, I'll fill you in.

187TH CRIMINAL DISTRICT COURT

Candidate: Judge Raymond Angelini

1) I admire many judges, including Judge James Barlow and Judge Sharon MacRae. I appreciate the way Judge Barlow was able to treat all parties fairly and with respect while at the same time conducting his courtroom with an appropriate sense of humor. I admire Judge Sharon MacRae's extensive knowledge of the law and her excellent and effective organizational skills.

2) During my years of serving as a prosecutor and as a criminal defense attorney, I successfully represented my clients, whether it was the State of Texas or the accused citizens. Regardless of whether the cases concerned high profile circumstances or were ones that received very little or no media attention, I considered each case equally important and deserving of my best abilities. As a judge, I have instituted a docketing system that has resulted in a highly efficient disposition of cases. On a number of occasions, I have proposed legislation to improve the court system – one of my proposals was passed by the legislature. Concerning my personal life, I consider myself fortunate to have been married for 37 years and to have raised 2 beautiful children.

3) The only change I believe would improve the procedures and efficiency of the court would require the cooperation of the District Attorney's office – i.e. realistic plea bargaining and quick and efficient exchange of discovery.

4) Under the current system in Bexar County, I do believe all citizens have the opportunity for equal and adequate access to justice. That being said, all citizens do not receive identical legal representation because attorneys differ in their skill level and experience.

5) Yes, I am concerned about the low hourly pay rate for indigent defense in Bexar County. I do believe that inadequate compensation for court-appointed attorneys and other costs of defense could affect the way attorneys approach their cases.

6) The greatest obstacle to justice in Bexar County is money. Unlike some other larger, wealthier metropolitan areas, the citizens of Bexar County cannot afford to adequately and fairly compensate the attorneys who are charged with representing those accused of criminal offenses.

7) The expense of incarceration does not affect my sentencing decisions. I do take into consideration the fact that incarceration is the most severe type of punishment available and whether the facts and circumstances of the crime warrant incarceration or an alternative sanction.

8) I believe that pre-trial diversion may be appropriate in most non-violent victimless crimes and for many first-time offenders.

9) To the extent that an accused is entitled to a jury of his/her peers, then it is important to have minority jurors serving on a minority defendant's jury.

10) When faced with this situation, I must follow the law. If appropriate, I will make a statement on the record about the law and how it may unfairly apply

to a particular case. To not follow the law would be a violation of my oath. Any changes in the law must be made by the appellate courts and/or the legislature.

11) I believe we should elect trial judges in non-partisan elections. However, if we do continue to hold partisan elections, I believe they should be held separately and at different times from other state and local elections so that gubernatorial and presidential races do not affect judicial elections.

12) All my life, I have been an avid sports fan and sports competitor, including participating in Little League, high school football, college intramural sports, and city league sports. I have also faithfully cheered for my two favorite teams, the UT Longhorns and the Dallas Cowboys. Now that I am older, I have taken up golf. And, after spending so many years as an amateur athlete and armchair quarterback, I recently had an amazing stroke of luck when I got a hole-in-one!

13) I conduct docket call on Friday morning in preparation for cases to be tried the following week. Once cases have had 3 or more settings, I assign a number to each of those cases so the attorneys on both sides are put on notice of the order in which the cases will be tried the following week.

14) The SACDLA Judicial Poll concerns me because all Bexar County attorneys are allowed to participate regardless of whether they have had experiences with a particular judge or not. I believe some may respond to the poll based on some general public perception they may have formed about a judge or they may respond in certain ways depending on whether they are friends (or not) with a particular judge. In other words, the respondents' answers may or may not be an accurate reflection of a particular judge's abilities. Further, the way the questions are asked concerns me because they require "yes" or "no" answers. "Yes" or "No" questions require absolute answers, which do not fairly or accurately describe any judge.

Candidate: Dinorah Diaz

1) Judge William Wayne Justice. He had a calm disposition and temperament. He was an independent thinker and he would not let public pressure sway his judgment. He interpreted the constitution in a way that befitted a civilized and humane society.

2) After 19 years of practicing law, it is difficult to ascertain my greatest professional accomplishment. It could be the young defendant that I diligently fought for, to remain in school, who contacted me years later to thank me for advocating for him and to tell me but for my representation he would have not been able to continue his education and graduate from Texas Tech. Or the Foreign National Immigrant who was charged with possession of a controlled substance whose case I tried wherein he was acquitted because of the use of the rule. It is also difficult to decide what my greatest personal accomplishment is. It would include values such as my independent thinking and the long understood wisdom that a person's character is not defined by the material things that they possess but by the service that they can give to their community and to their fellow man.

3) I will stagger the sentencing dockets to 15 or 20 minute intervals or longer if needed and to allow for better management of attorney's time. I will permit electronic communications from defense counsel if they are running late or to ask questions of the staff. I will work with the jury assignment clerk so as to better organize the jurors, so they are not standing in the hallways for long periods of time. I will encourage the state to provide for the discovery in advance of court settings so that defense counsel can review prior to court and have greater time to discuss disposition of the case. I will ensure that there is at least one room available for the defense counsel to confer with their clients. Courteousness and respect will be mandated to all those who practice in my court. Innovative arguments applying the law will be welcomed.

4) I do not believe that everyone has equal and adequate access to justice. I would administratively advocate for equal resources to be available to defense attorneys as they are for the state's attorneys. This would be to better facilitate an attorney's representation of an indigent individual so as to not conflict with the attorney's oath.

5) This is a concern and I do believe that it could be a barrier to effective representation.

6) I believe that the greatest obstacle to justice in Bexar County is the public's misconception that the defendant is guilty and the defense has to prove their innocence.

7) The cost of incarcerating a defendant will not be considered when determining a fair and just sentence which may or may not include incarceration.

8) I believe that there should be more alternative sentencing options available to Judges. I believe that various things work such as graduating sanctions, intensive probation, drug courts, among other programs. I plan on initiating some outreach programs with TEC and exploring the possibility of having defendant's applying for employment while at court. I will explore and initiate programs where defendants do community service in the communities from which they come. I will encourage neighborhood association's input on the needs of that particular neighborhood and determine whether suitable community service hours could be done by fulfilling those needs. I would work with the medical schools and research facilities by allowing defendants to fulfill community service hours by volunteering for studies on chemical dependencies.

9) As long as the law has been followed in all respects of jury selection to include consideration for Batson then the jury selection should not be disserved.

10) The Judge should follow the law unless the Judge's sense of justice equals a perceived constitutional violation then the Judge should rule according to his/her interpretation of the Constitution. In either instance the reasoning should be preserved on the record so as to facilitate a pure and honest analysis of the reasoning and thought process for the higher court to examine.

11) Yes. Some other states have certain funds available for those who want to seek public office so that both candidates have at least a certain amount for basic message about the concerns, issues and possible improvements of the court.

12) I am an avid scuba diver and my 3 favorite places to dive are Sipadan and Kapali in the Celeves Sea and Blue Corner, Republic of Palau, Micronesia.

13) The docket call is a means of requiring all attorneys and their clients to be present in the court, to have the opportunity for disposition or exchange of information, time to confer, the means of determining the course of action that is going to be taken on a case and to provide the court with the status of the case.

14) I am not personally familiar with the poll and the only information I have received has been acquired second hand therefore do not feel comfortable commenting on the poll.

226TH CRIMINAL DISTRICT COURT
Candidate: Judge Sid Harle
No response

227TH CRIMINAL DISTRICT COURT
Candidate: Philip Kazen
No response

289TH JUVENILE DISTRICT COURT
Candidate: Carmen Kelsey
No response

290TH CRIMINAL DISTRICT COURT

Candidate: Melisa Skinner
1) Judge Pat Priest has consistently shown himself to be a hard-working, efficient and knowledgeable judge who is respected by his colleagues and the entire legal community.

2) The greatest accomplishment in my legal career has been trying over 100 criminal jury cases in the criminal courts of Bexar County.

The greatest accomplishment in my personal life has been having and raising my children.

3) Because I have experience in many different courts, I have been able to observe different procedures used to improve the efficiency of the dockets. I believe that it is important to continue Pre-Indictment dockets since I have seen first-hand how these dockets can improve the efficiency of the Court. I also intend to implement more jail dockets that concentrate on State Jail cases requiring automatic probation.

4) We all strive continuously to provide equal and adequate justice for our citizens. However, due to the increase in cases filed and overcrowding in our jail, we are continuously challenged to meet the needs of citizens accused of crimes and those who are the victims of crime. Because of these increases, we must constantly look for ways to improve the efficiency of our system. I will improve access by continuing to run an efficient docket with a view towards providing speedy trials for those who are accused of crime and just resolutions for those who are victims.

5) There are excellent attorneys who are currently

qualified to take indigent appointments in Bexar County. Therefore, I am concerned that measures taken to change the current system may result in those most qualified attorneys choosing to no longer participate. Such a result would leave indigent defendants represented by a smaller pool of less qualified attorneys. I believe that we must support the implementation of a system that provides the best attorneys to those who are accused of crimes.

6) Delay in justice due to overcrowded dockets.

7) I believe that a judge must make the right decision regarding sentencing without regard to economic considerations. Therefore, the cost of incarceration will not affect my sentencing decisions. If justice requires the suspension of a sentence with treatment options, the cost should not be considered. If justice requires the imposition of a sentence, the costs should not be considered.

8) I believe that Bexar County currently utilizes all legal forms of punishment. There may be additional conditions placed on probationers that have not been utilized and I would be willing to consider alternate forms of drug treatment and rehabilitative measures. If defendants are placed on probation, I believe it is vital that measures be taken to assist them in achieving self-sufficiency through education and career counseling. Self-sufficiency will lead to self-worth and thus, to personal success and rehabilitation. I would be willing to consider any and all options that would lead to a better success rate for those placed on probation.

9) I believe that it is important for any defendant to have a fair jury.

10) An ethical judge must follow the law regardless of his or her own opinions.

11) I believe that a judge's personal views should not affect her judgment. Therefore, partisan election of judges serves no purpose. It would be an improvement if the election of judges was held separate from gubernatorial or presidential elections so that the focus would be on the qualifications of each candidate without the requirement that candidates choose a popular party.

12) I have been singing in choirs my entire life.

13) Docket call will mean that the State and the defense will be required to appear and inform the court of the status of their cases with a view toward disposition.

14) I am in favor of the SACDLA Judicial Poll because it provides information for Judges on how they are perceived and where potential improvements may be made. I am not aware of any changes that should be made to this poll.

Candidate: Norma Gonzales

1) I am most inspired by the Honorable Pat Priest. Judge Priest has been an icon in legal circles in Bexar County since I began practicing in 1984. He exemplifies the highest standards of integrity, a work ethic beyond reproach and a relentless thirst for knowledge of the law. His demeanor is one of unparalleled patience and respect for the sanctity of the trial court and its participants. Judge Priest treats everyone with respect and dignity and can still, even after all his years on the bench, find humor and laughter to defuse what can be a stressful environment. I will strive to follow the path that Judge Priest has forged.

2) In my legal career, my greatest accomplishment has been to represent citizens from all walks of life in a vast assortment of settings as a trial attorney in hundreds of jury and non-jury trials. Although I enjoyed my time as a prosecutor immensely, the challenge of representing individuals from all walks of life, as a solo practitioner carries with it a tremendous amount of satisfaction.

In my personal life, my greatest accomplishments are finishing a marathon, without stopping, and a triathlon, without knowing how to swim.

3) The 290th District Court is arguably the most efficient court at the present time. Upon Judge MacRae's retirement, the docket will likely be left in good shape. However, it will be incumbent upon me to maintain that efficiency. I have practiced before most of the criminal district courts and have witnessed a variety of docket management styles. I hope to draw from these observations as well as the Criminal Court Administration's office for assistance in docket management and jail population issues. Coordination and cooperation versus competition amongst the Courts will assist in an overall efficient system. I also believe that appropriate judicial temperament that recognizes the needs of all parties and balances all factors can only result in a positive and efficient court. I would ensure that the staff adhere to the highest standards of respect

and common courtesy with all who come into contact with the court.

4) Certainly, citizens are entitled to more than just "adequate" access to justice. Unfortunately, the justice system lacks the funding necessary to alleviate the inadequacies. However, if elected, I would consider all programs such as drug court, mental health programs and a veteran's court, if they are available, to try and reach a just solution for all, but still ensuring safety for the community.

5) My concern is one of ensuring that all who come before the court are fairly represented. Unfortunately, we have a justice system which does not have adequate financial resources. I do not feel that it is a barrier to effective representation because I have to believe that all attorneys who practice in Bexar County do not alter their level of representation because of pay. However, I would like to see a system that fairly compensates attorneys for their hard work and efforts.

6) In my opinion, inadequate plea bargaining policies that do not allow cases to be resolved efficiently and thereby clog the court dockets and increase the jail population are the greatest obstacle to justice in Bexar County at the present time.

7) The cost alone would not affect my sentencing decisions. That said, as I indicated previously, based on my more than 25 years of trial experience, I would consider all options in sentencing on a case by case basis including drug court, mental health programs (if any) and a veteran's court, if available. Should, at some point, pretrial diversion be made an option, I would certainly hope this option would alleviate some of the incarceration issues.

8) Alternative sentencing has to be in the future plans of the Bexar County Justice system. We have to be careful and ensure that the punishment fits the crime with an eye on maintaining the safety of the public at large. Certainly, when dealing with certain crimes, options such as drug court, a veteran's court, pre-trial diversion, house arrest and GPS tracking could be viable options.

9) I believe fully answering this question may violate the judicial canons however, I do believe that it is incumbent upon a judge to ensure proper jury selection in every case by abiding by all the applicable principals of law relating to jury strikes and Batson issues.

10) Research the situation to search for a viable option within the confines of the law. Research would include not only reviewing applicable case law and legal opinions, but also working with both the prosecutor and defense attorney in trying to reach a solution and speaking with colleagues within and outside of Bexar County.

11) I do not believe that judicial elections should be partisan. I believe the best options would be either non-partisan elections or appointment by a committee knowledgeable of the requirements and qualifications of judicial candidates.

12) I caught an 8 ½ foot sailfish a couple of years ago.

13) Docket call means an accurate assessment of the jury trial docket, probably on Friday mornings, for the following week. As a practicing trial lawyer and solo practitioner, I fully understand the importance of knowing if I will be in trial the following week for scheduling purposes and preparation time. I would require both sides to accurately represent to the court if a case was truly ready to proceed to trial the following week.

14) I think it's a very useful tool that I believe should be continued. I would encourage even more participation from attorneys.

436TH JUVENILE DISTRICT COURT

Candidate: Judge Lisa K. Jarrett

1) I am inspired by several different Judges in the Bexar County system, Judge Pat Priest for his knowledge of the law and work ethic, Judge Sid Harle for his efficiency, fairness and decisiveness and Judge Laura Parker for her judicial temperament and patience in the courtroom.

2) I have been a licensed attorney for sixteen years. I spent three years in the Harris County District Attorney's office as a misdemeanor prosecutor, felony prosecutor and juvenile prosecutor. I was in the Bexar County District Attorney's office for one year. I spent twelve years as a criminal defense lawyer trying misdemeanor, juvenile and felony matters, including two capital murder cases. The last two years as a criminal defense attorney, I also acted as a juvenile law referee in the 386th Judicial District Court for Judge Laura L. Parker. September 24, 2009, I was appointed as judge of the

newly created 436th Judicial District Court. I was sworn in on October 1, 2009, as the first judge of that court. I would have to say my greatest accomplishment and pleasure has been serving Bexar County and the State of Texas as judge of the 436th District Court.

3) I believe that the Court has been efficient since its inception. A pre-adjudication Drug Court has been implemented to curtail the use of other valuable programs by juveniles with first time drug offenses. A grant is pending to start a Mental Health Court for male juvenile offenders. (A Mental Health Court already exists in Judge Laura Parker's Court for female juvenile offenders.) Specialized courts increase efficiency by allowing attorneys more time to confer at docket call, while giving the juvenile offender specialized treatment which is focused on their area of trouble.

4) With the passage of Senate Bill 7, I believe that indigent criminal defendants are receiving adequate representation from qualified attorneys. I do believe that there are attorneys who are overlooked because of the requirements of that bill and feel there should be some limited exceptions to strict compliance with the bill. In civil and family law matters, the San Antonio Bar Association provides low cost or pro bono legal assistance to those individuals who meet the criteria. When a complex case arises or specialized knowledge is needed, I ensure, and the system should ensure, that an attorney with the proper expertise receives that appointment.

5) As long as qualified attorneys continue to accept appointments in Bexar County despite the hourly rate, effective representation will continue. Every attorney that accepts those appointments is giving back to their community by helping those citizens in need during these hard economic times. If the funds were available, I would be in favor of increasing the current hourly pay rate.

6) The greatest obstacle to justice in Bexar County is the length of time it takes for a case to go to trial. In the juvenile system, delay would be an extreme issue, due to the offender aging out of the system. However, Bexar County's three juvenile courts have been able to avoid that obstacle.

7) In the juvenile system the focus is on rehabilitation. The child is to be placed in the least restrictive environment possible, while providing for the safety of the community. The Texas Youth Commission is the last resort. To correct behavior, programs such as in-home counseling and weekends at the detention center have been implemented to deter juveniles that are headed for incarceration.

8) Many alternative sentencing options are used in juvenile court. Weekend programs (including individual and family counseling), open discussions by juveniles with their therapists and probation officers (without risk of repercussion in the court) and activities created to foster team work are now being utilized with great success. A pre-adjudication Drug Court has been implemented for juveniles with first time drug offenses. A grant is also pending to start a Mental Health Court for male offenders.

9) I believe it is important for all defendants to have a jury of their peers. The correct procedure to determine the makeup of a jury is found in the Code of Criminal Procedure and case law. The members of a jury should be determined by following those guidelines and not by arbitrarily substituting one member of the jury with a member of any particular ethnic group.

10) A judge should recuse themself if they cannot follow the law as it applies to a case before them. The appearance of impropriety should always be avoided. If a judge's sense of justice renders them incapable of following the law, recusal is the appropriate remedy.

11) Qualifications and not political affiliation should determine the results of all campaigns. That is especially true of a judicial race. While everyone should be afforded the opportunity to run for office, too often the winner is determined by their party affiliation and not by their qualifications. I would favor nonpartisan, special elections where only judges and judicial candidates are on the ballot.

12) I am an avid reader with a one year old niece, Ava Kate, who is following my literary path.

13) Docket call is an opportunity for counsel to review any documentation in the State's file not previously reviewed, confer with the District Attorney's Office and determine the best course of action for their client. Docket call is run on time and efficiently. Attorneys are heard before pro bono cases so as to allow them to make their other settings that day. Attorneys have the choice of arguing a motion for continuance, stipulating

on that day, setting their case for stipulation for a more convenient time within the following two weeks or setting the case for trial.

14) I believe that the SACDLA Judicial Poll is a very useful tool. Each area of inquiry is extremely important. My only suggestion would be to exclude the top 1% and bottom 1% of the answers, to avoid having a few individual lawyers skew the results.

Candidate: Rosa Maria "Rosie" Gonzales

1) Chief Justice (Ret.) of the 4th Court of Appeals, Alma Lopez, District Court Judge Juanita Vasquez Gardner, the late District Court Judge Andy Mireles, District Court Judge Martha Tanner, District Court Judge Barbara Nellermoe, District Court Judge Laura Parker, County Court Judge Irene Rios, County Court Judge Ray Olivarri and Master Judge Richard Garcia are the first that come to mind when I think about the mentors and models I have looked to when defining the best approaches to judicial excellence. All of these jurists represent to me, in different aspects and ways, some stronger in some areas than others, the best examples of judicial temperament as defined by the ABA, a jurist that encompasses "compassion, decisiveness, open-mindedness, sensitivity, courtesy, patience, freedom from bias and commitment to equal justice."

2) I do not have one single moment or task that I can define as my greatest accomplishment in my legal career, but what I can say is that every time I have served my client well and justice has been served in a fair and even-handed manner feels like a grand accomplishment to me. I believe my peers and colleagues have spoken to my skills and abilities inside and outside the courtroom when they have elected me to leadership positions within our respective bar associations. As to my personal life, my greatest accomplishment is that fact that I am an Latina attorney where Latinas make up 7% of the U.S. population and where Latina lawyers make up 1.3% of the nation's lawyers.

3) In regard to improvements in court procedures and efficiency in the 436th District Court, I would want to explore opportunities to re-examine docket schedules, timeline schedules as they pertain to juvenile respondent pre-trial services and assessments, to start.

4) I do not believe that all citizens have equal and adequate access to justice in our county, but I also believe that this phenomena is not unique to Bexar County. Each case brings unique issues and facts to the table. I would expect that the respective attorneys and prosecutors act in a professional and ethical manner to insure as best they can that access to justice is available to all juvenile respondents, and that any issues raised alleging a deprivation of due process by juvenile respondents to their attorneys are then raised by said attorney on the record in an open hearing. Should the same type of issues be raised post-adjudication by juvenile respondents, every effort will be made to refer the complainant to the proper chain of information that can lead to rectifying and mitigating the issues if at all possible.

5) Bexar County officials' concerns with budgetary issues are concerns that we grapple with annually. They are charged with balancing the county budget and attorneys take an oath to diligently and zealously represent their clients. The issue regarding low pay for court-appointed attorneys is one that I have been vocal about at the State Bar level. I nominated local attorneys to be appointed to State Bar committees studying the very issue of low pay for court-appointed attorneys and who issue recommendations based on their findings. To my knowledge, those attorneys doing committee work are working hard to shed light on the plight of underpaid appointed attorneys. I believe that Bexar County is blessed with a very talented and skilled bar, and that Bexar County has attorneys that hold true to their sworn oath to represent clients well. It is rare that "pay" impedes proper representation but it does happen.

6) The greatest obstacle to justice in Bexar County is an under-informed public, at no fault of their own. I believe we (judges, lawyers, support staff, law enforcement) can do a better job at informing the general public about what their legal rights are and what remedies are available to them when they feel that they are not being treated justly, or represented professionally and ethically. A lack of flow of information can cripple efforts with the most noble of causes. Public outreach and transparency about how the justice system work s can insure that there are little to no obstacles to justice in Bexar County.

7) Adjudication decisions in Juvenile Court should be made only after exploring all corrective options that are appropriate for that specific case, juvenile respondent and victim, always taking into consideration what least-restrictive setting considered for the juvenile respondent, when and if appropriate, best guarantees community safety, victim restitution and offender rehabilitation.

8) When working with a juvenile offender population, alternative sentencing (adjudication) should be a priority and should encompass avenues that offer rehabilitative services above punitive action, but not to the extent that community safety and/or victim restitution is compromised. Having worked with youth and their families for the better of 25 years in Bexar County, I can tell you one never knows what interventions work with any one specific juvenile. Each case is distinctly different and many times requires tailored services to be most effective. As judge of the 436th District Court, I would be open to adjudication options and recommendations as properly presented by defense attorneys and prosecutors.

9) The US Supreme Court has spoken on this issue, Hernandez v. Texas, 347 U.S. 475. This is the law of the land, and as judge, I would have a sworn to duty to uphold the law of the land.

10) An ethical judge should always uphold the law of the land, and avoid rulings that would constitute or give the appearance of being an "activist" judge. An ethical judge should act in a manner delineated by the Code of Judicial Conduct.

11) The issue of partisan elections of trial judges is one that should be addressed by the Texas State Legislature and the State Bar of Texas, and ultimately maybe even Voters in general. Several states are at present reviewing their methods of judicial appointments/elections. I expect that Texas may come to the same crossroads as well. Until then, "it is what it is" and judges, as well as judicial candidates, must comply with the existing laws and within the standing parameters.

12) One thing that voters may not know about me because it is not posted on any website nor discussed in any forum is that I won a state power lifting tournament on July 4, 1998, in the deadlight and bench press for my age group (33 at the time). That feat is a testament to my discipline, commitment, and not only physical abilities but mental focus. I often share this about myself with folks who are feeling defeated and overwhelmed as an example of what a person can accomplish against all odds when they put their mind to it.

13) I hope to redefine "docket call" as judge of the 436th District Court. I want to explore schedules, docket calls, that improve the court's efficiency as well as guarantee due process to juvenile defendants. I am open to having a number of daily docket calls, if feasible, to allow families, victims and attorneys more palatable schedules that better guarantee access to due process and access to justice by offenders and victims.

14) I like the SACDLA Judicial Poll and look forward to reading it every time it is published. I would not change one thing about the poll.

437th CRIMINAL DISTRICT COURT

Candidate: Judge Lori I. Valenzuela

1) Judges Pat Priest and Juanita Vasquez-Gardner are two Judges who I strive to emulate. Judge Priest is a fine example of an excellent jurist. He moves a trial with efficiency, makes expeditious rulings, and has a superior knowledge of the law. Judge Vasquez-Gardner has a fantastic ability to balance tough and equal justice with compassion and respect to all defendants who come before her court.

2) My greatest legal accomplishment was being appointed by Governor Perry to be the first Judge to preside over the 437th District Court.

Being happily married for ten years and helping to raise three children-ages 8, 5, and 2-are the personal achievements of which I am most proud.

3) The staff, prosecutors, and defense bar have been working diligently to tackle the old and voluminous docket in the 437th. The efficient and competent efforts of all of the parties have resulted in over 650 dispositions since the Court's inception in December 2009. This statistic is a testament to the procedures implemented by the Court and the willingness of all the participants to confer meaningfully so that these cases may be resolved.

4) Overall, I believe that the citizens of Bexar County receive equal and adequate access to justice. Like any system, there are shortcomings. As a Presiding Judge, I do my best to address those faults in the system so that the defendants who appear in the 437th Judicial District Court are provided the best opportunity at equal representation and a guarantee of all Constitutional rights.

5) Regardless of whether they can afford counsel or are indigent, a defendant deserves a zealous, competent advocate who is willing to protect and fight for the rights of their client. Understandably, the cost of this

representation must be contemplated by county or city officials, but cannot and should not influence a Judge. Although I am cognizant of Bexar County's financial strains, I am also acutely aware of the needs of the indigent. The financial expenses for worthy representation and the additional costs for effective assistance to that attorney (whether that includes an investigator, medical personnel, or a mitigation expert) should not be a barrier to me when appointing a lawyer to represent a defendant.

6) Although criminal courts and the Judges that preside over those courts work tirelessly to reduce their dockets, the biggest obstacle to justice is the length of time it takes a case to get to trial.

7) The expense of imprisonment doesn't affect my decision-making because incarceration as an option for punishment is a necessary function for running a criminal district court. Although I am always looking for other alternatives, the unfortunate expenses tied to incarceration are inevitable. If a defendant has committed a heinous crime or has a lengthy criminal history, incarceration may be the only appropriate punishment.

8) It is my opinion that drug court, inpatient and outpatient services for drug offenders, and the mental health unit of probation provide great options for a Judge seeking an alternative to incarceration.

An additional alternative could be pre-trial diversion. There are unique circumstances where this could be an appropriate remedy to circumvent the expenses that come with probation and/or incarceration.

9) The process that is in place to secure a neutral venire, if implemented appropriately, should suffice to select members of the community who will be fair to both sides in a case, regardless of race. A few things, of course, must be guaranteed to secure that objectivity and impartiality. The first is that the city or county must select the jury array in a random fashion so that a cross section of the community is represented. The second is that jury panels must be selected without undue influence or regard to race. Lastly, both sides must intelligently question potential jurors and exercise challenges, including when appropriate, requesting a jury shuffle and making Batson challenges. With these outlined protections in place, a jury that does not represent the exact demographics of our community should still be impartial and have the ability to render a verdict based on the evidence.

10) It is imperative that a Judge follow the law regardless of his/her personal beliefs.

11) Partisan elections force a judge to align themselves with a particular political party and that party's platform. The role of a judge is to enforce the law and not the implementation of policy based on party politics. It is my opinion that a retention election would be more beneficial to our system. This process would begin with a bi-partisan committee appointed to oversee the vetting of qualified attorneys. That committee would appoint an experienced Judge to the bench. The appointed Judge would be subject to a retention election in their community every six years. If the Judge is retained by the electorate with the majority of the vote, then they would remain on the bench for six more years until the next retention election. If they are removed, then the committee would begin the process again.

12) In the early 90's, then Governor Pataki of New York, set aside funds to create a pilot program for convicted felons called The Bridge Program. I was the first Executive Director of this program in Watertown, New York. The Bridge Program served a dual purpose and was designed to supervise defendants in a probation-type supervisory role, but also to encourage and help the offender attain the necessary tools to "bridge" back into society. As the Director, I handled the budget and also carried a caseload of approximately 20 defendants. My supervision included monthly meetings with the clients (a term used in lieu of defendants once placed in the program), house/employment visits, and the administration of UA's, as well as, helping the client with life skills such as completing a GED, working on resumes, and finding local businesses that would hire employees with a criminal record.

13) Trial "docket call" in the 437th Judicial District Court occurs on Monday mornings where approximately 40 defendants (typically 25 who are on bond and 15 who are incarcerated) are called to trial. Normally, other than a first setting, the State and the defense, are asked to make an announcement. Balancing the number of settings with the days of incarceration, we generate a list of cases from the trial docket that need to be tried (often created at least a week beforehand.) The selected cases are called for any pre-trial motions that have not been previously heard. Those top cases get called back

one after the other until each is disposed of by trial or plea bargain. We have a separate docket for PSI's and MTR's.

14) I think the Judicial Poll is an effective vehicle for attorneys to "judge" their elected Judges. Like any statistics that are derived from a poll, there will always be human error and a possibility that the outcome is affected by, but not limited to, the percentage of mailouts to returns and an unfavorable response based on a particular ruling rather than the overall effectiveness of an elected Judge.

Candidate: Pamela Gabriel Craig
No response

COUNTY COURT AT LAW NO. 1

Candidate: John D. Fleming
1) The judge that inspires me the most in my pursuit of judicial excellence is Judge Sarah Garrahan. The reasons are really straight forward. For a number of years she has been a very well respected County Court at Law Judge in Bexar County and has been viewed as being truly impartial and fair to both sides in cases that appear before her court. I can only hope to achieve the same level of respect and admiration that she has received. Additionally, her even judicial temperament is what I strive to achieve as well.

2) My personal accomplishments are really centered on my success in education. In 1996, I was able to complete my Bachelor of Science Degree in Chemistry with a minor in Biology. Following my graduation with my Bachelor of Science, I entered into a Master's of Arts program in Political Science. Additionally, I graduated in the top 10 % of my law school class.

As I began my legal career, I continued to receive honors, including those I received in law school. Within the last year, I was chosen as an instructor for the purpose of providing training to SAPD detectives on the subjects of search and seizure and courtroom rules as well. One of the most recent honors I have received was being named a "rising Star Lawyer" by Scene in S.A. magazine.

3) The first thing that I will do if I win this election and become the Judge of County Court At Law No. 1 is to ensure that the docket is called at 8:30 every morning and that the docket is moved quickly from there Next, I have always been a hard worker and will continue to be one in the future. The people of our community deserve hard working public officials. After all, if a judge is not showing up to work on time and working hard, then the people of Bexar County are not getting what they deserve from their public servant. By taking these measures alone, I will be able to save the taxpayers of our community a vast amount of money, and other valuable resources. Each time a criminal case is re-set because the court cannot get the docket moving, it costs the taxpayers money.

4) I think that there is relative equality in access to our justice system in our county. I would improve it by taking actions to ensure that all defendants have access to adequate representation in our judicial system, and in my court in particular. In today's world, it is the financial inequality of access that truly needs to be addressed.

5) It seems clear to me that Bexar County should be on par with other communities in Texas where hourly pay rate for appointed attorneys is concerned. There are means to balance the budget, and cut costs, but not paying our appointed defense counsel adequately is not an acceptable means of doing so.

6) The greatest obstacle to justice in Bexar County is ensuring that each defendant, particularly the indigent, have adequate representation in our courts. While it is imp0ortant to cut costs due to the constraints put upon us by the economy, we should not cut funds for indigent defense in order to do it. This could easily lead to a lack of justice, and a society cannot be successful without justice in the courts.

7) Incarceration should be the last resort on misdemeanor cases after trying lesser sanctions first. With the truly high cost of housing defendants in our jail, it is imperative to look at alternates to incarceration. Truly, Bexar County uses alternatives to incarceration on a daily basis. Probation and probation conditions are just this, alternatives to incarceration. Bexar County also uses graduated sanctions at this point, so that alternatives are being truly exhausted prior to jail sentences being assessed.

8) Different types of alternative sentencing should always be tried if there is a possibility that they could be effective. This is particularly true at the misdemeanor level where there is a great chance of rehabilitating people without the need for incarceration. If an alternative sentencing program can provide treatment and recovery for an accused and change a life, it should be pursued.

9) The most important thing is for a minority defendant to have a jury that is fair and impartial. I certainly do not have enough information about the case out of Dallas to comment on the specifics of that case. I certainly support Batson, and the prohibitions it gives against striking jurors based on their race. This is clearly a violation of a defendant's rights, and cannot be tolerated.

10) As a Judge, you are bound to follow the law. This unfortunately means following the law when it leads to an unwanted outcome as well. The solution when this arises is to have the legislature look into potentially changing the law. Making law is not, and should not be, within the realm of a trial court judge's power.

11) I do believe that our system of electing judges has benefits and detriments like any system. The great benefit of our system is that our judges remain accountable for their action, or lack thereof, while on the bench. Under our system, we may keep effective judges for a long time but we do not have to tolerate ineffective judges for a great period of time.

12) One thing about myself that has not been released in any media to a great extent is the fact that I am first and foremost a family man above all else. I have been married for 10 years to a native of San Antonio. My household includes myself, my wife, twin 18 year old boys, our daughter, and my mother-in-law. Having the family that I do is really what I am most proud of in my life.

13) Docket call in my court would mean that cases are called at the appropriate time and all parties and attorneys would be expected to be present at that time. Of course, people will be late from time to time, particularly attorneys who have to appear in multiple courts, however tardiness or absence from the docket call without reason would not be tolerated.

14) I certainly approve of the SACDLA judicial survey. I think that it is very informative to the public, however, there is one thing I would change. I do believe it would be even a better tool, if each question had a rating response rather than a yes or no response. By making this change, I believe the survey could be even more informative and useful to the public.

Candidate: Judge Al Alonso

1) Chief Justice Earl Warren has inspired me in my approach to judicial excellence. The Chief Justice joined the Court in the midst of one of its most important issues: racial segregation in public schools. The new Chief proved an effective leader by bringing his judicial brethren from division to unanimity on the issue of racial equality. At the end of his service, Warren concluded that his greatest contribution to government was his opinion in those cases concerning reapportionment. Warren articulated his strong commitment to the principle of equality and admonished Americans that they face continued strife and upheaval by failing to heed the rightful demands for equality. However, his contribution to racial equality still stands as a testament to his role as a leader extraordinaire.

2) The greatest accomplishments in my legal career and personal life are the following: 1) I am most proud of founding drug courts in Bexar County; 2) obtaining a Master's degree in Judicial Studies from the National Judicial College University of Nevada Courts; 3) receiving Board Certification in Criminal Law from the Texas Board of Legal Specialization; 4) being elected Board member for the Texas Association of Drug Court Professionals, 2006-present; 5) being elected President, Texas Association of Drug Court Professional, 2007-2008, representing 72 drug courts in the state of Texas; 6) being elected in 2010 administrative Judge for the Bexar County Courts at Law, representing 15 county courts at law in Bexar County; 7) founding a program called "Courts in Schools: Critical Choices/Courageous Decisions," a crime prevention program for middle and high school students. With the help of my colleagues, we have addressed over 100,000 students in Bexar County.

3) I did a research study comparing 800 drug court participants to defendants on regular probation. The results indicated that if one was exposed to a drug court program they were less likely to re-offend. The ones that were on regular probation were three times more likely to re-offend. This study was a thesis called "Best Practices for Drug Courts," which is a requirement for the master's program. Also, I researched all the best practices of drug courts throughout the United States and have implemented those practices in our particular drug court programs. I have monthly meetings with the County Court at law judges to discuss problems and issues that may arise. Monthly, I meet with the drug court team to address problems and issues in our drug court program. The goals of these meetings are to find solutions to any outstanding problems and improve the overall administration of the courts.

4) While I believe we can always find ways to improve

the access to justice for everyone in our county, I think the most pressing concern in terms of this issue should be making those people who feel left out of it understand that the justice system is here to serve all of us – not just the privileged. The surest way for us as a legal community to do this is by taking part in community outreach and education programs. This takes commitment from us outside of monetary concerns – the best type of pro bono work. One example I'm proud of is our Courts in School Program, which takes our very talented and highly educated attorneys and introduces what we do to school-aged children, many of whom come from disadvantaged areas. By doing this, we're showing that the system is built to be balanced. Not to be feared, but embraced.

5) Yes, I am concerned with Bexar County having the lowest hourly pay rate. Human behavior is motivated by the carrot and the stick. If the carrot is not sweet enough, we may not be as motivated. Defense attorneys should be paid a reasonable compensation for their skills and hard work. I would like to see the old SABA plan reinstated. This would take us working together to push for legislative action.

6) One of the greatest obstacles to justice in Bexar County is incarcerating the non- violent offender with substance abuse problems. Research studies indicate that only about 9% of inmates get treatment. If these inmates are not treated, most will recidivate and be reincarcerated within a 3-year period. We need to take a different approach in sentencing the non violent offender. It is more cost effective to treat these offenders than incarcerating them.

7) I agree that incarceration is the most expensive criminal sanction; however, criminologists recommend that the violent offender and child predator should be incarcerated. We need to take a more innovative approach to the non-violent offender. Most non-violent offenders crimes are fueled by drugs and alcohol. Locking up and punishing someone with the sickness of addiction does not work.

Treatment for these individuals is a better option.

8) Part of alternative sentencing should include drug court programs. Drug courts are the courts of the future. At the time of arrest most people test positive for drugs or alcohol. We should not be surprised that most people in our prisons and jails are substance abusers, yet only 9% receive the proper treatment and once released, most will reincarcerated within a 3-year period. In my over 25 years experience as a defense attorney and 16 years as a judge, I have never seen a more effective criminal justice program than drug courts. They save money, they save lives, and lower crime. The research is clear: You cannot effectively punish someone that has a brain disease, and drug addiction is a brain disease. By combining the medical "therapeutic" model, and the judicial model, most addicts can recover.

9) The United States Constitution's demands that we have a jury of our peers. As Americans we are a diverse group of different races, religions, and sexual orientation. While I do believe that a minority should have a minority peer on their jury, I have an even stronger belief that no person should be barred from jury service simply because of their race. I am glad that our law provides for a Batson challenge, where there is a remedy to any systematic exclusion of minorities from a jury. The law prescribes that I follow the guideline set out in Batson and I take that very seriously. I will always scrutinize these situations. If I'm not convinced that either party has shown a race natural reason for a strike, I will grant the motion without hesitation.

10) As judges we take an oath to follow and uphold the law. Sometimes, I do not agree with the law, but whether I like it or not, I have to follow it. I may have a conference with the attorney for the defense and the attorney for the state, without compromising my ethics, to see that justice is done. The Court has tools that can help seek justice, like deferred adjudication, early termination, waiver of fines and fees.

11) I believe partisanship should take a back seat when it comes to electing our judges. All judges, whether Republican, Democrat or independent, take an oath to preserve, protect and defend the Constitution of the United States and the State of Texas. We should elect according to the person and how fairly and faithfully they apply the law. A great example is the Honorable Sid Harle. I do not see Judge Harle simply as a Republican, but a fair and impartial jurist who exemplifies the ideal that each judge has a duty not to the party, but the Constitution.

12) Over two decades ago, I had a spiritual awakening. Prior to that time I was what I could only call a "week-end Christian". I became a student of Christian Science endeavoring to follow the commandments and Jesus' teachings every day and every hour. I start every day with a Bible lesson and pray that God guide my day.

13) The way a call docket works in our court is as follows: About two weeks before a jury trial, our court calls all the cases that will be set for the following two-week period. Defense attorneys and the prosecutor announce ready or not ready. Generally, the attorneys confer during this time and try to work out the case or agree on a trial setting. If the case is more than a year old, our court is reluctant to grant a continuance, unless there is a valid legal reason for the continuance.

14) I think the questions are a fair and accurate barometer of the opinions of our colleagues in the legal community.

COUNTY COURT AT LAW NO. 2

Candidate: Jason Wolff

1) I aspire to have the knowledge and experience in the law of Judge Pat Priest, the temperament and work ethic of Judge Juanita Vasquez Gardner and Judge Sarah Garrahan, combined with "dashes" of the many other excellent judges I've practiced before over the years.

2) As for my career, winning my first murder trial and getting a sentence that brought some measure of closure to the victim's family has been my greatest accomplishment to date. As for my personal life, it has to be my family. From an outstanding wife (all her credit), to my kids (I'll take some of the credit), being a good husband and father is no small thing.

3) I would not waste taxpayer time and money conducting marriages for my own financial gain. With over 2400 marriages completed during working hours in 2008 and 2009, County Court 2's current judge has added over $100,000 to his personal income while allowing his docket to become the oldest, biggest, and the most expensive in the county court system. There are presently non-fugitive, non-felony pending cases set for trial since 2002. I would work hard at accomplishing what a judge is elected to do, and that is to administer a docket in a fair and efficient manner.

4) Certainly low-income defendants can be limited in the choices they have in terms of representation, plea bargain parameters, and trial preparation. As to representation, the overwhelming majority of appointed attorneys are more than qualified to represent criminal defendants. However, a judge should take care to listen to those defendants who feel they are not being represented adequately and appoint new counsel when the situation demands it. As to limitations on the range of acceptable plea negotiations, among other things, a judge should be cognizant of how inordinate bonds can potentially coerce a defendant into accepting a plea, rather than remain incarcerated until trial. In regards to trial preparation, a judge should genuinely consider each request to allow for the additional cost of an investigator and should never allow cases to languish on a trial docket for years. This can adversely affect an accused's ability to gain or keep employment.

5) It is a concern. As one of the largest populated metropolitan areas in the United States, Bexar County should adequately pay those attorney's who give back to the community through indigent representation. However, increased pay doesn't necessarily mean better representation. All attorneys, as officers of the court, should be committed to delivering the best representation possible regardless of whether or not they are hired or appointed. The Texas Lawyer's Creed reminds us all that representation should not be influenced by "mere self-interest," and that we "owe to the administration of justice personal dignity, integrity, and independence."

6) The greatest obstacle is often getting all of the players in the process together at one time and doing so early on in the proceedings. Justice delayed is more often than not, justice denied.

7) The decision to incarcerate an individual should be based predominately on the facts of the case and/or the prior criminal history of the defendant. If one or both of these factors dictates incarceration, then the cost associated with that choice is a byproduct of the decision, not a deterrent to it.

8) Regardless of ultimate implementation, alternative sentencing strategies should always be explored. Judge's play a critical role in tempering a defendant's sentence so as not to impede the pathway for future success. Alternative sentencing that falls within the laws a judge is sworn to uphold, garners justice for the citizens, and doesn't foreclose a defendant's future ability to contribute to society can be very appropriate in certain instances. I'm willing to try anything that meets the aforementioned parameters.

9) I would think that the original voir dire panel would be made up of the same general mix of races found within the community from which it was drawn. What

is primarily important is that a thorough examination of this panel be conducted during the "selection" process that ultimately seats the jury. Both sides should be given adequate time to accomplish this. If a judge feels that all viable challenges for cause have been addressed and that jury strikes were not based on gender or race, then the resulting jury under law would be a jury of any defendant's "peers," even if that jury did not include a member of the same race as the defendant.

10) As a prosecutor, my oath to seek justice allows for a range of options. Judges, however, take an oath to preserve, protect, and defend the Constitution and U.S. and State law. This requires fidelity to such, irrespective of a judge's individual sense of justice. An ethical judge should follow the law.

11) I believe that at the lower levels of the judiciary, particularly at the misdemeanor court level, candidates should not have to choose a political party to run under. Removing this condition would force voters to make a more informed choice based on a candidate's principles and experience, rather than generalized party platforms. Such a change would be an improvement in and of itself.

12) "I think so sir." This is my one and only line in the movie Shadow Force.

13) The docket call is the time at which all defendants set for court should be in the courtroom. It should be done promptly and consistently by the judge, not the clerk, the coordinator, or the bailiff.

14) I think it's a great idea. It allows for anonymity in responses and provides a useful reference tool to the community. The only suggestion I would have is that there should be a minimum number of appearances before a judge in order for the respondent's answers to be used in the averages.

Candidate: Judge H. Paul Canales

1) As a young lawyer I became acquainted with several judges who have influenced me: Judge Barlow, Judge Machado, Judge Priest, Judge Curry, and Judge "Hippo" Garcia. Judge Barlow and Judge Machado exemplified judges who not only knew the law but were also merciful in their application of the law. Judge Priest always impressed me with his scholarly knowledge of the law, and Judge Curry always impressed with me with his work ethic and his ability to handle both civil and criminal cases. Judge Garcia impressed me with his innate sense of fairness and his great sense of humor. I have tried to live up to these judges' standards my entire judicial career.

2) My greatest accomplishment in my legal career is being elected to the bench 22 years ago. My greatest personal accomplishment has been my family. Since I grew up in a single parent family where the parent was my mother, it was an important goal for me to be a good husband to my wife and a good father to my two sons, Cameron and Carson. Although they are still works in progress, I am very proud of them. I am very grateful for the family the good Lord has given me, and role that he has allowed me to play in it.

3) County Court No. 2 handles both civil and criminal cases to make sure the court is always busy. On the criminal side of the docket I would like to see a systems change more similar to what we do on the civil side; that is, a centralized docket system from which cases would be assigned. The centralized system works well on the civil side and I would be interested to see if it would work as well on the criminal side.

4) While no system is perfect, I think the current system of interviewing criminal defendants while they are being processed at the jail for a possible court appointed attorney is a fair one. What needs to be improved is the follow-up process to insure that the two parties meet. When I ask criminal defendants on their first appearance in my court if they have been in contact with their court appointed lawyer about 50 percent of them tell me they have not. I then instruct my coordinator to call the attorneys. If the attorney cannot be found, I then appoint a lawyer who is in the courtroom to represent the defendant. This sometimes causes a delay in the case which would not have occurred if the parties had contacted each other beforehand.

5) As a former criminal defense attorney myself, I know that nobody wants to work for free. Appointed attorneys should be paid a fair and reasonable wage for the work that they do. There was a time when I did appointed work some 23 years ago that the county at that time would only pay you $50 a day no matter how many appointments you took care of on that day. Coordinators would have to beg attorneys to take appointments. Most attorneys, if they already had an appointment that day, would refuse to take one. We have advanced from those times when such a system was a barrier to effective

representation, and I hope that our County can figure out a way to pay attorneys a fair and equitable wage for the work that they do.

6) As already noted in question no.5 a big obstacle to justice in this county is the County's ability to secure funds for an effective court appointed attorney system for Defendants. I believe that another big obstacle that affects my court is the state law that imposes large driver's license surcharge fees on Defendants who plead guilty to any DWI charge. This law has helped create a huge backlog of DWI cases. The additional driver's license surcharge, in many cases causes Defendants to intentionally delay their cases by setting them for trial to avoid having to pay the surcharge for their driver's license.

7) I am a great believer in the work release program that is currently in place in our county. I have used it in those cases where it was appropriate to do so.

8) I believe that in my court, which is at the misdemeanor level, that my main job is to make the defendant realize that he or she needs to change the behavior that is causing them to break our laws. I am open to any kind of sentencing alternative that will allow a defendant to internalize what they need to change in his or her life.

9) Yes, it is important that minorities be represented in juries. Our law provides that a defendant is entitled to be tried by a jury of his peers. The Courts have interpreted that to mean that the entire jury panel must have minorities in it. Our law also provides that a juror cannot be excluded from a jury solely because of his race or ethnicity.

10) A judge should always remember that the court is one of law and equity. In those very rare instances where the law and equity conflict, a judge should resolve the conflict pursuant to his own personal code of ethics and standards.

11) I believe that the current system should be changed. First, I believe that minimum requirements should be changed. The minimum years of practice should be increased so that the quality of the candidates is increased. There should be a minimum number of jury trials required. Lawyers wishing to run for office should first be approved by a panel of experienced attorneys before allowed to run. I believe that judicial races should be non-partisan to prevent "coattail effects" (that is candidates being elected solely because of the party they are affiliated to) and to insure that those who vote in the race are informed voters. I also believe that after a required minimum number of years on the bench that judges should run on a retention basis.

12) I love to read Science Fiction, good mystery thrillers and comic books. I also have just taken up bicycle riding and I am trying to become a respectable bicyclist.

13) In my court 'docket call' is held every morning during the week at 9:00am. These are cases where Defendants first appear in court. 'Jury call dockets' and 'non-jury calls dockets' are alternately held once a week on Wednesdays at 10:30 to allow the attorneys to confer one last time before cases are actually set.

14) I think the SACDLA Poll is a helpful tool. It, taken along with endorsements, Voter Guide questionnaires, and campaign literature, should help voters make a more informed choice.

COUNTY COURT AT LAW NO. 4

Candidate: Judge Sarah E. Garrahan

1) Judge Jim Barlow. He was so comfortable on and off the Bench. He told me that the Law is "common sense". With few exceptions, he was correct.

2) Being elected Judge of County Court-at-Law No. 4 in 1986. I was the first in my family to graduate from college and thankfully my three children and their children followed suit.

3) Continue my philosophy: A well trained, professional and courteous staff is the key to an efficient Court. We start at 9:00 a.m. ready, willing and able to get our work done.

4) Yes, equal but not adequate. New attorneys need mentoring-defense and state. Although I try to gently teach, they just need help.

5) Yes. Yes.

6) Lack of funding for indigent defense.

7) Due to jail overcrowding, the Sheriff has given the Courts alternative sentencing options. I use electronic monitoring (house arrest) and the work release program in sentencing.

8) Yes, I would like a pre-trial diversion program. Each

case and each citizen accused is different. Presently, the Courts don't have authority to set up a program.

9) Yes, but under what law did he act?

10) Follow the Law.

11) No, I would like to see non-partisan elections held apart from the primary and general elections.

12) I grew up in a rural county and graduated Valedictorian of the class receiving two scholarships. I got married and in the next five years had three children. When my youngest was ten months old, I started night college at SAC. Fifteen years later, having challenged courses and carried twenty-one hours some semesters, I graduated from UTSA.

13) Docket call means that the Judge is on the Bench at 9:00am, the docket is called, conferring begins and pleas are taken.

14) I wouldn't make any changes.

Candidate: Alfred Ximenez

1) Judge William Wayne Justice, (deceased), presided in the Federal Western District of Texas. Judge Justice had a true love of the law and maintained that love till the end of his judicial career. He was a true "people's judge" and always maintained excellent judicial temperament. He was willing to listen to allocutions from both sides and would rule evenhandedly regardless of the crime the individual was accused of. He was fair to both sides when interpreting the law. He always made sure the accused were aware why they were being sentence for a crime and what they need to do to prevent this from occurring again. It was truly an honor and a please to have appeared before Judge Justice in my career.

2) My greatest accomplishment in my legal career has been the ability to maintain a private practice in both State and Federal practice. As many solo practitioners know, making a living as a solo practitioner is undoubtedly a very difficult undertaking. However, it is possible with hard work and perseverance. I am living proof an individual with determination and drive can reach their goals regardless of what life throws at them. The greatest accomplishment in my personal life was overcoming socioeconomic disadvantages to coming from and impoverished area of town and completing my education. I was able to not only complete my undergraduate education but with the strong support of my family I was able to go on and complete Law School and pass the State Bar Exam.

3) I would make sure case are timely tried or disposed of in manner fair and equitable to all parties involved, the victim (if applicable), the state and the defense. I will not allow for unlimited delays for missing witnesses (ie, police officers, victims, etc.) I will make sure victims are made whole in their loss while insuring the accused has their day in court in a timely manner. This will insure the court docket will not be clogged and attorneys and defendants are left "waiting to see" when the case comes up for trial.

4) I feel citizens have somewhat equal access to justice. If an individual has the means to retain and attorney they are usually provided a sense of more personal service from that attorney. Individuals who cannot and afford and attorney and are appointed counsel sometimes leaves these individuals feeling less equip to fight their case. While this may or may not be true, it is my opinion the years of low pay for court appointed attorney has created this stigma which must be eliminated. We must work with Commissioner Court to try and provide better pay for court appointed lawyers.

5) It is a major concern to me and I definitely feel it is already affecting adequate representation in Bexar County. Not only is the low pay rate a concern but the SLOW rate of payment is another concern to me. There is no reason it should take 4-5 weeks to have attorneys paid for work they have performed. This low pay/slow pay process causes attorneys to take on other types of cases they are not accustomed to take in order to make ends meet. This in turn, takes time and attention away from focusing on their criminal cases. Unfortunately, the client is the one who suffers in the end.

6) Wasteful County spending is a huge obstacle to justice in Bexar County. This is causing undue stress on the court system by creating positions that are not needed. This money should be applied to improve existing programs, and higher pay for current positions, ie court appointed attorneys. The wasting of time and energy on reviewing other counties form of government to "see if it will help" improve our system. While innovation is an important part of our judiciary, we must continue to provide adequate services to our citizens regardless of what other counties are doing.

7) There are numerous programs available as a form of sentencing. I do not believe incarceration should be our first choice when sentencing an individual. Jail overcrowding and the cost of housing must come into play when considering sentencing somebody to jail time. I believe we must utilize all forms of sentencing in order to prevent high cost of incarceration when incarceration is not necessary.

8) I strongly believe Bexar County must explore all areas of alternative sentencing. I believe Bexar County should offer Pre-Trial Diversion and deferred adjudication in certain cases where it is currently not allowed, as well as Class "C" reductions. The Asst. DA's in court must be given the ability to exercise more discretion in case they feel should be dismissed as opposed to having to clear everything through their superiors. I would like to have more opportunities for deferred adjudication and pre-trial diversion made available to offenders who meet the appropriate criteria. This would allow defendants to keep their records clear of convictions which will hunt them the rest of their lives.

9) I believe we must follow the Constitution and provide defendants with a jury of their peers regardless of their race. If the make up of the jury is such that a fair trial cannot be had then it is up too his counsel to challenge the array of the jury. Counsel should ensure Batson challenges are used correctly as well as challenges for cause. If a community contains more individuals of one race versus another, one can naturally assume that there will be more individuals of that race on the jury. It is ultimately up to counsel to ensure a fair and impartial trial for their client is had. Otherwise, the remedy is appeal.

10) I believe a judge should follow the law while maintaining a balance of what is fair and equitable to all parties. Simply because the law allows for a certain form of punishment doesn't automatically mean the judge should administer that punishment. He/she must find a way to hold the individual accountable for their crime as well as providing the defendant with an opportunity to continue in life with the least amount of impact on their life as well. This is where I believe alternative sentencing comes into play.

11) I believe our system of partisan elections should be continued. This allows for the citizens of this county to choose who they believe will do a better job for them. Also, it keeps current judges on their toes knowing they can face a challenger in the future if they are not performing as they should. Competition is good in the judicial arena. I believe if we were to go to appointment of judges, it would create favoritism and reverting us back to the "good old boy" system. This would create complacency on the bench ultimately causing stagnancy in the court room. I believe the system can be improved by making all the requirements to run equal in district courts as well as county courts.

12) I am a simple down to earth person. I believe if you work hard and focus on what you do you can achieve your goals. I'm human and make mistakes but I'd like to think I learn form those mistakes and prevent them form occurring again. I have never been the person who likes the spotlight on them all the time. I love spending quiet time at home working on projects in my garage or simply hanging out with family and friends. I feel I am a very approachable person. I like to laugh and joke with friends and my sense of humor often gets me though tough situations. I believe in God and know he has bigger better plans for all of us someday. However, until that day comes, I enjoy my time here on earth doing what I can to make this place a better place to live. I try to help my fellow man not just in the legal forum but in all aspects of my life.

13) "Docket Call" in my court would mean last chance to work a deal otherwise your being set for trial on a date definite. This would prevent both parties from wondering whether they should prepare for trial. I would ask both sides to make sure all parties' witnesses will be available if they are announcing ready for trial. Otherwise, come trial date no continuance will be granted simply because a witness is on vacation (barring unforeseen circumstances, ie accidents, injuries, etc.). This is what docket call is for, be ready, tell the court and opposing party so they can prepare. My "docket call" will not be the place to "bluff" somebody into or out of a deal.

14) I feel overall it's a good form of evaluation. However, I think "Judicial Temperament" should be divided into different sections. I think "Judicial Temperament" is interpreted in different ways by many people. Breaking it down would allow attorneys to give a more accurate explanation of why he or she is answering the way they are. Same goes for the section of "Does this judge work hard".

COUNTY COURT AT LAW NO. 5

Candidate Jason Pulliam

1) John Marshall. Justice Marshall authored the opinion in the United States Supreme Court case of Marbury v. Madison in 1803. Justice Marshall issued this opinion at time in our country's history when there was great tension between the Federalists and the Anti-Federalists. He showed tremendous character in remaining true to the law. He established the doctrine of judicial review. Justice Marshall's opinion breathed life into judiciary and established the judicial branch as an equal branch within our government.

2) Serving as a Judge Advocate in the United States Marine Corps.

3) I intend to work with the other county court judges to establish a standard docket control or scheduling order for both criminal and civil cases. Docket control/ scheduling orders will ensure that all parties (plaintiffs/ defendants in civil cases and the state and defense in criminal cases) are accountable to each other and the court for moving cases through the system. I also intend to hear civil cases in an effort to reduce the tax burden on Bexar County citizens. I will be able to do the job of two judges. Lastly, I would place all cases older than a year on a 90 day track towards disposition – whether trial, a plea, or dismissal.

4) Yes. In my experience practicing criminal law throughout the state of Texas (Bell County, Williamson County, Travis County, Coryell County, and Bexar County), I have found that citizens who actively participate in the defense of their cases receive the same level of justice as any other citizen. My experience as a criminal defense lawyer in the Marine Corps also supports my view that the criminal defendants who invest the most time and effort to the defense of their cases receive the best representation. I would encourage our policymaking officials to ensure that attorneys who provide services to indigent citizens are properly incentivized to participate in the appointment system. As judge, I will make sure that the law is properly and fairly applied.

5) As an attorney who has represented indigent clients, I believe that justice requires that each criminal defendant receive the very best legal representation. Lowering hourly rates or reducing the flat rate fee may discourage very capable and competent attorneys from representing indigent clients. I would encourage our county officials to carefully consider any change in compensation for attorneys who perform the invaluable public service of representing indigent citizens.

6) The county courts have a high volume of cases. Judges are under pressure to move cases. This may lead to the general impression that certain citizens' cases are simply pushed through the system. Judges should make sure that each case receives an appropriate disposition. A judge should never sacrifice justice for an expeditious disposition.

7) The determination of an appropriate sentence for each defendant is one of the most important functions for a criminal trial court judge. I understand and appreciate the public concern about the rising costs of incarceration. In fashioning an appropriate sentence, I intend to analyze a host of factors to include the nature of the offense, the criminal history of the defendant, and safety of the public. I believe that considerations of the costs of incarceration are best left to the policymaking branches of government. I will never sacrifice public safety in an attempt to reduce the costs of punishment.

8) I am familiar with the results of a study performed by Dr. Tony Fabelo regarding sentencing alternatives. As stated above, I believe that criminal trial court judges should have a strong focus on public safety. I am open to sentencing alternatives for truly nonviolent offenders who can benefit from treatment, education, and training programs. Misdemeanor offenders will be released back into society. Therefore, county court judges should work to ensure that nonviolent offenders (and all offenders generally) receive sentences that put them on a path to future success.

9) Judges should ensure that every criminal defendant receives a fair trial. I think it is more important that members of any minority group are not improperly excluded from serving on a jury rather than attempting to place a member of a minority group on the jury. As judge, I will ensure that the state does not improperly use its challenges. The constitutional guarantee of equal protection applies to all citizens.

10) The judge must follow the law as written. If the law as written allows for judicial discretion, then the judge may use his/her discretion within the bounds of the law.

11) I believe we need a system that selects judges based upon academic excellence and outstanding professional experience. Judges should not be elected on a partisan basis. Judges can be elected on a non-partisan basis. I believe the voters are entitled to know the judicial philosophy of a judicial candidate. Judges can also be appointed and then subject to a retention election. This approach may be the best way ensuring that the most qualified lawyers serve. Then, they can be judged by their performance on the bench. The criticism of this approach is that it relies on the other branches of government – presumably the executive and the state senate. These branches may be controlled by one politically party. Some citizens may be concerned that the governor will only appoint, and the senate will confirm, a certain type of lawyer/judicial candidate.

12) I have an incredible love of the law. I read as much as I can about the framing of the United States Constitution. I specifically enjoy reading the Federalist Papers.

13) Docket call is the listing of all cases currently set on the daily calendar.

14) I believe the poll can be a useful tool. I think the questions should be more specific. For example, questions should focus on a judge's understanding of the law in general, but should also inquire into the judge's knowledge of procedural, substantive, and evidentiary matters. Judges should be strong in all three areas. I also think simple yes or no answers do not allow for a more detailed explanation concerning the subject of the question. The questions should be asked in an open ended fashion that allows lawyers to provide more in depth answers.

Candidate: Ina Castillo

1) Judge Juanita Vasquez-Gardner inspires my approach to judicial excellence. She has a vast knowledge of the law and demonstrates the proper judicial temperament that is vital in running an efficient courtroom.

2) The greatest accomplishment in my legal career was representing child victims in the District Attorney's Office. The greatest accomplishment in my personal life was receiving my degree from the University of Notre Dame. My parents did not have the opportunity to finish high school or attend college---I was very fortunate to have supportive parents who considered my education their priority in life.

3) The administration of County Court 5 needs improvement. The presiding judge needs to be present daily to run the docket. Constantly handing off the docket to a visiting judge hinders its efficiency. The lack of a full time judge has resulted in a back log of numerous cases. Beginning January 2011, the court will operate on a full-time basis to ensure that cases are adjudicated and disposed of in a timely manner. I will establish timelines for case processing while keeping the incoming caseload current.

4) Not all citizens have equal and adequate access to justice in our county because of their financial status. I would like to explore various avenues to get additional funding to institute new initiatives to make the courts more accessible to the public.

5) I am very concerned that Bexar County Officials are preoccupied about the rising costs of defending indigent persons. Indigent persons are entitled to effective representation in court, and will receive that representation from the current list of well respected attorneys on the court appointed system. County officials should strongly consider the legal needs of an indigent person versus the costs involved.

6) The greatest obstacle to justice in Bexar County is the lack of financial resources available to indigent persons.

7) Incarceration is extremely expensive for the county. I will consider this in determining a defendant's sentence; however, it will not be the sole factor. I will also take into consideration a defendant's criminal history; the facts of the case; and the victim's views. Incarceration may be required if the defendant has an extensive criminal history; or if the defendant refuses to repeatedly comply with the conditions of his/her community supervision.

8) I believe Bexar County should explore more methods of alternative sentencing. The drug courts are proving to be very successful. I would like to implement a drug court docket in County Court 5 and/or participate in the new veterans court program.

9) I believe a defendant has the right to have a jury comprised of his/her peers.

10) A judge has an ethical duty to follow the letter of the law, and should be held accountable to that standard.

11) I do not believe that our system of partisan election of judges should continue. Well qualified and respected judges have lost their races as a result of the political climate during election time.

12) I enjoy riding Harley's. I got on my first one this year, and loved it.

13) Docket call would begin promptly in the morning with the calling of each case. Plea negotiating would commence at that time, and pleas would be taken promptly to ensure the cases are being disposed of, and attorneys are able to get to their respective courts.
14) I am in favor of the SACDLA Judicial Poll. I would not make any changes to it.

Candidate: Raymundo Aleman
1) Pat Priest. He is well-qualified, knows the law, does his job but does not attempt to seize control of a case or issue. He knows the difference between power and authority, vital in a judge.

2) Keeping a few innocent people out of prison. Serving in the military.

3) Set up an efficient system for moving cases to trial as quickly as possible.

4) This is not a perfect world. We need to get good representation to all so that they can get fair treatment. Better training for new lawyers by the local bar would help a lot.

5) Yes. The misdemeanor pay scale is a disgrace. It encourages quick resolution without examining the facts of the case. Many people have called me complaining that they went to court once and pleaded out with a court appointed lawyer who did not explain anything to them. Many (by no means all) of these defendants are probably right. The pay for DWI cases (especially second offenses) needs to be higher than other misdemeanors.

6) We have an ineffective probation system. Too many defendants go on probation with little chance of completing it. The probation office needs more staff sand increased training. There are many good programs but not enough staff to carry them out effectively.

7) The more jails and prisons we build, the more people the judges will sentence to them. I would try to sentence people to an effective probation program that would help them avoid going back to the same situation that landed them in trouble.

8) We have tried many things. The thing that works best is changing the person's view of his life for the better.
9) Yes. It is important that all people be given the opportunity to serve on juries. All defendants deserve a fair jury. It is unfortunate that many people including minorities try to avoid jury service.

10) All judges should work hard to ensure their decisions serve the interest of justice.

11) Yes. I do not want to see it abolished. I would like to see an immediate election any time new courts are created or a court is vacated before the term expires. I think the 2009 appointments in Bexar County were badly handled

12) I am an amateur, but serious and competent, philosopher and theologian.

13) Docket call means all cases set should be ready for hearing or trial. All lawyers and prosecutors should be ready for trial. No resets for the sake of delay would be given. I would expect all cases to be tried within two years of filing.

14) I like it. I wish more judges would use it to improve their approach to serving the interests of justice and their dealings with the lawyers who appear in their courts.

COUNTY COURT AT LAW NO. 6

Candidate: Wayne Christian
1) Judge Sid Harle, Res Ipsa Loquitur . . .

2) Legal Career: My prior record established as a Texas State Judge from 1996-2002 is unmatched in judicial efficiency and my dedication to public safety.

Personal Life: My (30) year career as an Airborne Infantry and Special Operations Judge Advocate General's Corps' officer in the United States Army and Reserve culminating in my voluntary deployment to Afghanistan in 2003 as a Legal Advisor for the 3d Special Forces Group. My military awards and decorations include the Master Parachutist Badge, Expert Infantryman's Badge, Legion of Merit and Bronze Star Medal.

3) The current judge has the lowest jury-trial rate at the Bexar County Courthouse. During my previous six years in office, our court disposed of more criminal cases (over 30,000), tried more jury trials (over 275) and regained more restitution for victims, than any County Court in Bexar County history. I would return the same efficiency to this court.
Further, I would initiate a civil docket and ask to be designated as a Juvenile and/or Family-Law Master (as before) to assist in the timely disposition of these critical cases in addition to our normal criminal misdemeanor docket.

4) No. Bringing Bexar County's court-appointed-attorney's fees up to par with those of other large Texas cities and expanded Bar-initiated Pro-Bono criminal defense programs should be utilized where possible to attract competent defense counsel willing to volunteer to represent indigent criminal defendants.

5) Yes. Bexar County's court-appointed attorneys' fees schedule should be competitive with those of other large Texas cities to attract and adequately compensate attorneys volunteering to take these important cases.

6) Inefficient judges

7) When a criminal defendant needs to be incarcerated to insure public safety (such as in an aggravated family violence scenario), the cost of that incarceration should not be a concern of the sentencing Judge. If public safety is not a primary issue in the Judge's decision-making process due to the nature of the case (ie., Driving With License Suspended, etc.), the cost of incarceration should be considered in light of alternative sentencing options to minimize jail overcrowding and conserve public funding.

8) Our current Drug and Veteran's Treatment Courts show great promise in using rehabilitation programs instead of punishment in addressing specific categories of criminal offenses and offenders.

A pre-trial diversion program would be extremely helpful for first-time misdemeanor offenders on minor offenses, as well as reductions in appropriate cases to Class C offenses to promote plea-bargain resolutions on a greater scale.

9) I believe the current requirements of Batson adequately protect the integrity of Texas juries.

10) A judge is bound to impartially follow the law. In my experience, if a situation arises where the interest of justice appears to violate the letter of the law, competent and innovative judges and attorneys have always found an ethical resolution to the problem.

11) Partisan election of trial judges is an inefficient approach to the problem of maintaining competent jurists in Texas. A process of appointment of judges on merit (But by whom?) appears superficially to be a better system in a perfect world but does not realistically seem obtainable in today's political environment.

12) Sorry, it's all out there!

13) "Docket Call" in my court means Arraignment settings for first appearances (for the court to determine case/attorney status and future-setting needs); Pre-Trial settings for motions; or Trial settings for trial, judge-alone or jury. My priority issue is getting defendants and attorneys out of the courtroom as quickly and efficiently as possible.

14) The SACDLA Judicial Poll is an excellent tool in many categories but, like all judicial polls, it sometimes appears to be a popularity contest more than a fair evaluation of judicial efficiency. Perhaps additional questions should be posed for the polled attorneys to further pin down precise reasons why they like/dislike specific judges and/or their policies.

Candidate: Judge Ray Olivarri
1) Any current or past judge who follows the law, is fair, compassionate and shows respect for those who appear before the bench.

2) I feel that the greatest accomplishment of my legal career has been maintaining an even-handed balance in the administration of justice in my courtroom. The average person doesn't realize that in order to be an effective judge you must balance your own sentiments and opinions, the prosecutorial and defense agendas, and the law as it is written.

The greatest accomplishment of my personal life has been my children. Taking pride in their accomplishments and watching them grow strong in their faith.

3) In the four years since I was elected Judge of County Court at Law No. 6, I have made several changes that have made a tremendous difference in the court's

efficiency. Not the least of which is that I have given great deference to the litigants who come in front of me. I believe that the prosecutor and the defense attorneys are the best judges of the value of their respective cases. I do my best not to interject my own personality and likes or dislikes into that equation by "busting" plea agreements. In a situation in which there is no agreement between the parties, I do my best to seek a resolution that (a) makes the victims whole (if possible); (b) punishes the offender so as to be a deterrent; (c) helps to provide rehabilitation and education to the defendant.

4) Speaking strictly from the perspective of misdemeanor charges, I would say that all citizens accused of crimes have equal and adequate resources available to them. Easier access to the resources that are available.

5) It is very much a concern. The Commissioners Court is constantly seeking ways to balance the county budget. However, the county should provide adequate compensation to those attorneys who represent indigent persons. No, because attorneys take an oath to be ethical and advocate zealously for their clients whether they are court-appointed or retained.

6) A need for appropriate funding for the whole process.

7) I recognize that sometimes punishment is the only appropriate response to criminal action, but at the misdemeanor level, there is usually still a chance to change behavior patterns and educate those who are capable of being made into productive members of society. In my opinion, we need to tackle the problem from the perspective of being more creative in the use of alternatives to incarceration and graduated sanctions.

I have initiated and participated in several programs as alternatives to incarceration including the library program, courts in school and the newly-created Veterans Court.

8) Same answer as Number 7.

9) I believe that a person on trial should have a jury that most accurately represents the community as a whole. There are effective methods (Batson Challenge, Jury Shuffle, Voir Dire) by which a defense attorney can try to ensure a jury that is fair to his client.

10) We are a nation of laws. The utmost respect must be given to stare decisis, and the written law. Every judge's personal sense of justice, while relevant to the makeup of the jurist as a whole, cannot be allowed to interfere with following the law.

11) If the system did not exist as it does, the only people being appointed to benches would be those who are politically beholden to the party in charge. I feel that elimination of party affiliation would be a good thing. Judges from all sides of the political spectrum should be held above partisan politics.

12) I am a seventh generation San Antonian. My family has been in San Antonio since the late 1700s. One of my relatives served as a scout to Sam Houston and fought for Texas independence. My parents both work as public servants in San Antonio and I proudly continue the tradition of public service.

13) It means that every litigant who announces ready for trial had better be ready to proceed to trial.

14) My opinion is that any feedback from the Bexar County attorneys is good. No.

COUNTY COURT AT LAW NO. 7

Candidate: Eugenia "Genie" Wright

1) Felix Frankfurter and Earl Warren were judges during the civil rights movement of the 1950's and 1960's. Many federal judges were in the position of choosing their community ethos over the U.S. Constitution. Many chose the Constitution over the pressure from their own communities, communities in which they had lived their entire lives and in which their families lived. They followed the law, protected our constitution and frequently did so at great personal sacrifice.

2) Learning to put ego last and professionalism first. Learning to know what you don't know and being willing to learn what you do need to know. Personally, raising three good children who have become good citizens and being married for 37 years to the best man I know.

3) This court has a moribund docket, costs an average of $3.5 million dollars a year to run as opposed to the other county courts that cost an average of $1 million dollars a year and is viewed as unfriendly to attorneys and defendants. I would streamline the docket, seek ways to run the court in a more cost efficient manner and treat

everyone fairly and courtesly.

4) Our county is not so different from other counties in that indigent clients, even though entitled to an attorney in criminal cases, do not always receive the same representation as wealthier defendants. It is an ongoing struggle; but an active bar, a visible criminal defense organization, and a concerned population should help.

5) The price of paying appointed attorneys to defend indigent clients is but a percentage of the cost of running these courts. If anything, the pay should be increased so that more experienced defense attorneys will take cases.

6) Overcrowding of the courts, idle courts, no-show judges.

7) In misdeameanor cases, incarceration should be the last criminal sanction used. Supervision, monitoring, classes, counseling and community service should be used first to effect rehabilitation in the defendant population.

8) Drug courts seem to be working well. Using this as a model I would like to see this concept tried in other areas. I am interested in seeing if veterans courts will be effective.

9) Yes.

10) A judge swears to uphold the constitution and the laws. A judge is not to make ad hoc legislation from the bench. That said, there are ranges of punishment for each level of infraction. Within this range of punishment a judge may exercise their sense of justice.

11) This is a legislative issue.

12) I worked my way through college.

13) 9:00 A.M. Monday through Friday. I will be there on time, I will call the docket promptly and I will do everything possible not to waste the lawyers time or the defendants time. I will expect everyone connected to my court to do the same.

14) This is a good poll and a good measuring stick. Like any questionnaire, we need to increase the number of members who participate in the poll.

Candidate: Judge Monica Guerrero

1) Justice Alma Lopez was very inspirational. She always understood that being in the position of a judge included giving back to the community. She kept her judicial temperament and did not try to legislate from the bench. She also was very good about being involved with mentor programs and continuing legal education. I think those things are important and I think this type of activity contributes to judicial excellence.
For some judges, it is easy to think that judicial excellence is accepting plea bargains all day and staying locked in the office when not on the bench. I think judicial excellence goes further and requires involvement in the community through service on boards and participating in education for members of the Bar. It is important to have an open door policy. It is also important to maintain proper judicial temperament and not legislate from the bench.

2) My greatest accomplishment in my legal career was getting elected to the County Court #7 bench in 2002.

My greatest accomplishment in my personal life was finishing my education and having the ability to care for my family. Growing up on the Westside of San Antonio posed some challenges. My family received government assistance for a period of time. We lived in a very humble home but I felt my mother and grandmother always did the best for me and my siblings. The things I take for granted today, like air conditioning and cable television, were things we did without. And, although there were many people in my neighborhood that turned to a life of crime, I was able to finish college, then graduate from law school. These are the reasons I believe it is so important to participate in mentorship programs and encourage students to follow their dreams.

3) With the creation of the new County Court #13, the family violence cases are disposed of more quickly. In the coming year, I look forward to County Court #13 going fully on-line and having its own docket. Once that happens, the docket in County Court #7 will be greatly reduced and allow more time for hearings and trials without having to work until 7 p.m. when we are in trial.

4) I think the citizens of Bexar County have the benefit of several highly qualified and trained attorneys. We have some of the best attorneys in the country that are willing to defend the indigent. Unfortunately, court appointed attorneys in misdemeanor cases receive little

compensation for their skills and talent. I would love to see the court appointed attorney fee schedule improved and be able to compensate the attorneys who diligently defend their clients.

A task force needs to be established to compare Bexar County to our surrounding counties and their fee schedules. The task force needs to have a significant representation of practicing attorneys from the area. This task force can make recommendations to update a scheduling system that was established in the 1980s.

5) As I just mentioned in the previous answer, I think the pay scale needs to be evaluated and improved in Bexar County. It concerns me to think that so many attorneys pour their hearts into cases for minimal compensation that is tantamount to pro bono work. I think the low pay scale induces busier attorneys to give the cases away to others who may not have as much experience but are anxious to work for less money. It could be a barrier to effective representation or it could be a blessing if that one case is the only case an attorney is handling.

6) The greatest obstacle to justice in Bexar County is the lack of resources. There are so many defendants in need of mental health services and of drug counseling programs; however, because of the lack of resources, only the most serious cases receive attention. If the courts had resources to intervene earlier, the courts could effectuate change at an earlier phase rather than when there is very little hope. I think it is an injustice to incarcerate someone instead of providing mental health services because the waiting list is too long. The same applies in the drug rehabilitation area.

7) The interpretation of the word "expensive" can be taken two ways in answering this question. First, there is the traditional definition of monetary cost. Secondly, there is the interpretation that it is of great cost to a person to lose his or her freedom.

The majority of sentencing decisions are agreed upon by the attorneys in the area of misdemeanants. With that in mind, many cases are resolved by agreement for community supervision, as opposed to incarceration. I think it is important to consider the fact that the attorneys have a greater knowledge of the strengths and weaknesses of their cases and that plea agreements should be given great weight. Traditionally, I follow plea agreements that call for community supervision as well as for incarceration keeping in mind that the attorneys have considered these factors in reaching the agreement.

8) I am not in a position to comment on alternative sentencing because there have not been many alternatives proposed in the area of family violence. Family violence cases comprise the majority of the case docket. Therefore, I am not in a strong position to comment on this issue. In my capacity as a seminar leader at the National Judicial Institute on Domestic Violence, it is proscribed to conduct review hearings on all domestic violence cases. This has not been possible because of the large case volume; however, when the second family violence court becomes fully operational, I would like to explore this avenue.

9) I am currently in trial with an Anglo defendant and an Anglo complainant with a jury that is entirely comprised of minorities. In this county in particular, the juries I have seen over the past 16 years of my legal career, have been very diverse. I am not certain that members of a particular race or ethnicity will be more or less inclined to decide a certain way. I think that to make a statement like that only perpetuates stereotypes regarding certain groups of individuals.

10) Anytime a judge feels that they cannot follow the law or they feel they may be biased for whatever reason, that judge should immediately remove herself from the case. It is important that there be a person that is fair and impartial in the case and sometimes to be fair and impartial, it is necessary to follow the law. That being said, when following the law affects a judge's sense of right and wrong, that judge should not sit on the case where this factor is an issue.

11) I am in favor of leaving the partisan election process in place. In Bexar County there has always been an equal representation of both parties on the judicial level. Currently, the San Antonio City Council elections are "non-partisan" but everyone knows with which party the individuals are affiliated. But judges are tasked with the responsibility of being fair and impartial. Fairness and impartiality is a non-partisan endeavor.

I think the only way to improve the system is to educate the voters on the candidates. If there was a magic bullet to achieve this education, I would advocate for it. There is so much voter apathy that the party who successfully motivates their constituency to vote will inevitably be successful at the polls. So at this point, I would have to stick with the system that is in place until a better

system is proposed.

12) I love going to the beach but I don't know how to swim.

13) Docket call is the time when the lists of defendants' names are called for court.

14) I love the judicial bar poll. I think it allows the attorneys to weigh in their opinions on all the judges. The poll also allows the judges to know how the attorneys are feeling about the courts. The only objection I have to the process is that, like regular elections, many attorneys are apathetic about submitting their vote. If you look at the numbers of votes for certain courts, the numbers drop off when the evaluations get to the county courts. There are so many courts to weigh in on, like real elections, there is voter apathy and people get tired at the end. Only those that have very strong feelings vote all the way to the last person on the ballot. However, much like the real elections in Bexar County, I am not prepared to change anything until a demonstrable alternative is proposed.

COUNTY COURT AT LAW NO. 8
Candidate: Liza Rodriguez
No response

COUNTY COURT AT LAW NO. 9

Candidate: Walden Shelton
1) Sarah Garrahan. She starts her Court on time. She treats everyone who comes before her with respect and dignity. She applies the law fairly. She doesn't play favorites.

2) In my legal career, it was being named 2009 & 2010 Super Lawyer by Texas Monthly. In my personal life, it would be the award of Eagle Scout.

3) First, I will arrive to Court on-time and start the call of the docket on-time. Second, I would use Jail Court to process prisoners. Third, I will have trial cases set for a particular day and not have the massive Friday docket calls. Fourth, on the days where the trials that are set settle out, I will make myself available to hear cases from civil presiding.

4) Yes. I would encourage more experienced lawyers who currently do not accept Court Appointments to make themselves available to take appointments to increase the pool of available lawyers for those who have limited means.

5) Yes, the rising costs of indigent defense are a concern, but of more concern is the ability to obtain adequate funding for investigators, experts, etc. The lower pay rate in Bexar County could be a barrier to effective representation and could affect the defense received by the defendant.

6) The ability to get a trial quickly due to the back log of cases set for trial.

7) The cost of incarceration would not affect my sentencing decision. The facts of the case will determine the sentencing decision.

8) I am always open to any innovations that would punish the guilty and provide for cost savings to the taxpayers of Bexar County. I particularly like the SCRAM units for alcohol monitoring. They keep track of Defendants and allows them to keep their job.

9) I believe that Batson v. Kentucky is the correct procedure to follow.

10) The Judge should apply the law that she/he swore to uphold. All facts should be carefully weighed and the judgment dependent on those facts.

11) Yes, I believe in the partisan system and feel that it is fine as it is.

12) I like to hunt in the fall and fish for trout in the Guadalupe River during the winter.

13) No Friday docket calls. Trials will be set for Mondays and Wednesdays. Parties will be expected to try their case on that date.

14) I believe the questions are fine; however, the low response rate may or may not accurately depict the correct picture. I wouldn't make any changes at this time.

Candidate: Judge Laura Salinas
1) Judge Pat Priest because he not only possesses a wealth of knowledge many only aspire to achieve but he also has a respectful no-nonsense approach on the bench. He can be firm in his rulings yet extremely fair.

2) Winning my election in 2006 and becoming Judge of County Court at Law No. 9

Becoming a mother to my beautiful daughter, Isla

3) I am always looking for ways to improve the efficiency of my court. I make changes as deemed necessary. Throughout my tenure, we have made numerous changes which have resulted in a presently quite efficient court.

4) Even though society's goal is for all citizens to have equal and adequate access, I do not believe that is the reality. Unfortunately, some have better access due to their connections or financial wealth. The only way I can improve that access is to treat every person who appears before me equally regardless of personal connections or wealth.

5) I am concerned that some attorneys may not be motivated to provide the best representation due to the low hourly pay rate.

6) Money/funding

7) I do not allow the fact that incarceration is expensive be the deciding factor on whether or not to order incarceration. That decision is based on the facts of each individual case.

8) Incarceration may not always be the best option for sentencing. Exploring the root of some of the problems such as drug addiction, mental health treatment, etc. could be helpful. Without addressing some of those issues, you will continue to have a revolving door at the jail.

9) Ideally a jury should be composed of a "jury of one's peers."

10) We take an oath to follow the law; therefore, it is important to honor that oath. Our individual sense of justice does not take precedence over the law. Judges have a deep responsibility and commitment to follow the law whether we agree with it or not.

11) The system as it exists may have some faults but it is the only way for a person not independently wealthy or well connected such as me to have an opportunity to be elected to a bench.

12) I'm a closeted Dancing with the Stars wannabe contestant

13) For trial cases, announcements are taken in the morning and jury selection is done that same day in the afternoon.

14) In light of the number of responses SACDLA receives, I believe it is the easiest format. I would not make any changes.

COUNTY COURT AT LAW NO. 11

Candidate: Carlo Key

1) As a prosecutor, I was able to work on a daily basis with some of Bexar County's best judges. I grew much appreciation for Judge Tim Johnson's no-nonsense approach and efficiency as well as Judge Garrahan's wisdom and patience.

2) I am very proud of my 95% conviction rate as a first-chair prosecutor. It makes a statement, not that I am a skilled litigator, but more to the point, that I can evaluate a criminal case and would litigate only the cases that needed to be taken to a jury. My greatest personal achievement is that I have hopefully become a man my children can be proud of despite the many hurdles in my own upbringing.

3) I would bring attendance/ tardy policies more in line with every other criminal court in Bexar County. I would attempt to make the Court and it's staff more accessible and helpful. I plan on giving greater weight, reliance and adherence to the litigants' trial announcements at call docket.

4) I believe that we have an active and effective local defense bar that provides competent, effective counsel to our indigent defendants. The primary obstacle to access to justice in our community is the tremendous backlog of cases. Many people cannot place their lives on hold for the 3 years that is required in many courts to have a jury hear their case.

5) It is a concern. I am confident that our local members of the defense bar will always uphold their oath to vigorously defend their clients once appointed, no matter the fee. However, I feel a valuable, reliable service is being provided that requires an emotional and financial investment on the part of appointed counsel and they should be compensated fairly.

6) Our crowded trial dockets

7) Incarceration serves several purposes: to serve as a specific and general deterrent as well as its obvious punitive purpose. For many defendants in county court, the shock of being arrested coupled with the cost of a legal defense is sufficient to alter behavior forever. Alternatively, there are misdemeanor defendants who remain unaffected by 90 day stays in our county jail. Armed with this knowledge, I will do my best to to review each case and administer the appropriate punishment while keeping in mind my purpose as a judge, my fiduciary duty to my community, and the tax dollars entrusted to me.

8) I would be open to entertaining any resolution reached by defense counsel and the prosecutor that is appropriate and authorized under the law.

9) Without commenting specifically on that judge's decisions, ultimately I feel justice is in jeopardy in such a scenario. Although I have faith that our local juries make just decisions mostly without considering race, there is a requirement that our juries are representative of our community's racial composition. It is a recognized element of our right to an unbiased jury.

10) A judge takes an oath to be faithful to the law and to act in a manner that promotes public confidence in his or her rulings. Each case is different and should be treated in a manner consistent with that oath.

11) No, I believe that our judiciary should be selected on merit. It is unsettling that an individual who has failed the bar exam numerous times may actually preside over life and death matters in our community.

12) I am an avid outdoorsman.

13) I would like to have a docket call that is held on Wednesdays, giving each party several working days to verify their announcement. This docket would be significantly smaller than traditionally seen and the goal would be to enforce a strict adherence to announcements while making sure justice is being served.

14) I do enjoy reviewing the results, however, I do not feel the questionnaire is specific enough or allows for enough variance in its responses to provide more than a general temperature for a court.

Candidate: Judge Joann S. DeHoyos

1) While I have the privilege of knowing many fine jurists throughout my legal and judicial career, I have been extremely impressed by Judge Pat Priest and his knowledge and study of the law. Judge Priest has always researched and applied the law to the best of his ability.

2) My greatest accomplishment of my legal career has been the honor of serving my community as the Judge of County Court Eleven. The challenges of undertaking this court from its inception, from handling the backlog cases sent to my court to handling court in the dungeon, it has been a true pleasure. I consider the role of daughter, sister and aunt to be my greatest personal achievement.

3) While I am proud of my efficiency rating with the Judicial Management report, I believe the most inefficient thing I do as a judge is a jury trial and yet it is the thing I most proud of doing. It is what makes our country far superior to those that do not afford its citizens such a right. The practical administration of the court could be improved by implementing e filing, email and video conferencing. I have been advocating the use of credit cards for defendants and it will soon be implemented.

4) It is not justice if it is not equally distributed and adequate to help the individual, I have implemented procedures that insure any individual seeking self representation is made aware on the record of the risks and disadvantages of such a choice and that individual is given a standby attorney for any trial or motion. As the judge of the court, it is my responsibility to ensure that defendants are aware of their rights and the consequences of waiving such rights. I believe that every Judge has that responsibility.

5) My concern is that the third branch of government has again been evaluated as a budget line item. The needs of our citizens to have their constitutional right to counsel protected is being stressed by current budget crisis. There are several proposals by the Judicial Management office to change the procedures currently in use, and it will be the Judges of Bexar County that will have to ensure that any new program or any procedural change to the existing system will best protect the right to equal and adequate representation.

6) I believe that the current budget crisis will be the greatest obstacle to our system of justice in Bexar County. It will take all the stakeholders to participate

in an effort to work through this crisis.

7) A judge cannot discuss any sentencing decision on cases that may come before them. It would be improper to prejudge cases and sentences before hearing all the parties and their arguments

8) It is an exciting time to be a Judge. With the advance of medical technology and recent studies regarding the use of drug courts, I have been trained in April to undertake the first Driving While Intoxicated drug court in Bexar County. It will be the mission for this court to assist those individuals with serious addictions to alcohol to maintain sobriety.

9) The protection for such type of cases would be the use of Batson challenges during the selection of the jury. I believe that the law must be followed and if a violation of a defendant's right to a jury composed of similar minority members has been established the court must rule accordingly and as the law provides formulate appropriate relief.

10) I have taken an oath to follow the law and I must do so unless I find that the law is unconstitutional. An ethical judge would undertake that examination.

11) I have taken an oath to follow the law as written by the legislature and I will continue to run as mandated by such body.

12) I am an avid Dallas Cowboy and San Antonio Spurs fan! I love football and basketball games!

13) A docket call is the call of the cases set for that date. The jury docket call is a call of announcements for cases set for trial on that date. Motions docket call is a call of those cases set for motions on that date.

14) I do not have any opinion on the poll and I have tried to utilize this poll as a tool to review any procedure or issue in my court. I would hope that this poll could be used to primarily to ensure that justice is preserved and protected in every case.

COUNTY COURT AT LAW NO. 12

Candidate: Scott Roberts

1) Justice Phil Hardberger. I had the opportunity to work closely with Justice Phil Hardberger when I was a Briefing Attorney at the Fourth Court of Appeals from 1994 thru 1996. Justice Hardberger approached every case with an open mind and never pre-judged the outcome based on the attorneys, litigants, or which side he thought should win. Instead, he followed the law and employed common sense to reach the correct decisions. I personally observed Justice Hardberger standing up to strong pressure from substantial campaign donors and ruling in a manner he believed was legally correct without regard to the political repercussions. Justice Hardberger dealt with the inevitable frictions on the Court with humor and grace. Justice Hardberger is my role model for the type of Judge I aspire to become.

2) In my personal life it has to be my nearly twenty-five (25) year marriage to my college sweetheart, Lisa Hollas, and our two wonderful children, Laura and Matthew.

In my twenty-one (21) year legal career I have had the opportunity to practice both criminal and civil law and do both trial and appellate work in a variety of different settings. Therefore, it is difficult to pick one particular achievement but instead I would point to my entire career. I am the first person in my family to graduate from college. I am the only member of my family to go to law school. I was able to achieve these goals with the support and sacrifice of my wife, Lisa. We overcame obstacles, especially financial ones, to make this happen. In high school I was a classic underachieving C student who played football and didn't give a flip about my studies.

3) The biggest change I would make would be to speed up the process overall in County Court #12. The Judge needs to get through the docket more quickly. The time to disposition needs to be shortened. The number of cases older than one year must be reduced. At some point the Judge must insist that both sides be ready to proceed and this should be done promptly. Reducing the amount of resets and making prompt rulings on motions should help to speed up the process.

4) I believe that it is an important goal of the justice system to make sure that all citizens have adequate access to justice. Equal access to justice is an elusive and perhaps questionable goal. The best lawyers charge the most. The wealthiest among us will always be able to afford the best lawyers. As a conservative, I don't believe lawyers should be prevented from charging what the market will bear. But I think that while we have the best legal system in world in the U.S., we can always strive to improve the access to justice for our least affluent fellow citizens. To this end, I believe that

Bexar County should consider all options and creative measures for affording access to quality representation for indigent defendants.

5) I believe that Bexar County officials must balance the constitutional requirement that indigent persons be provided with court appointed attorneys with their obligations to the taxpaying citizens to be faithful stewards of their money. County officials are in a difficult position and must seek out creative ways to both provide adequate indigent representation and control the rising costs of indigent defense. I think all options should be considered. I think low pay could be a barrier to effective representation, however, I believe that our criminal defense bar in Bexar County works hard and does a good job for their clients.

6) The cycle of dysfunction that traps so many in their unfortunate circumstances including broken homes, absent fathers, teenage pregnancy, drug addiction, lack of education, alcohol addiction, gangs, and poverty.

7) It would not affect my sentencing decisions. I will strictly follow the law. I will seek to rehabilitate the convicted defendants in my court and protect the community within the guidelines established by the law.

8) I think Bexar County and all governmental entities should be constantly looking for better ways of doing things. I think we have a good legal system in Bexar County but we can always make improvements. I don't want to comment on particular types of cases but I think in general I would like to work with the Bexar County Probation Department to identify those programs that have the best record in achieving lower rates of recidivism and put more probationers into those programs. I am also interested in making a greater use of Scram bracelets.

9) I think it is crucial for a jury to be fair and open-minded. I also believe that it is important that no one be discriminated against on the basis of their race or ethnicity. I believe that in Bexar County, if the lawyers and judges follow the law, it is virtually impossible for an all Anglo jury to be chosen if the defendant is an ethnic or racial minority.

10) An ethical judge must strictly follow the law. The judge's personal feelings should not be allowed to intrude on the process. That is the whole point of having a government of laws and not men.

11) I have serious reservations about our current system of electing trial and appellate judges. However, there are good arguments for selecting judges by partisan election. I would personally favor a non-partisan special election separate from the general election. I don't believe that there is a "Republican" way or "Democrat" way to be a good judge. A non-partisan special election would attract a smaller but hopefully more informed electorate.

12) On December 20, 1970, I was present at the Cotton Bowl when "Bullet" Bob Hays caught four touchdown passes and set a single game record for the Dallas Cowboys that has never been surpassed. It was his birthday and the Cowboys were playing the Houston Oilers. Craig Morton was the starting quarterback for the Cowboys but in the second half a young guy by the name of Roger Staubach came in tossed a couple of touchdown passes.

13) 'Docket call' would mean what it has traditionally meant in most courts. All the cases that are set for that day are called and the attorneys inform the court about the status of the case and also inform the court how the case is going to get to disposition. If a plea bargain has been reached then the court will hear the plea. If the case is set for trial then the attorneys inform the court whether they are ready for trial and if not why not.

14) I think it is a thorough and fair poll and I think the questions posed in the example are important questions. I wish more attorneys would respond thoughtfully.

Candidate: Richard Garcia

1) Bexar County has and has had numerous excellent judges but if I had to pick just one, I would choose Judge Sid Harle. Judge Harle, to me, epitomizes the perfect judge. His judicial temperament, demeanor, approachableness, knowledge of the law and sense of fairness combine to make him my first choice.

2) I believe that my greatest accomplishment in both my legal and personal life is yet to come; however, thus far, it is winning the democratic primary this past March. I look forward to what is ahead and hope that through hard work I win the respect of my colleagues.

3) As a criminal defense attorney I realize that "time is money." Lawyers that wait for judges lose time and money. As judge, I will ensure that no lawyer in my court wastes his or her time waiting for me or my staff. (There must be an easier and faster way to get a reset

than to stand in a line!)

4) Equal access depends as to whether the case involves a criminal or civil matter. Logistically speaking, if each of our thirteen (criminal) county courts at law conducts one or two trials each week then only a handful of cases get tried yearly (roughly about 1,200). With hundreds, if not thousands, of criminal defendants awaiting trial, this is not adequate access to justice.

A pre-trial diversionary program sanctioned by the District Attorney would alleviate much of the problem and improve access for other defendants.

A case management system that prioritizes criminal misdemeanor offenses may work as well.

Designate County Courts at Law No. 14, and 15 as "Trial Only" impact courts and No. 13 as a "Family Violence Trial Only" impact court.

5) Yes – and it should concern SACDLA members too. After more than fifteen years without a raise and now with payment caps imposed on misdemeanor court-appointed cases, I am surprised that SACDLA has not lobbied the county harder for fair and adequate compensation.

Bexar County should model the misdemeanor pay scale after the recently changed felony payment schedule which accounts for many discrepancies that may create a barrier to effective representation.

6) For a county court at law which presides over hundreds of misdemeanor criminal cases, the lack of time to adequately and timely hear all cases set for trial poses the greatest obstacle to justice.

7) I would consider the appropriate punishment/ sentence on a case by case basis. However, with so many alternatives to incarceration available to a judge, taxpayers should not have to pay for a defendant's rehabilitation for committing a crime – especially a low-level misdemeanor offense.

8) Yes, besides the specialty courts already in place and programs such as "Boot Camp," I would like to try what I call "R.E.S.P.E.C.T." – a pet project of mine designed for young offenders which teaches them respect, etiquette, ethics, personal hygiene, success, community involvement/values, and tolerance.

9) In misdemeanor trials -- only if, at voir dire, the defendant asks for a jury shuffle and then afterwards raises this point before the jury takes the oath.

10) A judge takes an oath to follow the law. A judge does not legislate and must rule on the law, the facts of the case and the evidence presented. A judge with a "sense of justice," even if right, falls victim to the slippery slope.

11) Yes. SACDLA members need to educate their friends and family about the different candidates' qualifications and experience and why they should vote for one candidate and not the other candidate regardless of party politics.

12) I am PADI rescue diver certified and I co-designed the Tokyo Disneyland "Swiss Family Robinson" Tree House.

13) The daily "docket call" serves as a role call to make sure that the defendant is present in court; whereas, a "call docket" in my court would occur every Wednesday, list those cases which are set for trial for the following week, and determine the next week's trial line up. In my experience, a Wednesday "call docket" provides the defense counsel and the defendant one last chance to confer with the State and gives both sides ample time to prepare for trial.

14) For the SACDLA, as a collective whole, to influence, change, and have a true impact on the San Antonio criminal system and to better serve its members, it should limit the scope of its poll to criminal defense issues (such as those posed in this questionnaire). The poll should only include those judges and visiting judges that hear criminal cases and appeals. It should add municipal, county, and district court administrators and personnel, court coordinators, clerks, reporters, interpreters, bailiffs, CLO probation officers, and all those who work in the forefront of San Antonio and Bexar County's criminal courts. And, only attorneys that practice criminal defense in San Antonio should participate in the poll.

COUNTY COURT AT LAW NO. 13
Candidate: Monica Gonzales
No response

COUNTY COURT AT LAW NO. 14

Candidate: Judge Bill C. White

1) Judge Pat Priest. He knows the law, and respects all counsel appearing before him. Every defendant will agree they got a fair trial regardless of the outcome.

2) Legal Career: Developed an Indian (Native American) court system integrating Texas jurisprudence with tribal traditions and tribe-specific needs. Integrated tribal "peace making" practices with traditional court procedures to reduce recidivism, improve compliance and contain costs.

Personal Life: Happily married and the father of four successful children. Also Distinguished military career in U.S. Air Force: Flew 137 combat missions by North Vietnamese airspace.

3) I would keep regular hours which would be posted, and would be available to members of the bar by phone after hours.

County Court 14 is newly established and has not yet had a permanent courtroom or its own docket. I will immediately find temporary space for the court to get it up and it operating full time. I plan to use my experience in organizing and managing very large and complex dockets to make sure that this court serves a purpose and that its resources are employed efficiently and effectively. I will improve court oversight of probation and pretrial diversion to use the jail less and other sanctions more to decrease recidivism and improve compliance. As before, I will do family law, civil and juvenile cases along with the regular criminal docket as time permits.

4) First we should insure that all citizens know how to access the justice system, both civil and criminal, in Bexar County. This would include information services in the courthouse which would help citizens to the appropriate place or agency. Secondly, Pro Bono and evening justice clinics would help many with civil legal problems. Finally, judges should be willing to assist with pro se dockets on a regular basis.
5) Competitive court appointed attorney hourly rates would actually save money for the County as it would enhance effective representation and make indigent representation more efficient.

6) Courts with large backlogs. As the size of a court's backlog grows, it becomes more inefficient proportionally and the backlog will grow logarithmically. Cases languish in the system. For example, if the court's disposition rate is 500 cases a month and the backlog is less that a thousand, then the inventory of cases will be rotated by half each month. However if the inventory is 3000 to 5000 cases as most of the Bexar County Courts at Law, then the backlog has effectively stopped the Court from functioning.

7) Glad you asked! This is precisely what I want to work on. Based on methods we developed in my Court during my previous terms, as well as on my work with Native American courts, I strongly believe that alternative sentencing and the creative use of terms of probation have far more potential to change offenders' behavior for the better, and at far lower cost, than incarceration. I have had more than one defendant ask to be sent to jail instead of probation because it was less time and hassle for them! Alternative sentencing is often better for the defendant's future, safer long-term for the victim, and substantially more cost-effective for the taxpayers of Bexar County.

8) Each Judge will do what works for him or her, but clearly we learn from each other, and I would expect to lead by example. The County Courts deal with offenses that have relatively short maximum jail sentences. However, the maximum time of probation is longer, and we have great flexibility in setting terms of probation. This allows the Judge, for example, to require a defendant to undergo programs, take classes, and/or hold a job, so that he can support his family, pay court costs, and remain engaged in the economy. All of these are powerful tools for reshaping behavior. They also keep the defendant out of the company of other offenders and, where appropriate, help keep families together. Add in the lower costs, and it's a winning package. There are many opportunities to improve how our courts work and cut jail expenses.

9) I believe the Batson challenge, Batson v. Kentucky, 476 U.S. 79 (1986), has been adequate in situations like these. However every case is different and I wouldn't rule anything out.

10) The judge's sense of justice is often at some variance with the law, or some other court process, but the judge is bound to uphold the law and should do so unless the result is unconscionable or constitutionally objectionable. However, in my experience reasonable persons of reasonable minds can always to come to a correct and ethical resolution.

11) I support the election of judges, but would prefer the elections be non-partisan. Judges need to know what people think and what and they expect from their judges. Elections are the one way to get judges and judicial candidates out among the electorate.
12) There is nothing about me that hasn't already been discussed.

13) Docket call means the defendant showing up for all settings. It is important to make the docket call process friendly, fast and efficient for all attorneys and to move their matter along as quickly as possible. Docket call is where the court will determine motion and trial settings and disposition schedule, if necessary.

14) The poll is good as it is, but if there is an attempt to improve the poll, it should be toward candor and focus.

Candidate: Judge Ernest Acevedo
1) I have appeared before many judges from all over the state in my 33 years of practice. Some very good and some not so good. I would take the best that each had to offer and strive to be the best judge that Ernest Acevedo can be. Always allowing lawyers to try their cases and respecting all parties. Instructing court personnel to always be on their best behavior. Always!!

2) My appointment to the bench is my greatest accomplishment. I also served two terms on the state bar grievance committee. My oldest son Ernest III joined my practice became my partner and this was also a great accomplishment. I maintained a diverse and successful practice for 33 years.

In my personal life I married my high school sweetheart Diana. We recently celebrated 41 years of marriage. We had three wonderful sons, Ernest III, Stephen, and Michael, one daughter in law, Connie and four grandchildren, Ernest IV, Victoria, Andres and Alejandro.

3) I was assigned to jail court and revamped the way cases were being handled there for the past 11 years. It was inefficient with downtime throughout the day. As a result of changes that I implemented, we can handle more cases in a shorter amount of time. Lawyers can schedule their cases at one time regardless of which court sends them. Cases can be docketed within two days of a call to court the coordinator. While I don't have my own docket as of yet, I hope to keep an open mind and implement new ideas to expedite cases assigned to my court. I will always be available on the bench to take care of attorneys and their clients without excessive waiting time.

4) All people will have equal and adequate justice in my court. Improving access can be accomplished by continued legal education for all lawyers handling criminal cases. A mentor program directed by seasoned attorneys in the San Antonio Criminal Defense Lawyers Association providing guidance to attorneys just getting started can be implemented. I would also instruct staff to assist citizens on how to obtain the services of an attorney both private and court appointed.

5) It is a concern and all of us have to do our best with the resources available to us. Getting all interested parties together will improve the way things are being done. I believe we have great lawyers representing the indigent and they will not allow it to become a barrier to effective representation.

6) I do not believe there is an obstacle to justice in Bexar County that cannot be remedied if everyone involved in our justice system continues to strive to make it better.

7) One of my main objectives is to have fewer low risk defendants in the system. This will increase the available resources to supervise defendants that are most likely to endanger public safety. Education not incarceration is something to strive for. Probation programs to provide G.E.D. completion, drug and alcohol rehabilitation, job counseling, and address all the problems experience by individuals going through the criminal justice system. I intend to meet with probationers to find out what is working and what is not. I as judge want to give defendants some guidance so that they can make smart choices.

8) The answer to this question can be found in the answer to question #7. Incentives to complete G.E.D. by probating fines at will not load individuals with so many obligations and therefore set them up for failure. Less is sometimes more.

9) I do not believe we have this problem in Bexar County because of the diversity of our jurors. It is important to have a jury of your peers.

10) A judge should always follow the law. Each case should be handled on a case by case basis and resolved

accordingly.

11) I believe we should have non-partisan election of judges. It can be improved if everyone interested in the fair election of our judiciary contacts our legislature to demand a change.

12) I play golf and bowl. I love to snow ski with my family. I enjoy traveling with my wife Diana.

13) In jail court disposing of cases as soon as attorneys have cases ready.

14) I believe it serves a purpose and gives sitting judges a chance to be graded by attorneys appearing before them. By studying the results a judge can improve on any perceived short comings.

COUNTY COURT AT LAW NO. 15

Candidate: Michael T. La Hood

1) Mike Machado. He had great judicial temperament and although efficient, he never lost sight of being respectful to fellow attorneys. He was able to read between the lines and follow his heart to do the right thing.

2) I have had the great privilege and honor to zealously represent clients for 42 years. A wonderful wife and three fantastic sons.

3) Unfortunately, I have not been assigned to a court that has a docket. All I can do is show up on-time, be courteous to both sides and make myself available even after work hours.

4) I believe that the majority of the time people who are affluent have greater access to the justice system. I would work with the other judges to try to save the county money in order to allow court appointed attorneys larger compensation so they may better represent those who are indigent.

5) Of course this is a concern to me. I believe that all sides need to be adequately funded and prepared. This system only works if you have a capable Assistant D.A. who fights for justice, a defense attorney who zealously represents his client and a judge who is fair and impartial. Monetary concerns should never stand in the way of these duties. Unfortunately, resources have and will continue to be an issue when it comes to representing the indigent.

6) When the judge, prosecutors, and/or defense attorneys do not fulfill their obligations. Also, I believe pre-trial diversion should be considered in our county for those who most qualify.

7) It has made me very mindful when sentencing individuals. I understand that jail is not the only alternative, but sometimes it may be the only alternative. A particular individual who is non-compliant has repeatedly committed offenses, and/or has committed an erroneous act. I will decide all jail sentences and/or sanctions on a case-by-case basis. I have no agendas or policies regarding this issue.

8) I would like to implement the pre-trial diversion program that is offered in other counties. I would also like probation to implement a program that would mimic Alcoholic's Anonymous as long as it was compliant with all state and federal laws.

9) I believe it is important to give attorneys adequate time to voir dire potential jurors to select an unbiased jury. I agree we should work harder, as a county, in having a diverse jury pool. Although it would depend on that particular situation, I believe minorities and non-minorities can be unbiased. If I was on trial it would be hard to imagine that many Lebanese-Americans would make up a jury pool.

10) A judge is sworn to follow the law. I must follow the law but we are allowed discretion on how we implement it. I often offer alternatives that would both meet the letter of the law and be in compliance with the justice that may need to be bestowed upon the citizen accused.

11) I believe, especially on the criminal bench, partisan elections are not relevant to the judicial candidates. Again, the most important aspects of any judge is that they know and understand the law, implement it after careful and thoughtful deliberation, be fair and impartial, and be conscious of justice when making decisions.

12) I believe that a person's word is their bond and that everyone deserves respect unless proven otherwise.

13) It is the time to try to work out pleas and make announcements if the state and the defense attorneys are ready.

14) I believe that both the judge and the opponent should be part of the poll, but have not given much thought to what questions should be asked of the opponent.



2010 SACDLA Judicial Survey

Total number of ballots sent out were 5,122, responses included 812 ballots.

CRIMINAL DISTRICT COURTS

	Total	%Yes	%No
144th - Judge Catherine Torres-Stahl			
1. Does this Judge work Hard?	302	75%	25%
2. Is this Judge punctual?	303	62%	38%
3. Does this Judge follow the law?	297	87%	13%
4. Does this Judge show good judicial temperament?	305	90%	10%
5. Does this Judge rule impartially?	299	85%	15%
6. Do you approve of this Judge's overall performance?	306	81%	19%
175th - Judge Mary Roman			
1. Does this Judge work Hard?	311	76%	24%
2. Is this Judge punctual?	310	65%	35%
3. Does this Judge follow the law?	314	56%	44%
4. Does this Judge show good judicial temperament?	318	42%	58%
5. Does this Judge rule impartially?	313	45%	55%
6. Do you approve of this Judge's overall performance?	319	50%	50%
186th - Judge Maria Teresa (Tessa) Herr			
1. Does this Judge work Hard?	274	77%	23%
2. Is this Judge punctual?	275	59%	41%
3. Does this Judge follow the law?	277	83%	17%
4. Does this Judge show good judicial temperament?	279	77%	23%
5. Does this Judge rule impartially?	278	76%	24%
6. Do you approve of this Judge's overall performance?	278	77%	23%
187th - Judge Raymond Angelini			
1. Does this Judge work Hard?	335	79%	21%
2. Is this Judge punctual?	337	60%	40%
3. Does this Judge follow the law?	342	85%	15%
4. Does this Judge show good judicial temperament?	340	66%	34%
5. Does this Judge rule impartially?	335	80%	20%
6. Do you approve of this Judge's overall performance?	341	80%	20%
226th - Judge Sid L. Harle			
1. Does this Judge work Hard?	387	96%	4%
2. Is this Judge punctual?	383	93%	7%
3. Does this Judge follow the law?	390	98%	2%
4. Does this Judge show good judicial temperament?	391	97%	3%
5. Does this Judge rule impartially?	391	96%	4%
6. Do you approve of this Judge's overall performance?	391	97%	3%
227th - Judge Philip Kazen			
1. Does this Judge work Hard?	339	76%	24%
2. Is this Judge punctual?	338	60%	40%
3. Does this Judge follow the law?	341	84%	16%
4. Does this Judge show good judicial temperament?	342	74%	26%
5. Does this Judge rule impartially?	341	73%	27%
6. Do you approve of this Judge's overall performance?	339	75%	25%

2010 SACDLA Judicial Survey

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	Total	%Yes	%No
290th - Judge Sharon MacRae			
1. Does this Judge work Hard?	313	82%	18%
2. Is this Judge punctual?	312	79%	21%
3. Does this Judge follow the law?	308	77%	23%
4. Does this Judge show good judicial temperament?	315	49%	51%
5. Does this Judge rule impartially?	315	62%	38%
6. Do you approve of this Judge's overall performance?	317	63%	37%
379th - Judge Ron Rangel			
1. Does this Judge work Hard?	258	91%	9%
2. Is this Judge punctual?	254	92%	8%
3. Does this Judge follow the law?	251	90%	10%
4. Does this Judge show good judicial temperament?	258	94%	6%
5. Does this Judge rule impartially?	254	90%	10%
6. Do you approve of this Judge's overall performance?	254	91%	9%
399th - Judge Juanita Vasquez-Gardner			
1. Does this Judge work Hard?	289	93%	7%
2. Is this Judge punctual?	289	92%	8%
3. Does this Judge follow the law?	292	94%	6%
4. Does this Judge show good judicial temperament?	290	95%	5%
5. Does this Judge rule impartially?	290	91%	9%
6. Do you approve of this Judge's overall performance?	290	94%	6%
437th - Judge Lori Valenzuela			
1. Does this Judge work Hard?	133	87%	13%
2. Is this Judge punctual?	136	85%	15%
3. Does this Judge follow the law?	132	86%	14%
4. Does this Judge show good judicial temperament?	139	86%	14%
5. Does this Judge rule impartially?	131	81%	19%
6. Do you approve of this Judge's overall performance?	136	83%	17%
JUVENILE DISTRICT COURTS			
289TH - Judge Carmen Kelsey			
1. Does this Judge work Hard?	232	63%	37%
2. Is this Judge punctual?	231	56%	44%
3. Does this Judge follow the law?	233	49%	51%
4. Does this Judge show good judicial temperament?	246	39%	61%
5. Does this Judge rule impartially?	237	46%	54%
6. Do you approve of this Judge's overall performance?	241	44%	56%
386th - Judge Laura Parker			
1. Does this Judge work Hard?	226	89%	11%
2. Is this Judge punctual?	223	91%	9%
3. Does this Judge follow the law?	227	95%	5%
4. Does this Judge show good judicial temperament?	232	95%	5%
5. Does this Judge rule impartially?	229	92%	8%
6. Do you approve of this Judge's overall performance?	231	94%	6%

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	Total	%Yes	%No
436th - Judge Lisa K Jarrett			
1. Does this Judge work Hard?	158	91%	9%
2. Is this Judge punctual?	158	91%	9%
3. Does this Judge follow the law?	158	91%	9%
4. Does this Judge show good judicial temperament?	160	91%	9%
5. Does this Judge rule impartially?	158	89%	11%
6. Do you approve of this Judge's overall performance?	160	90%	10%

CIVIL DISTRICT COURTS

37th - Judge David A. Berchelmann			
1. Does this Judge work Hard?	564	86%	14%
2. Is this Judge punctual?	565	86%	14%
3. Does this Judge follow the law?	562	87%	13%
4. Does this Judge show good judicial temperament?	565	86%	14%
5. Does this Judge rule impartially?	562	85%	15%
6. Do you approve of this Judge's overall performance?	565	87%	13%
45th - Judge Barbara Hanson Nellermoe			
1. Does this Judge work Hard?	516	89%	11%
2. Is this Judge punctual?	513	92%	8%
3. Does this Judge follow the law?	514	77%	23%
4. Does this Judge show good judicial temperament?	518	91%	9%
5. Does this Judge rule impartially?	514	77%	23%
6. Do you approve of this Judge's overall performance?	516	81%	19%
57th - Judge Antonia (Toni) Arteaga			
1. Does this Judge work Hard?	358	70%	30%
2. Is this Judge punctual?	356	71%	29%
3. Does this Judge follow the law?	370	46%	54%
4. Does this Judge show good judicial temperament?	372	52%	48%
5. Does this Judge rule impartially?	365	50%	50%
6. Do you approve of this Judge's overall performance?	372	49%	51%
73th - Judge Renee F. McElhaney			
1. Does this Judge work Hard?	124	82%	18%
2. Is this Judge punctual?	121	83%	17%
3. Does this Judge follow the law?	123	78%	22%
4. Does this Judge show good judicial temperament?	127	82%	18%
5. Does this Judge rule impartially?	121	78%	22%
6. Do you approve of this Judge's overall performance?	124	79%	21%
131st - Judge John D. Gabriel			
1. Does this Judge work Hard?	490	84%	16%
2. Is this Judge punctual?	485	89%	11%
3. Does this Judge follow the law?	488	76%	24%
4. Does this Judge show good judicial temperament?	494	91%	9%
5. Does this Judge rule impartially?	490	76%	24%
6. Do you approve of this Judge's overall performance?	489	80%	20%

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	Total	%Yes	%No
150th - Judge Janet Littlejohn			
1. Does this Judge work Hard?	521	82%	18%
2. Is this Judge punctual?	516	85%	15%
3. Does this Judge follow the law?	520	67%	33%
4. Does this Judge show good judicial temperament?	523	63%	37%
5. Does this Judge rule impartially?	518	68%	32%
6. Do you approve of this Judge's overall performance?	523	70%	30%
166th - Judge Martha Tanner			
1. Does this Judge work Hard?	528	90%	10%
2. Is this Judge punctual?	525	92%	8%
3. Does this Judge follow the law?	529	82%	18%
4. Does this Judge show good judicial temperament?	533	92%	8%
5. Does this Judge rule impartially?	527	81%	19%
6. Do you approve of this Judge's overall performance?	529	87%	13%
224th - Judge Gloria Saldana			
1. Does this Judge work Hard?	405	75%	25%
2. Is this Judge punctual?	403	79%	21%
3. Does this Judge follow the law?	411	59%	41%
4. Does this Judge show good judicial temperament?	411	82%	18%
5. Does this Judge rule impartially?	409	67%	33%
6. Do you approve of this Judge's overall performance?	413	65%	35%
225th - Judge Peter Sakai			
1. Does this Judge work Hard?	498	90%	10%
2. Is this Judge punctual?	495	89%	11%
3. Does this Judge follow the law?	502	85%	15%
4. Does this Judge show good judicial temperament?	501	89%	11%
5. Does this Judge rule impartially?	497	85%	15%
6. Do you approve of this Judge's overall performance?	495	86%	14%
285th - Judge Michael Peden			
1. Does this Judge work Hard?	506	88%	12%
2. Is this Judge punctual?	508	89%	11%
3. Does this Judge follow the law?	513	85%	15%
4. Does this Judge show good judicial temperament?	515	84%	16%
5. Does this Judge rule impartially?	513	82%	18%
6. Do you approve of this Judge's overall performance?	511	85%	15%
288th - Judge Sol Casseb III			
1. Does this Judge work Hard?	444	91%	9%
2. Is this Judge punctual?	441	91%	9%
3. Does this Judge follow the law?	446	83%	17%
4. Does this Judge show good judicial temperament?	451	90%	10%
5. Does this Judge rule impartially?	448	83%	17%
6. Do you approve of this Judge's overall performance?	447	85%	15%

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	Total	%Yes	%No
407th - Judge Karen Pozza			
1. Does this Judge work Hard?	501	82%	18%
2. Is this Judge punctual?	504	81%	19%
3. Does this Judge follow the law?	506	71%	29%
4. Does this Judge show good judicial temperament?	508	52%	48%
5. Does this Judge rule impartially?	506	69%	31%
6. Do you approve of this Judge's overall performance?	507	68%	32%
408th - Judge Larry Noll			
1. Does this Judge work Hard?	522	98%	2%
2. Is this Judge punctual?	520	98%	2%
3. Does this Judge follow the law?	520	95%	5%
4. Does this Judge show good judicial temperament?	522	95%	5%
5. Does this Judge rule impartially?	522	94%	6%
6. Do you approve of this Judge's overall performance?	522	95%	5%
PROBATE COURTS			
Probate Court 1 Judge Polly Jackson Spencer			
1. Does this Judge work Hard?	471	96%	4%
2. Is this Judge punctual?	470	90%	10%
3. Does this Judge follow the law?	472	96%	4%
4. Does this Judge show good judicial temperament?	472	98%	2%
5. Does this Judge rule impartially?	470	96%	4%
6. Do you approve of this Judge's overall performance?	469	96%	4%
Probate Court 2 Judge Tom Rickhoff			
1. Does this Judge work Hard?	411	62%	38%
2. Is this Judge punctual?	408	68%	32%
3. Does this Judge follow the law?	414	67%	33%
4. Does this Judge show good judicial temperament?	420	78%	22%
5. Does this Judge rule impartially?	415	68%	32%
6. Do you approve of this Judge's overall performance?	417	66%	34%
COUNTY COURTS AT LAW			
County Court at Law 1 - Judge Alfonso E. Alonso			
1. Does this Judge work Hard?	329	66%	34%
2. Is this Judge punctual?	329	59%	41%
3. Does this Judge follow the law?	332	68%	32%
4. Does this Judge show good judicial temperament?	333	74%	26%
5. Does this Judge rule impartially?	331	64%	36%
6. Do you approve of this Judge's overall performance?	330	66%	34%
County Court at Law 2 - Judge H. Paul Canales			
1. Does this Judge work Hard?	449	79%	21%
2. Is this Judge punctual?	447	81%	19%
3. Does this Judge follow the law?	450	78%	22%
4. Does this Judge show good judicial temperament?	452	83%	17%
5. Does this Judge rule impartially?	451	79%	21%
6. Do you approve of this Judge's overall performance?	450	81%	19%

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	Total	%Yes	%No
County Court at Law 3 - Judge David J. Rodriguez			
1. Does this Judge work Hard?	326	92%	8%
2. Is this Judge punctual?	328	94%	6%
3. Does this Judge follow the law?	329	93%	7%
4. Does this Judge show good judicial temperament?	330	95%	5%
5. Does this Judge rule impartially?	330	92%	8%
6. Do you approve of this Judge's overall performance?	329	94%	6%
County Court at Law 4 - Judge Sarah Garrahan			
1. Does this Judge work Hard?	347	95%	5%
2. Is this Judge punctual?	345	96%	4%
3. Does this Judge follow the law?	347	93%	7%
4. Does this Judge show good judicial temperament?	347	97%	3%
5. Does this Judge rule impartially?	349	93%	7%
6. Do you approve of this Judge's overall performance?	350	95%	5%
County Court at Law 5 - Judge Linda Penn			
1. Does this Judge work Hard?	198	71%	29%
2. Is this Judge punctual?	197	74%	26%
3. Does this Judge follow the law?	198	67%	33%
4. Does this Judge show good judicial temperament?	200	70%	30%
5. Does this Judge rule impartially?	198	67%	33%
6. Do you approve of this Judge's overall performance?	197	66%	34%
County Court at Law 6 - Judge Ray Olivarri			
1. Does this Judge work Hard?	283	84%	16%
2. Is this Judge punctual?	284	83%	17%
3. Does this Judge follow the law?	280	87%	13%
4. Does this Judge show good judicial temperament?	281	89%	11%
5. Does this Judge rule impartially?	282	84%	16%
6. Do you approve of this Judge's overall performance?	285	84%	16%
County Court at Law 7 - Judge Monica E. Guerrero			
1. Does this Judge work Hard?	316	76%	24%
2. Is this Judge punctual?	320	62%	38%
3. Does this Judge follow the law?	319	73%	27%
4. Does this Judge show good judicial temperament?	325	62%	38%
5. Does this Judge rule impartially?	319	64%	36%
6. Do you approve of this Judge's overall performance?	321	67%	33%
County Court at Law 8 - Judge Karen Crouch			
1. Does this Judge work Hard?	414	64%	36%
2. Is this Judge punctual?	411	60%	40%
3. Does this Judge follow the law?	415	67%	33%
4. Does this Judge show good judicial temperament?	421	56%	44%
5. Does this Judge rule impartially?	417	59%	41%
6. Do you approve of this Judge's overall performance?	425	60%	40%

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	Total	%Yes	%No
County Court at Law 9 - Judge Laura Salinas			
1. Does this Judge work Hard?	240	77%	23%
2. Is this Judge punctual?	238	74%	26%
3. Does this Judge follow the law?	237	82%	18%
4. Does this Judge show good judicial temperament?	240	87%	13%
5. Does this Judge rule impartially?	239	82%	18%
6. Do you approve of this Judge's overall performance?	239	83%	17%
County Court at Law 10 - Judge Irene Rios			
1. Does this Judge work Hard?	308	94%	6%
2. Is this Judge punctual?	308	94%	6%
3. Does this Judge follow the law?	308	92%	8%
4. Does this Judge show good judicial temperament?	308	95%	5%
5. Does this Judge rule impartially?	307	90%	10%
6. Do you approve of this Judge's overall performance?	309	92%	8%
County Court at Law 11 - Judge Jo-Ann S. DeHoyos			
1. Does this Judge work Hard?	298	78%	22%
2. Is this Judge punctual?	299	69%	31%
3. Does this Judge follow the law?	297	77%	23%
4. Does this Judge show good judicial temperament?	302	55%	45%
5. Does this Judge rule impartially?	296	65%	35%
6. Do you approve of this Judge's overall performance?	298	69%	31%
County Court at Law 12 - Judge Michael E Mery			
1. Does this Judge work Hard?	387	92%	8%
2. Is this Judge punctual?	389	87%	13%
3. Does this Judge follow the law?	388	82%	18%
4. Does this Judge show good judicial temperament?	390	81%	19%
5. Does this Judge rule impartially?	387	83%	17%
6. Do you approve of this Judge's overall performance?	389	84%	16%
County Court at Law 13 - Judge Monica Gonzalez			
1. Does this Judge work Hard?	186	90%	10%
2. Is this Judge punctual?	184	90%	10%
3. Does this Judge follow the law?	186	90%	10%
4. Does this Judge show good judicial temperament?	187	90%	10%
5. Does this Judge rule impartially?	184	89%	11%
6. Do you approve of this Judge's overall performance?	184	89%	11%
County Court at Law 14 - Judge Ernest Acevedo, Jr.			
1. Does this Judge work Hard?	196	75%	25%
2. Is this Judge punctual?	199	77%	23%
3. Does this Judge follow the law?	203	78%	22%
4. Does this Judge show good judicial temperament?	204	80%	20%
5. Does this Judge rule impartially?	203	74%	26%
6. Do you approve of this Judge's overall performance?	204	74%	26%

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	Total	%Yes	%No
County Court at Law 15 - Judge Michael T. LaHood			
1. Does this Judge work Hard?	207	84%	16%
2. Is this Judge punctual?	208	86%	14%
3. Does this Judge follow the law?	210	84%	16%
4. Does this Judge show good judicial temperament?	211	87%	13%
5. Does this Judge rule impartially?	210	83%	17%
6. Do you approve of this Judge's overall performance?	209	83%	17%
JUSTICES OF THE PEACE			
Precinct 1 - Place 1 - Judge Monica Lisa Caballero			
1. Does this Judge work Hard?	132	67%	33%
2. Is this Judge punctual?	133	63%	37%
3. Does this Judge follow the law?	133	68%	32%
4. Does this Judge show good judicial temperament?	135	74%	26%
5. Does this Judge rule impartially?	133	71%	29%
6. Do you approve of this Judge's overall performance?	132	68%	32%
Precinct 1 - Place 3 - Judge Edmundo M. Zaragoza			
1. Does this Judge work Hard?	119	79%	21%
2. Is this Judge punctual?	117	77%	23%
3. Does this Judge follow the law?	119	76%	24%
4. Does this Judge show good judicial temperament?	119	80%	20%
5. Does this Judge rule impartially?	119	75%	25%
6. Do you approve of this Judge's overall performance?	119	77%	23%
Precinct 2 - Place 1 - Judge Stephen M. Walker			
1. Does this Judge work Hard?	94	63%	37%
2. Is this Judge punctual?	94	67%	33%
3. Does this Judge follow the law?	95	54%	46%
4. Does this Judge show good judicial temperament?	95	57%	43%
5. Does this Judge rule impartially?	94	57%	43%
6. Do you approve of this Judge's overall performance?	95	56%	44%
Precinct 2 - Place 2 - Judge William Donovan			
1. Does this Judge work Hard?	193	87%	13%
2. Is this Judge punctual?	194	87%	13%
3. Does this Judge follow the law?	191	86%	14%
4. Does this Judge show good judicial temperament?	195	86%	14%
5. Does this Judge rule impartially?	193	85%	15%
6. Do you approve of this Judge's overall performance?	194	85%	15%
Precinct 3 - Judge Keith Baker			
1. Does this Judge work Hard?	342	65%	35%
2. Is this Judge punctual?	342	68%	32%
3. Does this Judge follow the law?	352	58%	42%
4. Does this Judge show good judicial temperament?	357	53%	47%
5. Does this Judge rule impartially?	353	55%	45%
6. Do you approve of this Judge's overall performance?	353	54%	46%

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	Total	%Yes	%No
Precinct 4 - Judge Rojelio Lopez, Jr.			
1. Does this Judge work Hard?	78	74%	26%
2. Is this Judge punctual?	78	76%	24%
3. Does this Judge follow the law?	78	77%	23%
4. Does this Judge show good judicial temperament?	78	78%	22%
5. Does this Judge rule impartially?	78	74%	26%
6. Do you approve of this Judge's overall performance?	78	74%	26%
4th COURT OF APPEALS			
Chief Justice - Place 1 - Catherine Stone			
1. Does this Judge work Hard?	371	96%	4%
2. Is this Judge write well-reasoned opinions?	375	93%	7%
3. Does this Judge follow the law?	379	92%	8%
4. Does this Judge show good judicial temperament?	371	96%	4%
5. Does this Judge rule impartially?	377	91%	9%
6. Do you approve of this Judge's overall performance?	376	93%	7%
Justice - Place 2 - Marialyn Barnard			
1. Does this Judge work Hard?	206	87%	13%
2. Is this Judge write well-reasoned opinions?	202	80%	20%
3. Does this Judge follow the law?	203	82%	18%
4. Does this Judge show good judicial temperament?	206	87%	13%
5. Does this Judge rule impartially?	202	81%	19%
6. Do you approve of this Judge's overall performance?	208	81%	19%
Justice - Place 3 - Rebecca Simmons			
1. Does this Judge work Hard?	309	88%	12%
2. Is this Judge write well-reasoned opinions?	308	82%	18%
3. Does this Judge follow the law?	307	83%	17%
4. Does this Judge show good judicial temperament?	307	86%	14%
5. Does this Judge rule impartially?	305	82%	18%
6. Do you approve of this Judge's overall performance?	306	82%	18%
Justice - Place 4 - Stephen C. Hilbig			
1. Does this Judge work Hard?	281	80%	20%
2. Is this Judge write well-reasoned opinions?	281	74%	26%
3. Does this Judge follow the law?	284	77%	23%
4. Does this Judge show good judicial temperament?	281	77%	23%
5. Does this Judge rule impartially?	279	76%	24%
6. Do you approve of this Judge's overall performance?	287	75%	25%
Justice - Place 5 - Karen Angelini			
1. Does this Judge work Hard?	311	88%	12%
2. Is this Judge write well-reasoned opinions?	315	83%	17%
3. Does this Judge follow the law?	316	83%	17%
4. Does this Judge show good judicial temperament?	316	88%	12%
5. Does this Judge rule impartially?	316	81%	19%
6. Do you approve of this Judge's overall performance?	318	83%	17%

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Total number of ballots sent out were 5,122, responses included 812 ballots.

	Total	%Yes	%No
Justice - Place 6 - Sandee Bryan Marion			
1. Does this Judge work Hard?	400	96%	4%
2. Is this Judge write well-reasoned opinions?	396	95%	5%
3. Does this Judge follow the law?	398	95%	5%
4. Does this Judge show good judicial temperament?	402	98%	2%
5. Does this Judge rule impartially?	400	95%	5%
6. Do you approve of this Judge's overall performance?	399	95%	5%
Justice - Place 7 - Phylis J. Speedlin			
1. Does this Judge work Hard?	335	91%	9%
2. Is this Judge write well-reasoned opinions?	330	85%	15%
3. Does this Judge follow the law?	331	85%	15%
4. Does this Judge show good judicial temperament?	332	88%	12%
5. Does this Judge rule impartially?	333	84%	16%
6. Do you approve of this Judge's overall performance?	331	85%	15%



Significant Decisions From the Fourth Court of Appeals

by W. Cagney McCormick

Cagney McCormick is a 3rd year law student at Saint Mary's University School of Law. He is currently a member of the criminal defense team at the Center for Legal and Social Justice, representing indigent clients in criminal cases. In addition, he is also a research fellow for the Center for Terrorism Law at St. Mary's University School of Law. He hopes to pursue a career in federal or state prosecution after graduation, and eventually open up his own criminal defense practice.

Victorino Gutierrez v. State, No. 04-09-00237-CR, (Tex. App. – San Antonio July 14, 2010) Pre-sentencing Report Requests

Victorino Gutierrez was convicted of DWI, and appealed the judgment arguing the trial court erred by failing to order a presentence report. Appellant was initially pulled over for speeding and subsequently arrested for DWI by Officer Curtis Lewis. After a trial, the jury returned a guilty verdict. Before the punishment phase of the trial began, Appellant asked the trial court to order a presentence report. The current trial judge was sitting by assignment and insisted she wanted to hear testimony before deciding if a presentence report was necessary. The next day Gutierrez announced he was not ready to proceed and renewed his request for a presentence report. The trial judge then explained that she was not sure when she would be back on the bench, and would like to take the evidence and determine whether or not she needed a PSI. The presentence report was denied, and appellant testified about his background.

The Court held article 42.12, section 9, of the Texas Code of Criminal Procedure requires the court to order a presentence report in most cases, but excepts misdemeanor offenses if the defendant does not request a report and the judge agrees, or if "the judge finds that there is sufficient information in the record to permit the meaningful exercise of sentencing discretion and the judge explains this finding on the record." Tex. Code Crim. Proc. Ann. art. 42.12, § 9 (a), (b) (Vernon Supp. 2009). The Court held the trial judge failed to order a presentence investigation report as requested, and failed to make a finding on why the report was not necessary or explain why it was not necessary. Therefore, the trial court erred by not ordering a presentence investigation report.

The error was found to be a statutory requirement, and reversal would be based on Appellant's substantial rights being affected. Although the trial judge was aware of the circumstances surrounding the offense because she presided over the jury trial, she did not have a "proposed client supervision plan" outlining the programs and sanctions available through the community supervision and corrections department. The Court held the trial judge did not have before her all the information required by statute for her consideration before imposing sentence, and she did not state on the record that she felt she had sufficient information in the record to permit meaningful exercise of sentencing discretion. Therefore, it cannot be presumed that the trial judge knew what programs and sanctions would be made available to Gutierrez if she gave him community supervision. The Court found the error harmful.
Dissenting Opinion by Justice Steven C. Hilbig

Ruben Moreno v. State, No. 04-10-00007-CR, (Tex. App. – San Antonio July 21, 2010) Pre-sentencing Waivers of Appeal

In 2002, appellant Ruben Moreno pleaded nolo contendere to the offense of delivery of marijuana pursuant to a plea bargain agreement. Pursuant to the plea agreement, the trial court sentenced him to ten years confinement, but in lieu of confinement, placed Appellant on community supervision for a term of ten years. In 2009, the State filed its third motion to revoke Appellant's probation alleging appellant violated seven conditions of probation. Appellant responded by signing a "Stipulation and Judicial Confession" in which he pled true to violating six of the seven conditions asserted in the State's motion to revoke. Appellant also agreed to waive his right to appeal. Following the agreement, the trial court revoked appellant's probation and sentenced him to ten years in prison.

The State filed a motion to dismiss the appeal based on appellant's waiver. The Court considered whether

pre-sentencing waivers of appeal were valid. The Court found as long as a defendant knowingly, voluntarily, and intelligently bargains for a sentencing recommendation in exchange for his waiver of the right to appeal then a pre-sentencing waiver of appeal is valid because the defendant at the time of waiver knows the likely consequences of the waiver. Therefore, the Court found Appellant waived his right to appeal and granted the State's motion to dismiss the appeal.

Ovidio Garcia v. State, No. 04-09-00735-CR, (Tex. App. – San Antonio July 21, 2010) Denial of a Motion for DNA Testing

Ovidio Garcia appealed a denial of a motion for DNA testing. Appellant argues the trial court erred in denying his request for DNA testing of material relating to his prior murder conviction. Appellant pled guilty to the offense of capital murder and was sentenced to life imprisonment. The murder victims were burned beyond recognition and were identified by personal possessions found on the bodies. Appellant's motion for DNA testing argued that he was entitled to DNA testing of the organs of the four burned bodies and two pieces of blood covered asphalt from the crime scene. Appellant challenged whether the remains were in fact human.

Appellant argued the trial court erred in denying his motion for DNA testing based on its interpretation of the "identity" issue requirement under article 64.03 of the Texas Code of Criminal Procedure. Specifically, appellant complained of the trial courts finding that the term "identity" in article 64.03(a)(1)(B) refers to the identity of the perpetrator of the crime and not to the victims. The trial court is required to order DNA testing only if it finds 1) the evidence still exists and is in a condition making DNA testing possible; 2) the evidence has been subjected to proper chain of custody; 3) identity was or is an issue in the case; 4) the person establishes by a preponderance of the evidence that he would not have been convicted if exculpatory results had been obtained through DNA testing; and 5) the request for the proposed DNA testing is not made to unreasonably delay execution of sentence or administration of justice. Tex. Code Crim. Proc. Ann art. 64.03 (Vernon Supp. 2009).

The Court held "although the court of criminal appeals has not explicitly stated that 'identity', as used in article 64.03(a)(1)(B), means the identity of the perpetrator", in *Blacklock v. State*, 235 S.W. 3d 231, 232 (Tex. Crim. App. 2007), it "suggested as much." *See In re Kennard*, No. 03-07-00308-CR, 2008 WL 899606, at 2 (Tex. App.-Austin 2008, no pet.) (citing *Blacklock*, 235 S.W.3d at 232) (not designated for publication). Furthermore, the Court found *Blacklock* to hold that exculpatory DNA testing was initiated by the Legislature to help defendants exclude themselves as the donor of the biological material and establish innocence.

The Court affirmed the trial court's denial of the motion for DNA testing because the term "identity" means the identity of the perpetrator, not the identity of the victim.





The Defender

welcomes articles of interest for publication.

If you would like to contribute, please contact a member of *The Defender* staff.

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San Antonio Criminal Defense Lawyers Association
P.O. Box 831206
San Antonio, Texas 78283-1206

Schedule:

8:00 am Registration

8:45 am **Welcome Remarks**
Jeff Mulliner & Joseph Martinez

9:00 am **Introduction to the Courthouse**
Brooke Bauman

9:30 am Break

9:45 am **Ethics**
Sam Lock

10:45 am **Federal Practice**
John Convery

11:45 am **SACDLA Website Uses and Resources**
Bud Ritenour

12:00 pm Lunch (on your own)

1:00 pm **Piercing the Search Warrant Veils**
Jorge Aristotelidis

2:00 pm **Voir Dire**
Adam Kobs

2:45 pm Break

3:00 pm **Plea Bargaining and Its Collateral Effects**
Robert Featherston

4:00 pm **Criminal Law and Technology**
Pat Montgomery

5:00 pm Adjourn

CLE 6.25 hours, including 1.0 hours ethics

Seminars sponsored by CDLP are funded by a state grant administered by the Texas Court of Criminal Appeals.

SACDLA Nuts 'n' Bolts Seminar

Course Director: Jeff Mulliner

Location: Bexar County Central Jury Room,
Cadena-Reeves Justice Center

Contact Information

❑ **New member** ❑ **Update my information**

Name _____ Bar Number _____

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Reserve My Space/Materials

Note: This course is not open to prosecutors and their staff. Pre-paid registrants will be guaranteed materials at the seminar

Pre-Registration, Order by 10/1/10

CD only	Book and CD
❑ $85 member	❑ $110 member
❑ $140 non-member	❑ $165 non-member

Onsite Registration, After 10/1/10

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Payment

Payment for ❑ Seminar Registration
❑ Membership fee

Make check payable to SACDLA.

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San Antonio, Texas 78283-1206
(210)224-4136

The San Antonio Criminal Defense Lawyers Association
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San Antonio, Texas 78283-1206
Telephone: (210) 501-2916 Fax: (210) 223-7102

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City State ZIP County

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EMAIL ADDRESS: _____

TEXAS BAR CARD NO.: _____ **DATE OF BIRTH**: _____

Certified Criminal Law Specialist? ☐ YES ☐ NO

Member of TCDLA? ☐ YES ☐ NO **NACDL**? ☐ YES ☐ NO

Do you want a Membership Certificate? ☐ YES ☐ NO

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November 5, 2010 Jim Greenfield Annual Nuts & Bolts Seminar. Central Jury Room.

Make a note not to miss the upcoming CLE Luncheons to be held at noon at the Riverwalk Plaza Hotel:

October 14, 2010
January 13, 2011
February 10, 2010