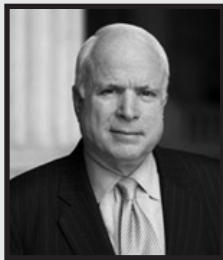


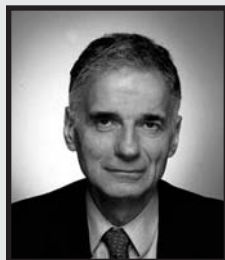
Includes LWV-US *Voters Guide:*



**JOHN McCAIN**  
REPUBLICAN (R)



**BARACK OBAMA**  
DEMOCRAT (D)



**RALPH NADER**  
INDEPENDENT (I)

THEIR POSITIONS ON:  
**ENERGY**  
**HEALTHCARE**  
**IMMIGRATION**  
**EDUCATION**



**JOHN CORNYN**  
REPUBLICAN (R)



**RICK NORIEGA**  
DEMOCRAT (D)



**YVONNE ADAMS SCHICK**  
LIBERTARIAN (L)

## United States Senator

**YOUR STATE** ☆ **YOUR TAXES** ☆ **YOUR COURTS** ☆ **YOUR LAWMAKERS** ☆ **YOUR VOTE**

### ABOUT THIS VOTERS GUIDE

This Voters Guide is funded and published by the League of Women Voters of Texas Education Fund to help citizens prepare to cast an informed vote. The League of Women Voters is a nonpartisan organization that works to promote political responsibility through active, informed participation of all citizens in their government. Neither the League nor the Education Fund supports or opposes any political party or candidate.

This Voters Guide lists candidates for the Presidency of the United States as well as statewide races for U.S. Senator, Railroad Commissioner, Supreme Court, Court of Criminal Appeals, Courts of Appeal districts, as well as the State Board of Education. It includes responses to a questionnaire sent to those candidates in contested races. **Candidate replies are printed without editing or verification. Due to space restrictions, candidates were given strict word limits for replies.** Replies exceeding the word limit are indicated by slashes (///). Candidates were also asked to confine their responses to the questions asked and to avoid references to their opponents.

**Candidates appearing with no photo failed to submit one.** This Voters Guide is organized by office, with candidates listed as they appear on the ballot. Ballot order will vary from county to county.

This Voters Guide and other helpful information are available online by visiting the League's website at [www.lwvtexas.org](http://www.lwvtexas.org).

### INDEPENDENT CANDIDATES

Independent candidates for President file applications with the Secretary of State. The application must be submitted with a petition, and both documents must be filed by May 12, 2008. For 2008, the petition must contain 74,108 signatures of registered voters who did not vote in the presidential primary of either party. The first possible day to circulate the petitions is March 5, 2008. The application must also be accompanied with the information about the candidate's vice-presidential running mate and the names and addresses of the presidential electors. Texas has 34 presidential electors.

### WRITE-IN CANDIDATES

Write-in candidates file a declaration of write-in candidacy with the Secretary of State. The declaration must be filed between July 27, 2008 and August 26, 2008. The declaration must also be accompanied with information about the vice-presidential running mate and the names and addresses of the presidential electors. Texas has 34 presidential electors.

Thank you to our sponsors:



President of the United States ( <i>provided by LWV-US</i> ) .....	2
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Justice, Court of Appeals.....	8-13
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**IMPORTANT:** Bob Barr (L) will appear on the Texas ballot for President. Barr did not meet the LWVUS criteria for inclusion in their Voters Guide as stated in the Ground Rules for Presidential Candidates on page 2.

Ralph Nader (I) will not be listed on the Texas ballot for President, but he is a qualified write-in candidate in Texas. He did meet the LWVUS criteria for inclusion in their Voters Guide.

Other qualified write-in candidates for President in Texas are: Brian Moore, Alan Keyes, Cynthia McKinney, Jonathan Allen, Chuck Baldwin, and Thaddeus Hill.

A list of qualified write-in candidates will be posted at every polling place.

### QUESTIONS ABOUT:

- Where to Vote
- Provisional Voting
- Lost Voter Registration Certificate
- Etc.

Call the League of Women Voters of Texas at **512.472.1100** and we will be happy to assist you!

League of Women Voters of Texas Education Fund

1212 Guadalupe St. #107  
Austin, TX 78701-1800

**\*You may bring this Voters Guide into the voting booth!\***

In 1995, the Texas law prohibiting use of printed materials, such as this Voters Guide, in the polling place was ruled unconstitutional-(Texas Election Code, Section 61.011)

**GROUND RULES FOR PRESIDENTIAL CANDIDATES**

1. All qualified **presidential candidates** were invited to provide biographical information and responses to five issue specific questions. Candidates were qualified if they met the following criteria: 1) The candidate must have made a public announcement of her/his intention to run for President; 2) The candidate must qualify for the ballot in enough states to win a majority of electoral votes; and, 3) The candidate must meet the

Presidential Election Campaign Fund Act's minimum contribution threshold requirements for qualifying for matching funds, based on the most recent data publicly available on the FEC Web site as of August 8, 2008.

2. Responses were limited to 50 words and truncated after the 50<sup>th</sup> word.  
3. If a candidate did not respond by the deadline, "No Response Received"

**PRESIDENT OF THE UNITED STATES**

**Salary:** \$400,000 per year **Term:** Four years. Limit of two terms. **Duties:** The President is the head of state of the United States of America and is the Chief Executive Officer and the Commander in Chief of all military forces. The powers of the President are described in the Constitution and federal law. Subject to Senate approval, the President appoints the members of the Cabinet, ambassadors to other nations and the United Nations, Supreme Court Justices and federal judges. The President, along with the Cabinet and its agencies, is responsible for carrying out and enforcing the laws of the United States. The President may also recommend legislation to the United States Congress.

*Provided by LWV of the United States*

*All presidential statements are © 2008 League of Women Voters Education Fund.*

**Question 1:**

What, if anything, do you believe the federal government should do to control global climate change? (50 words)

**Question 3:**

What, if anything, should the federal government do about the growing economic disparity between the middleclass and the well-to-do? (50 words)

**Question 5:**

What should the U.S. strategy be towards rising global powers like Russia and China?? (50 words)

**Question 2:**

What should be done at the federal level, if anything, to combat the high cost of health care? (50 words)

**Question 4:**

What, if anything, should the federal government do to create the world's best educational system for all children in America? (50 words)

JOHN MCCAIN (R)



**Biography:** John McCain graduated from the Naval Academy and served for 22 years as a naval aviator. He was elected to the House of Representatives in 1982 and the Senate in 1986. He has served as chairman of the Commerce Committee and ranking member of the Armed Services Committee.

**Answer 1:** I support developing a cap-and-trade system to reduce greenhouse gas emissions 60% by 2050, providing tax credits for alternative energy, promoting zero-carbon nuclear power, reducing the federal government's carbon footprint, funding research into clean-coal technology, and offering incentives for America's automobile industry to develop electric cars.

**Answer 2:** Under my plan, American families will receive \$5,000 tax credits to purchase insurance, either through employers or the private market—insurance that can follow them if they change jobs or leave the workforce. I will work for reforms to lower costs and provide coverage to Americans with pre-existing conditions.

**Answer 3:** We must spur growth, create jobs, improve educational attainment, and enhance financial security. My plan will keep income and payroll taxes low, reduce the price of gas, double the dependent exemption, bring down health-care costs, give deserving homeowners new fixed mortgages, slash our high business taxes, and expand trade.

**Answer 4:** Our education system must focus on standards, accountability, and choice. My plan calls for recruiting highly qualified teachers in the neediest communities, empowering parents to choose the best schools for their children, expanding online educational opportunities, providing low-income families with access to tutors, and funding professional development for teachers.

**Answer 5:** As President, I will work to establish good relations with other nations. At the same time, I will stand up for democratic values and human rights, and I will oppose aggression and international lawlessness that threaten our security.

BARACK OBAMA (D)



**Biography:** Obama began his career as a community organizer on Chicago's South Side and headed a voter registration drive. Obama practiced civil rights law and taught constitutional law. He served eight years in the State Senate before his election to the U.S. Senate. He graduated from Columbia University and Harvard Law.

**Answer 1:** I believe the federal government should pursue multiple paths to reduce greenhouse gas emissions and address the threat of global climate change, including implementing aggressive cap and trade requirements to reduce U.S. emissions by 80% from 1990 levels and investing heavily in clean energy and advanced vehicle technologies.

**Answer 2:** My healthcare plan will make aggressive investments in cost-cutting technologies and will place more focus on prevention and chronic care management. The net result will be to bring down the costs of healthcare spending by \$2,500 for a typical family, annually, and lower the expense of Medicare's services.

**Answer 3:** I will cut taxes for the middle class and roll back some of the Bush tax cuts for those making over \$250,000 to restore fairness to the tax code. I will make long term public investments in R&D, clean energy, infrastructure, and manufacturing to create millions of good-paying jobs.

**Answer 4:** I will strengthen public schools by expanding early childhood education, reforming and funding No Child Left Behind, recruiting and rewarding high-quality teachers, and expanding afterschool and summer learning opportunities. I will create a \$4,000 American Opportunity Tax Credit and expand financial aid to make higher education affordable for all.

**Answer 5:** We must enhance our abilities both to collaborate and compete with China, while being vigilant about China's military modernization and respect for human rights. As we seek a future of clear-eyed engagement with Russia, we must ensure Russia acts as a force for progress, not regression to past conflicts.

RALPH NADER (I)



**Biography:** Attorney, author, and consumer advocate, named by Time Magazine one of the "100 Most Influential Americans in the 20th Century." Over 4 decades of public service. Helped establish the OSHA, EPA, Consumer Product Safety Commission, the Safe Drinking Water Act, Motor Vehicle Safety Act, and Freedom of Information Act.

**Answer 1:** The government should stop subsidizing fossil fuels: oil, electric and coal mining interests. Invest in renewable energy that is efficient, sustainable, and environmentally friendly: wind and solar power. Encourage more efficient automobiles, homes and businesses. Ratify the Kyoto Protocol. Create an independent Oceanic Protection Agency. Adopt a carbon pollution tax.

**Answer 2:** Adopt a private delivery, free choice of hospital and doctor, single payer public health insurance system. This would save \$350 billion annually by eliminating exorbitant executive pay, advertising, computerized billing fraud and abuse, and apply those savings to comprehensively cover everyone without increasing taxpayer costs. Lower costs through bulk purchasing.

**Answer 3:** Unfair legislation allows the middle class to suffer while the rich entrench their status. To correct this we should enact a living \$10 wage, adopt a fair tax, and provide equal pay for women. We must end corporate subsidies and bailouts. Repeal NAFTA and the anti-union Taft/Hartley Law.

**Answer 4:** Increase civic education and decrease standardized testing. Repeal "No Child Left Behind" Act. Do not tie test performance to school funding. Provide full funding for pre-school and nutrition programs. Get product marketing out of the schools. Ensure that the nation's crumbling schools are repaired within 3 years.

**Answer 5:** The US should be a humanitarian superpower. Our foreign policy must redefine global security, peace, arms control, an end to nuclear weapons and expand the many assets of our country to assist with major initiatives against global infectious diseases. Stop support of foreign dictators. Human rights come before trade, profit.



**THE LEAGUE NEVER ENDORSES CANDIDATES**



# UNITED STATES SENATOR

Six-year term. Must be at least 30 years old, a resident of the United States for at least nine years, and a resident of Texas. One of 100 members of the U.S. Senate which has specific powers to advise and consent to presidential appointments and treaties and to try impeachments. Powers the Senate shares with the U.S. House of Representatives include the power to levy taxes, borrow money, regulate interstate commerce, and declare war. Authorized annual salary: \$165,200

3

**Question 1:** Please describe the training and experience that qualify you for this office. (50 words)

**Question 3:** What is your position on the renewal of the federal "No Child Left Behind" Act, and what changes would you propose, if any? (75 words)

**Question 5:** What actions do you support to improve the delivery and financing of health care in the United States? (75 words)

**Question 2:** Do you support changes to our current immigration policy? Please explain. (75 words)

**Question 4:** What policies do you support to ensure that the United States has enough energy to supply its needs? (75 words)

JOHN CORNYN (R)



**Answer 1:** I've had the honor of serving Texas in many capacities; as a District Judge, a Texas Supreme Court Justice, as Texas Attorney General and now as your Senator. I believe in limited government and low taxes, the importance of families, opportunity for all, and maintaining a strong national defense.

**Answer 2:** In 2005 I introduced one of the first reform bills in the Senate. It specifies requirements for border security, interior enforcement, workplace enforcement, a plan to deal with future immigration and those already here without documentation. Border security must come first, including increased use of technology, more border patrol agents, adding requested barriers and fencing and a verifiable system for employers to identify legal workers. This overall approach is required to resolve this long-neglected issue.

**Answer 3:** I support NCLB reauthorization, with changes. Education decisions are best made by parents and teachers, not Washington bureaucrats. I introduced legislation (Academic Partnerships Lead Us to Success Act, A-PLUS) that gives greater flexibility to states, working in partnership with local school officials, to use federal education funds while maintaining high accountability standards. It also increases transparency of test results by allowing states, and not the federal government, to establish clear and consistent achievement benchmarks.

**Answer 4:** My energy policy is simple: we need "All of The Above." More energy from a wide variety of old and new sources is the only real answer in a world where fast-developing economies are competing for supplies that have been artificially constricted. We should pursue all viable solutions; nuclear, clean coal, wind, and solar, in addition to increasing domestic oil production in ANWR, in western shale areas and the OCS to ensure our energy independence.

**Answer 5:** The key to better, more affordable, health care is giving people more choices and more control. I support reforms that ensure patients continue to pick their own doctor. We should put the cost and quality of health care online, so patients can easily compare prices and services. We must make insurance portable and we should give individuals and employees of small businesses access to the same tax advantages employees of bigger companies get.

RICK NORIEGA (D)



**Answer 1:** From my time in the Texas Army National Guard to the five terms I spent in the Texas State Legislature, I've worked hard for Texas. During Operation Jump Start, I worked to strengthen our borders as the Commander of the Laredo Section Checkpoint. After Hurricane Katrina, I served as the ///

**Answer 2:** Our immigration system is broken, and we must take immediate action to fix it. As the National Guard Commander of the Laredo Sector during Operation Jump Start, I've worked to promote border security and stem the flow of illegal immigrants entering our country. For comprehensive immigration reform to work, we must secure our borders, crack down on employers who are driving down wages by hiring illegal immigrants, and create an earned path to citizenship that ///

**Answer 3:** *No Child Left Behind* measures school and student performance based only on statewide test scores. It is a flawed accountability system that emphasizes teaching to the test and diverts time and attention from broader classroom instruction. States should be given the flexibility to design accountability systems that incorporate statewide assessments with other measures: local assessments, teacher-designed classroom assessments collected over time, student portfolios, and other measures of learning. And we need to make sure schools ///

**Answer 4:** Ensuring that energy supplies are abundant, reliable, and reasonably priced will require extensive cooperation between the federal government and the private sector. I have proposed policies that will provide immediate relief for Texas families, move the United States towards energy self-sufficiency, and develop a sustainable energy and economic future for Texas. By increasing investment in alternative energy technologies and improving the efficiency of our cars and homes, we can begin to address our nation's energy ///

**Answer 5:** Everyone should be guaranteed access to quality, affordable health insurance and be expected to make responsible choices in return. State governments have been forced to develop solutions to their health care problems because Washington has refused to address the serious issues. I've called on the federal government to expand access to the Children's Health Insurance Program and Medicaid. I also propose providing tax incentives for small businesses that expand health insurance for employees, closing the ///

YVONNE ADAMS SCHICK (L)



**Answer 1:** I am a "citizen candidate". I have helped start and build a large, successful business demonstrating my ability to lead and make decisions. I have all of the qualifications stated in the Constitution.

**Answer 2:** I support securing our borders to halt illegal immigration. People without criminal backgrounds or intentions to cause harm should be allowed to immigrate legally without undue burden. We need willing worker who will add their productivity to our economy. Their entry needs to be in a controlled and legal manner.

**Answer 3:** All control of education needs to be returned to the states and, better yet, to the local communities and families. The federal Department of Education needs to be eliminated. It has proven not to be effective at improving the quality of education. Tax dollars go to Washington only to be returned to the states after administrative costs are subtracted and with strings attached. This defies common sense.

**Answer 4:** Remove federal regulations against drilling and production. A free market in energy is the only workable solution in the long term. No government subsidies for energy. Subsidies disguise the actual cost of energy and interfere with the natural order of supply and demand. The rise in prices as demand rises create a natural response of conservation and innovation for new supply opportunities.

**Answer 5:** Deregulate the healthcare industry and encourage a free market in healthcare. Allow development of new healthcare delivery innovations. Allow insurance companies to devise new products and sell across state boundaries so consumers have more choices. Support Medical Savings Accounts. Make all healthcare expenses 100% tax deductible. Replace FDA with a more responsive free market system to reduce cost of medications. Replace Medicare with system that give the users control over the cost and process.

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# RAILROAD COMMISSIONER

Six-year term (on a three-person commission). Must be a Texas resident and qualified voter, not less than 25 years old, and must have no interest in any railroad. Among duties: regulation of the oil and gas industry, including drilling production and environmental protection; natural gas utility companies; natural gas and hazardous liquids pipeline safety; surface mining of coal, uranium, and iron ore gravel, including land reclamation; transportation and storage of liquefied petroleum gas, compressed natural gas, and liquefied natural gas; railroad safety; and encourages the use of clean-burning propane and researches new technologies for its use. Annual authorized salary: \$137,500

**Question 1:**

Please describe the training and experience that qualify you for this office. (50 words)

**Question 3:**

What measures should be taken to assure the safety of people and the environment when granting permits for oil and gas drilling in both urban and rural areas? (75 words)

**Question 2:**

What are the most pressing issues that you will face as Railroad Commissioner and how would you address them? (75 words)

MICHAEL WILLIAMS (R)



**Answer 1:**

A Commissioner since 1999 and Chairman, I have dramatically reduced the number of abandoned wells, required operator bonding, imposed stricter enforcement and heavier penalties, instituted the nation's first pipeline safety integrity assessment and management program, required more frequent pipeline inspections, quicker repairs and ordered the statewide removal of unsafe pipe.

**Answer 2:**

Promoting pro-growth environmental solutions to secure more affordable, cleaner and reliable electricity and transportation by (1) enhancing oversight of oil and natural gas drilling; (2) encouraging investment in innovative off-peak wind energy storage and carbon capture and sequestration technologies; (3) advocating increased American oil exploration and the development of alternative fuel cars, trucks and school buses; and (4) inspiring the next generation of Texas energy scientists, technologists, engineers and mathematicians.

**Answer 3:**

State law limits consideration of whether to issue a drilling permit to conservation of waste and correlative rights. The legislature can expand the review. Once permitted, RRC rules ensure the well is drilled in a manner that protects the public and the environment, e.g. mandatory blowout prevention devices for safety; and casing, cementing and waste handling requirements to protect ground water. Municipalities can add setback requirements to distance the well from homes and schools.

MARK THOMPSON (D)

**Answer 1:**

Mark Thompson is qualified to serve on the Railroad Commission because he has forced the agency to protect people instead of industry. For decades, faulty natural gas couplings have caused home explosions. The Commission failed to act until Mark Thompson worked to put a spotlight on the Commission's failures.

**Answer 2:**

The most pressing issues Mark Thompson will face as Railroad Commissioner are protecting people as industry drills for natural gas in the Barnett Shale, improving the permit process for drilling to streamline bureaucracy and help lower gasoline prices, and making sure natural gas prices are not automatically raised, creating higher utility costs for all Texans. Mark Thompson will address these issues through close attention, hard work, and by always putting people and the environment first.

**Answer 3:**

The measures Mark Thompson will take to protect people and the environment when it comes to oil and gas drilling include: making sure rigs are far from schools, homes, green spaces, and other critical infrastructure; securing responsible disposal plans for oilfield waste; checking operators for histories of dumping, safety, or other violations; and finally, assessing appropriately severe fines and taking disciplinary action for bad operators -- when drilling adversely affects people and property in Texas.

DAVID FLOYD (L) - no response



INFORMED VOTERS KNOW:

**THE TEXAS COURT SYSTEM - WHO IS QUALIFIED?**

**Texas Supreme Court, Court of Criminal Appeals and Court of Appeals candidates must be:**

Citizens of the United States and Texas, 35 years of age or older, practicing lawyers or lawyers and judges of courts of record together for at least ten years.

**District Court candidates must be:**

Citizens of the United States and Texas, 25 years of age or older, residents of the district for two years, licensed to practice law in Texas and a practicing lawyer or judge for four years.

**Statutory county judge candidates must be:**

At least 25 years of age, residents of the county for two years, licensed attorneys who have practiced law or served as judges for two years.

**Constitutional county court judge candidates must be:**

Well informed in the law of the state (law license not required).

**Use this Voters Guide to cast an informed vote and support judicial independence. See pages 4-13 for judicial races.**

# JUSTICE, TEXAS SUPREME COURT

Six-year term. Must be at least 35 years old, a citizen of the United States, and a resident of Texas. Must have been a practicing lawyer or a lawyer and a judge of a court of record for a total of 10 years or more. Serves as a member of the court of highest appellate jurisdiction in civil matters in the state; has the power to issue writs of *habeas corpus*, *mandamus*, and others; presides over proceedings for involuntary retirements or removal of judges. Annual authorized salary: \$152,500 (Chief Justice) \$150,000 (Justice)

**Question 1:**

Please describe the training and experience that qualify you for this office. (50 words)

**Question 3:**

What method of selection of judges is most likely to result in a qualified, diverse, and independent judiciary? (75 words)

**Question 2:**

What does the term "activist judge" mean to you? Does this term affect the public's perception of the judiciary? Please explain (75 words)

**Question 4:**

Should a judge or justice recuse himself or herself from cases in which the participating lawyers, their firms, or parties to the suit have contributed substantially to the judge's or justices' election? Please explain. (75 words)

WALLACE JEFFERSON (R)



**CHIEF JUSTICE CANDIDATE**

**Answer 1:** Justice on the Supreme Court (2001-2004); Chief Justice since 2004. As a board-certified appellate lawyer, I won cases in the U.S. Supreme Court, Texas Supreme Court, Fifth Circuit, and many intermediate Texas appellate courts. I implemented a webcasting project so that our Supreme Court arguments are accessible to all Texans.

**Answer 2:** An activist judge decides cases not according to the law and the facts, but to reach a predetermined outcome. A judge must strictly construe the law rather than impose his or her personal view of social policy. Activist judges undermine the public's perception of an impartial judiciary.


**Answer 3:** The Legislature should consider an appointment system for the appellate courts, in which a justice must subsequently go to the voters to retain his or her seat on the bench.

**Answer 4:** We must either rely on honest judges to enforce the law without regard to campaign contributions or adopt a system in which the public funds campaigns from the general treasury. As the Legislature is not likely to adopt a public-finance scheme, and because campaign expenditures are essential to seek and retain judicial office, I would not require recusal on the basis of campaign contributions. Our ethics laws must be enforced if a judge demonstrates bias.

**JIM JORDAN (D)**

**CHIEF JUSTICE CANDIDATE**

**5**



**Answer 1:** I am a present and former civil district trial judge in Dallas County. Since 1984, I have been board certified by the Texas Board of Legal Specialization in Civil Trial Law. In addition, I have been teaching the law to both students and lawyers for approximately 20 years.


**Answer 2:** An “activist judge” is one who rule to achieve a specific result without regard to the law or the facts in order to advance his or her own policy agenda. When judges legislate from the bench it diminishes the publics trust in our judicial system and injures the stability of the rule of law.

**Answer 3:** We need a system that focuses on the individual candidate’s experience, qualifications, and knowledge of the law. In addition, candidates should be screened for their judicial demeanor and ability to abide by the rule of law. Our judges should be jurists – not politicians.

**Answer 4:** Imagine that your life, your family, or your business was on the line in court, and you found out the other side gave thousands of dollars to the judge’s campaign. Texans deserve to have faith in their judiciary. The money required to run cheapens judges, cheapens the judiciary, and cheapens our democracy.

**TOM OXFORD (L)**

**CHIEF JUSTICE CANDIDATE**



**Answer 1:** I am the Managing Attorney for Waldman Smallwood PC, a firm providing legal help to Texans for over 50 years. My experience includes successfully arguing before both the Texas Supreme Court and the United States Court of Appeals for the Fifth Circuit.

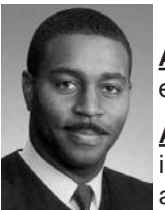
**Answer 2:** A Judge has an obligation to apply existing law to the facts of the case. An “activist judge” makes his own law. Law making is solely the province of the Legislature constrained only by our state and federal constitutions. Failing to recognize this separation of powers undermines the public’s respect for the courts.

**Answer 3:** Election of judges, while imperfect, is the only method likely to result in a qualified, diverse, and independent judiciary. When the state appoints judges they reflect only the group in power, generally coming from only the wealthiest and most politically connected law firms in the state. With direct elections there is at least some chance our state’s great diversity will be reflected in our judiciary.

**Answer 4:** Any practicing lawyer knows that influence with a judge is often purchased through campaign contributions. Even with our best judges human nature is such that the knowledge of who supported them in their last campaign cannot help but influence their decisions. Attorneys should be barred from contributing to the judges they practice before. A Judge should recuse himself if a party to a suit has contributed to the judge.

**DALE WAINWRIGHT (R)**

**PLACE 7 CANDIDATE**



**Answer 1:** I am the incumbent seeking reelection for Texas Supreme Court, Place 7, and I have an abiding faith in America=s values. I am the experienced candidate having served over five years on the high Court, almost four years as a trial judge, and over a decade in private practice before ///


**Answer 2:** A non-activist judicial philosophy applies the original intent of constitutional provisions and the expressed intent of the Legislature in deciding cases. This principled application of the law, as written, is consistent with the constitutional separation of powers doctrine and promotes fairness and predictability in the law. On the other hand, an activist judge decides cases in a manner that improperly changes the written law to effect his own personal or political agenda. The public recognizes ///

**Answer 3:** The Texas Constitution requires the election of judges. There are concerns with electing judges: fundraising, insufficient information among the electorate on judicial candidates and perceived political pressure. We certainly should improve how we select judges, including changing how judicial campaigns are funded and better educating the public on the experience and qualifications of candidates for judicial office. Other methods of selecting judges have pros and cons as well.

**Answer 4:** Judge must maintain integrity on the bench and avoid the appearance of impropriety. Laws and ethical rules seek to enforce this objective. If a contribution to a jurist impairs his ability to be fair and impartial, he should either not accept the contribution or recuse himself from the contributor’s cases.

**SAM HOUSTON (D)**

**PLACE 7 CANDIDATE**



**Answer 1:** Practiced law in Texas since graduating Baylor Law School in 1987. Tried dozens of cases to verdict; handled appeals in Courts of Appeals and the Texas Supreme Court. Board certified, personal injury trial law and civil trial advocacy. Member, American Board of Trial Advocates. Consistently rated AV by Martindale Hubbell.


**Answer 2:** An activist judge is one who places his or her own feelings about a case over what the law dictates. When judges decide cases based on their personal beliefs instead of by proper application of the law, trust in the legal system is eroded. This is particularly true when we have partisan elections requiring large amounts of money for elections.

**Answer 3:** In a perfect world, I believe a non-partisan election would be preferable. However, if the judicial elections remain partisan, they should be held on a different date than the general election. Under the current system, judges maintain office primarily as a result of party affiliations and the “up ballot” votes. This needs to change. Judges should be elected based on their background and philosophy.

**Answer 4:** The increased need for funding has resulted in a loss of credibility among judges. There is a perception, at least, that judges side with political donors as opposed to ruling according to the law. Further, campaign contributions and the need to campaign for re-election have politicized the judicial process to the point that it is perceived by many to be a biased system.

**DAVID SMITH (L)**

**PLACE 7 CANDIDATE**



**Answer 1:** I graduated from Cornell Law School (J.D., 1992) with a concentration in business law and regulation and have been licensed to practice law in Texas since 1993. I was a managing editor of the inaugural issue of the Cornell Journal of Law and Public Policy.


**Answer 2:** Politicians use “activist judge” to accuse a judge of ruling based on personal beliefs instead of according to law or legal precedent. It could also be said that an “activist judge” is one whose ruling you disagree with. The “activist judge” has become a useful bogeyman for politicians to blame when their objectives are blocked by unfavorable rulings even though this is the role of the judiciary in our constitutional system of checks and balances.

**Answer 3:** Direct election of judges results in a judiciary that is more independent than one with judges appointed by the governor and confirmed by the legislature. However, most voters have neither the time nor legal background to evaluate judicial candidates, so instead rely on party affiliation when casting their vote. I have proposed an independent, nonpartisan candidate review panel, with both lawyers and non-lawyers, which would evaluate candidates and identify those most qualified to serve.

**Answer 4:** No, they should not. Although the Texas Code of Judicial Conduct requires judges to refrain from financial transactions with lawyers who are likely to appear in their court, the Code makes an exception allowing judges to solicit campaign funds from attorneys. Nevertheless, the fact that campaign contributions cloud the air of impartiality that the Code seeks to maintain is certainly one of the negative consequences of our system of electing judges.

**PHIL JOHNSON (R)**

**PLACE 8 CANDIDATE**



**Answer 1:** 1975 Texas Tech Law School honors graduate. Private practice of law over 20 years; supervising attorney in medium-sized law firm. Board certified in Civil Trial and Personal Injury Trial law. Texas Court of Appeals Justice and Chief Justice, 1999-2005. Texas Supreme Court Justice 4/2005 to present.


**Answer 2:** An “activist judge” is one who bases decisions on what that judge wants the law to be, instead of on legal precedent, legal reasoning, valid legal principles and strict construction of legislation. Public perception of the judiciary is hurt by charges that judges are “activist”, even when the charges are made just because someone disagrees with the result of the judge’s decision.

**Answer 3:** I am not aware of studies relating methods of judicial selection to quality or diversity of the judiciary. Nor am I aware of studies relating judicial selection methods to independence of the judiciary. My opinion is that judicial independence depends more on the length of the term of office than on the method of judicial selection.

**Answer 4:** The Texas Legislature has by law limited the amount and timing of judicial campaign contributions. Limits apply to all persons, including parties, lawyers and lawfirms. A judge need not recuse from cases solely because of a contribution which is made within limits. However, if the circumstances might reasonably cause a judge’s impartiality to be questioned, then the judge should recuse from the case.

LINDA REYNA YAÑEZ (D)

PLACE 8 CANDIDATE



**Answer 1:** Senior Justice on the 13th Court of Appeals, appointed by Gov. Ann Richards in 1993, authored 1000's of appellate opinions, a former Clinical Instructor and current faculty member of the Trial Advocacy program at Harvard Law School. I am a former farmworker, elementary school teacher, and legal aid lawyer.

**Answer 2:** Definition depends on whose ox is being gored. Some consider that interpretations of the law which consider the law as alive and responsive to changing mores in the greater society as "activists". Others consider that interpretations of the law which pretend to "interpret" the "intent" of the original writers as "activists". Result oriented analysis should be of concern. We need a system that promotes a judiciary of independent thinkers committed to the rule of law.

**Answer 3:** If we are going to continue to elect our judges then we should have single-member districts for the two Supreme Courts. I favor a hybrid system of appointment/election, which has a non-partisan screening committee, including members of the Bar and lay citizens. There are many models in different states in which appointed judges stand for retention elections, reappointment procedures, Bar polls and other permutations. Texans should consider these alternatives to our current process.

**Answer 4:** The current rules regarding recusal and disqualification adequately address issues of conflicts of interest regarding the judiciary. As long as the judiciary is elected, judicial candidates must raise money. In order to significantly eliminate the issue of contributions and the influence they may have on the judiciary, Texans should have a better system of judicial selection. I support eliminating the election of our appellate bench. No system of judicial selection is free of political influence.

DREW SHIRLEY (L) - *no response*

PLACE 8 CANDIDATE

**INFORMED VOTERS KNOW:**

**TEXAS SUPREME COURT AND COURT OF CRIMINAL APPEALS**

Texas has two high courts for the state: the Supreme Court to hear appeals in civil cases, and the Court of Criminal Appeals for criminal cases. The Supreme Court is the final court of appeals statewide for both civil and juvenile cases and is responsible for the efficient operation of the Texas Judicial System. The Supreme Court has one Chief Justice and eight Justices, and the Court of Criminal Appeals has one Presiding Judge and eight Judges. The Supreme Court requires the concurrence of five members for a decision of a case. The Court of Criminal Appeals may sit in panels of three judges, and the concurrence of two judges is necessary for a decision.

All members of each court are elected for six-year terms, with three elected every two years. Any vacancies are filled by gubernatorial appointment until the next general election, when the voters fill the vacancy for the unexpired term. Each term of either court begins and ends with the calendar year.

**TEXAS COURTS OF APPEALS**

Texas is divided into 14 Courts of Appeals Districts, each of which has a Chief Justice and two or more other Justices. They have appellate jurisdiction within the limits of their districts. The justices are elected for six-year terms by the voters of their district, and their qualifications and the method of filling vacancies is the same as for the two high courts.

JUDGE, COURT OF CRIMINAL APPEALS

Six-year term. Must be at least 35 years old, a citizen of the United States, and a resident of Texas. Must have been a practicing lawyer or a lawyer and a judge of a court of record for at total of 10 years or more. Among duties shared with other judges: serves as a member of the court of highest appellate jurisdiction in criminal matters in the state; has the power to issue writs of *habeas corpus* and others. Annual authorized salary: \$152,500 (Presiding Judge) \$150,000 (Judge)

**Question 1:**  
Please describe the training and experience that qualify you for this office. (50 words)


**Question 3:**  
What method of selection of judges is most likely to result in a qualified, diverse, and independent judiciary? (75 words)

**Question 2:**  
What does the term "activist judge" mean to you? Does this term affect the public's perception of the judiciary? Please explain. (75 words)

**Question 4:**  
Should a judge or justice recuse himself or herself from cases in which the participating lawyers, their firms, or parties to the suit have contributed substantially to the judge's or justices' election? Please explain. (75 words)

TOM PRICE (R)

PLACE 3 CANDIDATE



**Answer 1:** I have been a criminal court judge in Texas for over 33 years. I was a County and District Judge for over 22 years in Dallas County . I have served on this court for 11 years. I have served Texas as a Judge for more than half of my life.


**Answer 2:** Activist Judges are Judges that are more concerned with their view of the law and go beyond legitimate interpretation to change the law which results in citizens distrust of Judicial decisions at every level. I am not a Activist Judge.

**Answer 3:** Judges should not be elected on party ballots. A judge should not be evaluated by his/her Polital views but by his/hers Judicial philosophy and demeanor. Non-partisan retention elections where a judge is first appointed and then placed on a retention ballot would give voters a more informative process to retain or reject a judge. A voter would vote yes to keep a judge or no to seek his/her removal.

**Answer 4:** The impact of judges raising money to run for election is a loss of voter trust in the honesty and integrity of Judges. More often than not Judges would receive contributions from people who appear before their courts. The public would then question the impartiality of the decisions from that court.

SUSAN STRAWN (D)

PLACE 3 CANDIDATE



**Answer 1:** A native Houstonian, Susan Strawn prosecuted cases nationwide for twelve years with the US Justice Department. She spent four years as a senior federal law enforcement and judicial reform advisor in Kosovo and Africa. She graduated from UT Law School with honors, and teaches at UH Law Center.

**Answer 2:** True "activist judges" rule without regard to sound Constitutional principles. However, the term is often used to describe judges who invalidate government actions on Constitutional grounds. Since the 1803 Supreme Court decision in Marbury v. Madison, courts have reviewed executive and legislative acts for compliance with the Constitution. "Activist judges" has become an epithet sometimes used by those who disagree with their decisions. Like many epithets, it may play to prejudices rather than reasoned debate.

**Answer 3:** I support a merit-selection, retention-election system along the lines of that championed by the late Supreme Court Chief Justice John Hill. The key to the integrity of such a process is the choice of members of the nomination commission. I believe that, with leadership and commitment, Texans can find a way to provide for a broad-based, bipartisan commission whose nominees will be a credit to the State judiciary.


**Answer 4:** Yes. But recusal is not the answer to the corrupting influence of money on the judicial process. Texas limits (\$5000/individual and \$30,000/law firm) attempt to set an amount that is presumably too low to buy (much) influence. But instead many lawyers contribute to avoid perceived retaliation. Either way the contribution undermines judicial integrity. Expensive campaigns also discourage qualified applicants. Public financing, as recommended by the American Bar Association, is the best solution.



**MATTHEW EILERS (L)**

**PLACE 3 CANDIDATE**

7



**Answer 1:** I was licensed by the Supreme Court of Texas in 1989, and was engaged in the private practice, including criminal law, in Austin for almost a decade.

**Answer 2:** An activist judge is one who places his personal or political agenda above the administration of justice. It is my belief that, with some notable exceptions, judicial activism is really more an issue of perception than an actual problem.

**Answer 3:** The Texas Constitution has established that judges are selected by public election rather than by appointment, which, although not a perfect system, best ensures that the judges are independent from political pressures that would arise from being appointed by a political figure or committee.

**Answer 4:** Absolutely. A judge who has received contributions from participants in litigation can consciously or unconsciously shade his rulings in favor of such participants, which certain has a detrimental impact on those cases. More serious is that the general failure of judges to recuse themselves has a corrosive effect on the public trust in the judiciary. I have vowed not to hear any case affiliated with any contributor to my campaign, in the event I am ///

**PAUL WOMACK (R)**

**PLACE 4 CANDIDATE**

**Answer 1:** Judge Paul Womack seeks reelection to the Court of Criminal Appeals. He was elected in 1996 and 2002. He was the First Assistant District Attorney in Georgetown, where he lives with his wife. Judge Womack has taught law school for 24 years and is a board-certified specialist in criminal law.

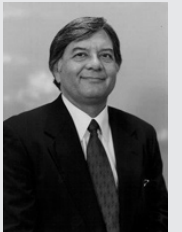
**Answer 2:** "Activist judge" may describe a judge who uses a lawsuit to decide a broad issue of public policy that could be left to the legislative and executive branches of government. This has not been a problem at the Court of Criminal Appeals, where the issues are limited to applying the law and deciding when someone should have a new trial because of an error in his case.

**Answer 3:** Electing judges on partisan ballots has worked fairly well at the local level, where the voters can have personal knowledge of the candidates. It is less satisfactory in statewide races, where paid advertising is the main way of reaching voters.

**Answer 4:** The need to pay for advertising in statewide judicial elections is the root of this problem. Judges should not be obligated to those who make large contributions, and there should not be an appearance that a judge is obligated. For this reason, I do not seek campaign contributions, and I do not accept contributions from lawyers.

**J.R. MOLINA (D)**

**PLACE 4 CANDIDATE**



**Answer 1:** I received my BA and JD degrees, UT Austin. I have 36 years of experience as a felony prosecutor and defense counsel and have been Board Certified for 31 years. I have prosecuted and defended capital cases. I have tried some 250 jury trials and I have filed some 75 appeals.

**Answer 2:** An activist judge or judiciary group allows for deviation from standing doctrines, practices and common sense. Recently the US Supreme Court ruled that a ratified treaty binds the national government but not individual states. A Texas High Court closed the courthouse to prevent the filing of an appeal. The same court also disallowed an appeal because a team lawyer signed the papers rather than the lead attorney. The public will not accept form over substance.

**Answer 3:** Electing judges in non partisan contests would be a better method of selecting judges. Human experience teaches us that no matter the method, political partisanship would play a large part. Selection by commission and then standing for election on a retention basis is not the answer. Such an appointed or elected commission would be political at its birth.

**Answer 4:** No. Supporters of any campaign are giving first amendment money. As long as we have elections there will be contributors. Representatives to Congress and Senators and presidential candidates receive huge contributions and they are lobbied directly by these supporters. In Court the rules do not allow such lobbying and all persuasive arguments are presented in open court. The maximum contribution to judges is small compared to the aforementioned elected officials.

**DAVE HOWARD (L)**

**PLACE 4 CANDIDATE**

**Answer 1:** I was licensed to practice law in 1993, having received my JD from St. Mary's University School of Law. Since that time, I have practiced in various areas, including probate law, family law, and for the last 8 years exclusively, criminal law.

**Answer 2:** The term "activist judge" should mean someone who takes advantage of his or her position to thwart the intentions of the Constitution to advance a personal agenda. However, the term has become virtually meaningless. Conservatives accuse "liberal" judges when they interpret a law as contrary to the intentions of the Constitution. Liberals accuse conservatives of activism when they favor the economic freedom of corporations over the needs of individuals. Neither case is necessarily activist.

**Answer 3:** One would like to think that a committee which reviews the qualifications of judges would best choose the most competent individuals. However, some of the best judges I have practiced before were not necessarily the greatest legal minds, but were possessed of simple common wisdom. The voter can best choose these judges.


**Answer 4:** A judge should recuse himself if the contribution has been made during the pendency of the case. However, the only money judges usually get is going to be from attorneys familiar with them. Without these contributions, there is no election fund. If a contribution can be made anonymously, so much the better.

**CATHY CONCHRAN (R) - no response**

**PLACE 9 CANDIDATE**

**WILLIAM STRANGE, III (L)**

**PLACE 9 CANDIDATE**



**Answer 1:** I served as a Naval Officer and am a combat veteran of the Vietnam War. I hold the following degrees: BA in political science (SMU); Juris Doctor (George Washington University) and Science Masters (MIT). I have over 28 years experience as an attorney and business manager.

**Answer 2:** "Activist judges" go beyond deciding a case and exert power to change the social order. Judicial activism can advance any agenda or political philosophy. Jurists should only pursue justice for the persons before the court. Activism undermines public faith in the judiciary, subverts the legislative and executive processes and upsets the balance of power in our democracy.

**Answer 3:** Judicial selection should be a non competitive, merit based process that minimizes political and financial influences. A non partisan commission should name potential appointees who would then be subject to selection by the Governor and approval of the Legislature. Judges should serve a maximum 10 year term but should be eligible for reappointment.

**Answer 4:** A jurist should withdraw from any case where a campaign contributor appears as a litigant or counsel before that jurist. This strict standard should apply whether the contribution is substantial or minimal and should also apply to those who provide non monetary support or endorsements. Texans deserve an absolutely impartial and independent judiciary free from all special relations to certain lawyers or their clients.

# JUSTICE, COURT OF APPEALS

Six-year term. Must be at least 35 years old, a United States citizen, and a resident of Texas and the district for which he or she is seeking office. Must have been a practicing lawyer or judge for at least 10 years. Among duties: appellate jurisdiction co-extensive with the limits of judges' respective districts, which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction. Annual authorized salary \$140,000 (Chief Justice) \$137,500 (Justice)

**Question 1:**

Please describe the training and experience that qualify you for this office. (50 words)

**Question 3:**

What method of selection of judges is most likely to result in a qualified, diverse, and independent judiciary? (75 words)

**Question 2:**

What does the term "activist judge" mean to you? Does this term affect the public's perception of the judiciary? Please explain. (75 words)

**Question 4:**

Should a judge or justice recuse himself or herself from cases in which the participating lawyers, their firms, or parties to the suit have contributed substantially to the judge's or justices' election? Please explain. (75 words)

**THE 1ST COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**

Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Waller & Washington

ED HUBBARD (R)



**1ST COURT CANDIDATE, PLACE 3**

**Answer 1:** I have practiced law for nearly 25 years with large and small firms. I have represented plaintiffs and defendants, handled complex litigation throughout the country, provided litigation management for corporate clients, and managed my own law firm. I will bring to the court the perspective gained from these unique experiences.

**Answer 2:** Activist judges change the law to match their personal beliefs as to how a case should be resolved. An activist uses one or more of the following methods: 1. creating new law; 2. constricting existing law; 3. confusing existing law; and 4. ignoring existing law. Activism distorts precedents and injects politics into the judicial process, thereby de-stabilizing the development of the law. This instability weakens the public's confidence in the legal system.

**Answer 3:** The best way to select judges is through a non-partisan system, which most states have adopted in one form or another. This approach could include non-partisan elections held in odd-numbered years, or an appointment system with retention-elections (also known as the "Missouri System").

**Answer 4:** Most contributions to judicial campaigns are made because the contributors either know the candidate, or because they have a professional interest in the quality of the judicial system. Given the volume of cases handled by the courts, requiring recusal solely due to the receipt of campaign contributions would be unworkable. Current disclosure rules and contribution limits protect against improper influences on judicial decisions. The better reform would be to change the system for selecting judges.

JIM SHARP (D)



**1ST COURT CANDIDATE, PLACE 3**

**Answer 1:** My preparation spans 3 decades: -Legislation (Senate Education Committee staff; Legislative/Admin. Director to two House members)(70's); -Case law (clerk to excellent Houston firms; my own solo practice)(80's), and - Seventeen years of litigation in courthouses across Texas (since). UT-Austin (BA) and South Texas College of Law (JD).

**Answer 2:** No respect for jury verdicts; misconstruction of precedent and statutes; activist judges legislating from the bench. Judges forgetting they are no longer prosecutors but officers sworn to uphold justice evenhandedly. Be intellectually honest. No Judge should rule according to party doctrine or defer to political patrons in order to climb the judicial career ladder.

**Answer 3:** Non-partisan elections, preferably on an election day that is designated specifically and exclusively for judicial races.

**Answer 4:** Jurists should have the moral fortitude for complete impartiality no matter the circumstances. But all judges are not jurists. The Canons of Judicial Ethics prohibit even an appearance of impropriety and statutory contribution limits are further safeguards. Each justice knows her/his soul and there may be cases in which it best to recuse in order to preserve the impartiality of the proceedings and the peace of mind of all parties.

LAURA CARTER HIGLEY (R)



**1ST COURT CANDIDATE, PLACE 5**

**Answer 1:** After graduating from law school with top honors, I practiced law at Baker Botts where I was selected Special Counsel. In the last year of my first term on the Court, I have been recognized by P.O.L.I.C.E., Inc. as Judge of the Year and by Rotary as a Paul Harris ///

**Answer 2:** An activist judge bases decisions, not on the laws promulgated by the legislative branch of government, but on what the judge thinks the result or outcome should be in the underlying case. An activist judge "legislates from the bench". Voters expect their judges to make decisions based on the judge's understanding of established statutory and common law. A judge that does otherwise betrays the voters' trust and besmirches the reputation of the judiciary.

**Answer 3:** Some argue that a system of appointment and retention would de-politicize the process. That has not been the result of the federal system. Furthermore, eliminating judicial elections might prevent some qualified, less-known candidates from presenting themselves to the voters. I suggest a third system - a separate judicial ballot coincident with the general elections. This specialized ballot would retain freedom of choice for the voter, reward incumbency and also encourage voters to focus on candidate ///

**Answer 4:** Judges, when they take their oath of office, pledge to preserve and protect the law. In taking that pledge, elected judges commit to put aside any personal bias. Campaign contributions have no place in judicial decision making. In the courts of appeals, a judge must issue detailed opinions firmly grounded in the law and legal precedent. Those opinions should reflect a judge's impartiality and serve to hold the judiciary accountable.

LESLIE C. TAYLOR (D)



**1ST COURT CANDIDATE, PLACE 5**

**Answer 1:** I have been board certified in civil appellate law since 1990. I co-wrote the first edition of O'Connor's Texas Causes of Action. I have clerked at a Texas court of appeals and have represented individuals (both rich and poor) and businesses (plaintiffs and defendants) in Texas for 24 years.

**Answer 2:** When someone uses the term "activist" to describe a jurist, it tells me more about the writer or speaker than the jurist. It usually means the writer or the speaker is unhappy with the way the law is developing and changing. The law is not stagnant; nor should it be. However, change should come through the legislature and high court holdings. It is not the job of intermediate courts of appeals to change the law.

**Answer 3:** No method is perfect. Politics will always play a role. My preference is merit selection. A nominating commission should be composed of members from diverse backgrounds. Commission members should be appointed by a variety of sources. The commission should offer a "short list" of nominees to the governor, who must appoint from the list. After two years on the bench, the judge should face a "yes or no" retention election to earn a 6-year term.

**Answer 4:** As matters stand today, our courts would grind to a halt if jurists recused themselves based on contributions from lawyers and law firms. A jurist who has accepted substantial contributions from a party should not hear the case. I have not accepted and will not accept substantial contributions from lawyers or law firms. My decision to self-finance the bulk of my direct campaign expenditures is a personal choice. It should not be required.



Register and make an Informed Vote




**THE 3RD COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**

Bastrop, Bell, Blanco, Burnet, Caldwell, Coke, Comal, Concho, Fayette, Hays, Irion, Lampasas, Lee, Llano, McCulloch, Milam, Mills, Runnels, San Saba, Schleicher, Sterling, Tom Green, Travis, Williamson

**KEN LAW (R)**

**3RD COURT CANDIDATE, CHIEF JUSTICE**



**Answer 1:** Undergraduate degree (BBA), UT Austin, 1970; Juris Doctorate, Baylor Law 1973; Member, State Bar of Texas, for 35 years; practice of law, 1973-1992; admitted to practice, Western District of Texas (Federal); admitted to practice, U. S. Supreme Court; 1993 appointed Clerk, 3rd Court of Appeals; 1996 Appointed Associate District Judge, ///

**Answer 2:** "Activist judge" is a derogatory political term, created by political rhetoric, with multiple definitions. It appears to be directed to a judge to imply that the judge writes the law instead of interpreting it, which would be a judicial invasion into the role of the legislature. Like most political "buzzwords", it can be misleading and negatively affects the public's perception of the role of the judiciary. There are important differences between the three branches of ///

**Answer 3:** The constitution allows the states to choose their own system for selection of judges. The citizens of Texas have chosen an elective system based upon what they believe is most likely to result in a qualified, diverse and independent judiciary. Because I am a judge, I will not express my personal opinion on this issue as an aspect of the election system may come before the court, and I do not wish to remove myself ///

**Answer 4:** Not always. Because the citizens have chosen an elective system, which by necessity compels a judicial candidate to accept donations, it is generally impossible for a judge to always recuse if a party or attorney in a case before the judge has donated to the judge's campaign. A judge who is true to conscience and the judge's oath knows when basic human prejudice has overcome impartiality and it is time to step aside. If ///

**WOODIE JONES (D)**

**3RD COURT CANDIDATE, CHIEF JUSTICE**

**Answer 1:** I was a Third Court of Appeals justice from 1988-2000. In a 1999 Bar Association survey evaluating 36 federal, state, and county judges, I was the highest-rated judge on the entire survey. In the State Bar's 2008 "Bar Poll," I was the preferred candidate of 85% attorneys.

**Answer 2:** Originally, the phrase "activist judges" was used to refer to judges who would ignore or twist unambiguous constitutional or statutory language to reach a desired political result. But in recent years it has been casually thrown around by politicians, often referring to any decision with which they disagree. As the accusation has become more widespread, the public has begun to view-incorrectly-the judiciary as filled with result-oriented judges willing to disregard the law.

**Answer 3:** Partisan election forces judicial candidates to choose a "constituency," exactly the opposite of the impartiality a judge should exhibit. Moreover, political party affiliation has essentially no relevance to a judge's performance on the bench. Nonpartisan election is better, but still requires fundraising, most often from lawyers, which can create the appearance of partiality. Merit-based appointment with periodic retention elections, while also imperfect, is most likely to result in a qualified, diverse, independent judiciary.

**Answer 4:** At least as to contributions from lawyers and law firms, it would not be practical to require recusal. For example, what if you had a judge who was so respected and so fair that every lawyer and law firm contributed substantially to her reelection campaign? Requiring recusal would mean that the area's best judge could not hear any case. The current system of selecting judges is deeply flawed, but requiring recusal is not the answer.


**THE 4TH COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**

Atascosa, Bandera, Bexar, Brooks, Dimmit, Duval, Edwards, Frio, Gillespie, Guadalupe, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Mason, Maverick, McMullen, Medina, Menard, Real, Starr, Sutton, Uvalde, Val Verde, Webb, Wilson, Zapata, Zavala

**ANN COMERIO (R) - no response** **4TH COURT CANDIDATE, CHIEF JUSTICE**

**CATHERINE STONE (D)**

**4TH COURT CANDIDATE, CHIEF JUSTICE**



**Answer 1:** I have served as a justice on the Fourth Court since 1994 and have written nearly 2,000 legal opinions during that time. Before joining the Court I practiced law for 12 years, specializing in civil litigation and appeals. I am Board Certified as a specialist in civil appellate law.

**Answer 2:** "Activist judges" base their rulings on the outcome they desire rather than on the relevant law. During my 25 years in the legal profession, I have never met a judge whose rulings completely ignore the law that applies to a case. Regardless of whether activist judges actually exist, if the public believes they do, their respect for the judiciary is diminished.

**Answer 3:** The present method of electing judges cannot ensure selection of a qualified and diverse judiciary because there are too many random variables. A bi-partisan commission to review judicial applicants and make recommendations to the governor might better reach the goals, but at the cost of voter participation. I prefer non-partisan elections at a time other than the general election with increased information provided to the voters, perhaps in the form of detailed voters' guides.


**Answer 4:** No, not necessarily. The current system requires judges to exercise independent judgment, regardless of contributions. Sometimes contributions arrive and the judge is unaware that a case involving the contributor will be assigned to the judge. Nonetheless, a large contribution from an interested party in the midst of trial or right after presentation to an appellate court does not appear to the public to be appropriate, so it is best for judges to avoid those contributions.

**THE 5TH COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**

Collin, Dallas, Grayson, Hunt, Kaufman, Rockwall

**MARY MURPHY (R)**

**5TH COURT CANDIDATE, PLACE 3**



**Answer 1:** 36 years in law, from word processor to district judge; 17-year law practice handling motions, trials, and appeals; almost eight years as district judge, hearing over 1,000 motions and trying approximately 200 jury and non-jury cases; a record of fairness, equal access, and applying the law as written.

**Answer 2:** "Activist judges" are judges who disregard or create the law to reach desired results. Judges take oaths to uphold the Constitution and the laws of the state. They must apply the law regardless of personal feelings and without fear of criticism. Activist judges who disregard their duty, create a public perception that justice can be bought or swayed by special interests. The result is the loss of an independent judiciary and the balance of government.

**Answer 3:** Voters need access to information to make informed decisions. Judicial fundraising must be eliminated. Judicial qualifications should be first pre-screened by a non-partisan, diverse group committed to an independent judiciary. Selection should be made by voters apart from general elections and individual votes must be cast. If appointments are made, such selection should be reviewed by voters with the ability to approve or disapprove the selection or performance.

**Answer 4:** Until we have a better system for electing judges, contributions from lawyers and law firms are not unusual and are necessary to raise sufficient funds to campaign. When that level of contribution exceeds imposed fair limits or comes at a time when key issues are pending before the judge, recusal is the best choice to avoid any appearance of impropriety. Caution is necessary because judges do not always know that inappropriate contributions have been made.

## Court of Appeals, continued

DON CHAE (D)



### 5TH COURT CANDIDATE, PLACE 3

**Answer 1:** My training and experience include acquiring a PhD(a big asset for an appellate judge), college teaching for 10 years, private practice of law for 16 years, and 12 years judicial experience as a Dallas municipal judge. I am fair and impartial as well as wise, humble, patient, and compassionate.

**Answer 2:** An “activist judge” often has a negative connotation, and critics may perceive him as a judge that goes outside of his bounds. This term is sometimes maliciously used to attack a most competent judge. But no law legislated can foresee every aspect of a fact situation. Interpreting the law involves making the law, which was the common law tradition. In a criminal case, however, no judge can create a law to make an act punishable.

**Answer 3:** Notwithstanding all drawbacks in the Texas system of a partisan judicial election, I believe the Texas system is more likely to produce a qualified, diverse, and independent judiciary. The judges must be held accountable to the people. Judicial independence is better achieved by an election system. A partisan election is a better system, because a candidate’s party label can indicate at least part of the candidate’s judicial philosophy.

**Answer 4:** Although the Texas law tries to curb the unlimited and unfair growth of the campaign funds, I still believe the limits on the campaign contributions do not go far enough. No judicial candidate should be allowed to receive more than \$2,000 from a non-lawyer contributor, nor more than a token amount(\$200) from a lawyer or law firm. The issue of a judge’s recusal because of a lawyer’s substantial contribution will become moot.

DAVID BRIDGES (R)



### 5TH COURT CANDIDATE, PLACE 6

**Answer 1:** I was elected Justice by the citizens of Dallas, Collin, Hunt, Kaufman, Grayson and Rockwall in 1996 and re-elected in 2002. I have written over 1200 opinions. I have a broad background. As First Assistant State Bar of Texas I disbarred unethical lawyers. I am Board Certified in Criminal Law.

**Answer 2:** The people of Texas equate the term “activist judge” with a judge who does not apply the law as established by the Texas Constitution and the State Legislature but instead makes law from the bench. An activist judge erodes confidence in the third branch of government. If a judge disagrees with the law, he should take it to the Texas Legislature and not make rulings based on his feelings.

**Answer 3:** I am proud to have served the citizens of this state for almost twelve years and to be a part of the Texas Judiciary. I believe the election system does have its flaws, but it still provides our citizens most of the time with both a qualified, diverse and independent judiciary. Elected judges sometimes turn out to be ill-suited for the bench (an activist judge) but the public can vote them out.

**Answer 4:** The first six years I served on the bench, although I had expenses, I never accepted any donations. There are strict requirements placed on Judges as to when they can ask for donations starting 180 days prior to the last filing day before an election. It is strictly regulated how much we can accept and easily recorded from whom we receive money. A judge should recuse himself if he is persuaded by any donation.

DAVID HANSCHEN (D) - no response 5TH COURT CANDIDATE, PLACE 6

KERRY FITZGERALD (R)



### 5TH COURT CANDIDATE, PLACE 8

**Answer 1:** I am the incumbent Justice on Fifth District Court of Appeals and have written hundreds of appellate decisions over many years. I am board certified in criminal law. Over 65% of cases are criminal. I have over 40 years appellate experience.

**Answer 2:** An activist judge is a judge who makes rulings in order to make the law or change legislative policy. The Legislature’s responsibility is to make law and policy. The public is entitled to judges who will examine the facts of each case before them and apply the law as it is written, fairly and impartially.

**Answer 3:** Our goal is to have qualified, capable judges with diverse backgrounds serve in an independent judiciary. While a number of alternative measures for judicial selection have been discussed, it remains the responsibility and decision of the Texas Legislature, the Governor, and the voters of Texas to determine the method of selection. Voters prefer election of judges.

**Answer 4:** Financial support of a campaign, absent other factors, would not require recusal. The Code of Judicial Conduct permits attorneys and litigants to contribute to judicial campaigns. The law imposes limitations and restrictions, and requires full disclosure. No contributor to my campaigns will ever be favored and no one who declines to contribute will ever be disadvantaged. I am committed to impartiality and fairness.

TINA YOO (D) - no response 5TH COURT CANDIDATE, PLACE 8

### THE 8TH COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:

Andrews, Brewster, Crane, Crockett, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Ward, Winkler

KENNETH CARR (R)



### 8TH COURT CANDIDATE, PLACE 3

**Answer 1:** Incumbent. Authored over 175 appellate decisions. Honors graduate, Rice University. Editor, Texas Law Review. 5th highest score of 541 on Bar Exam. Certified, Board of Legal Specialization since 1975. Listed in Best Lawyers in America annually since 1989. Listed as “Texas Super Lawyer” by Texas Monthly since inception of award.

**Answer 2:** “Activist judges” decide cases based on what they believe the outcome of the case should be, rather than on the language of the Constitution or relevant Statute. When they do so, they are acting as legislators, not judges. As appellate judges, we have the opportunity and obligation to explain in writing the bases for our decisions. When we do so well, we make it impossible for the charge of “activist” to stick.

**Answer 3:** This question is better addressed to legislative candidates, since only they can change the status quo. That said, Texans have made it clear that they want to continue to be able to elect their judges. However, candidates should not run on partisan ballots. Judges must never act as Republicans or Democrats when make judicial decisions.

**Answer 4:** No blanket rule can apply, because there is no clear definition of “substantially.” The Judicial Campaign Fairness Act, to which I voluntarily subscribe, puts reasonable limits on the amounts a justice can accept from lawyers or law firms. Furthermore, in El Paso, judges are personally acquainted with most of the lawyers who argue in our courts. We should, and I do, voluntarily recuse myself if there is any reasonable question about the appearance of impropriety.

### INFORMED VOTERS KNOW:

#### STUDENT VOTERS

If students consider their parents’ address to be their permanent address, they may use that address as their voter registration address. However, if they would like to register to vote at their college address, they may do so. Students cannot be registered at both places. The general rule of thumb is that wherever the student claims residency, that is where they should be registered to vote. Students who will be away from home on Election Day and during early voting may request a ballot by mail.

#### MOVING

After moving, notify the county voter registrar in writing of your new address. You should transfer your registration to your new address as soon as possible. You may return to your previous precinct to vote until your registration is transferred, provided you still live within the boundaries of the entity conducting the election. If you move from one Texas county to another, you must re-register in the county of your new residence. You may be eligible to vote a limited ballot for 90 days after you move if your new registration is not yet effective. However, the limited ballot is available only during early voting, not on election day.

**8TH COURT CANDIDATE, PLACE 3**

**GUADALUPE RIVERA (D)**

**Answer 1:** 23 years judicial experience presiding over thousands of civil, criminal and family law cases including over 450 jury trials and five capital murder trials. As an Associate Judge I presided over thousands of family law cases. I have written and lectured on the law at legal seminars sponsored by the ///

**Answer 2:** An activist judge is one who operates from the bench to bring about change. A judge's responsibility is to hear and decide matters while being faithful to the rule of law. A judge should not be swayed by partisan interest, public clamor or fear of criticism in carrying out judicial duties. Adherence to these principles promotes public trust in the judicial system while deviation from them destroys trust.

**Answer 3:** Non-partisan election of judges is the best method of selection. Requiring judges to run in partisan elections conveys the impression that judges are like all other politicians who identify with a party platform and that judges will make decisions based on things other than the facts and the law. Non-partisan election of judges by the citizens of a county or state provides a greater chance for a qualified, diverse and independent judiciary.

**Answer 4:** Unless legally disqualified, a judge must preside over cases assigned. Grounds disqualifying a judge requiring recusal are enumerated in the Texas Government Code (cases in which the judge may have an interest or there is relationship by blood or marriage with a party). Code of Judicial Conduct requires a judge to hear and decide matters assigned, to perform judicial functions without bias or prejudice and to be faithful to the law and if one cannot ///

**THE 10TH COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**

Bosque, Brazos, Burleson, Coryell, Ellis, Falls, Freestone, Hamilton, Hill, Johnson, Leon, Limestone, Madison, McLennan, Navarro, Robertson, Somervell, Walker

**REX DAVIS (R) - no response**

**10TH COURT CANDIDATE, PLACE 2**

**RICHARD FERGUSON (D)**



**10TH COURT CANDIDATE, PLACE 2**

**Answer 1:** For eighteen years I have represented individuals and businesses in the civil and criminal trial courts of Central Texas. I have filed appeals since 1992. From 2001 to 2003, I was a staff attorney at the Tenth Court researching and drafting judicial opinions, and thus there is no learning curve.

**Answer 2:** Sometimes it appears a judge is "making law," i.e., has stepped into the province of the Legislature. Our tradition, however, is for judges to "fill in" the law when the Legislature has been silent. For example, the basic law on negligence and contracts is made by judges. Also, judges are responsible for interpreting laws that are unclear. As a safeguard, the Legislature can make a law that will trump any judge-made law.

**Answer 3:** While I am hesitant to take the selection of judges outside the direct control of the people, it is difficult for voters to know the qualifications of judges. A method of appointment, preferably by an informed committee of a cross-section of the citizenry, followed by periodic referendum vote of the people might work best. After being selected first by an informed committee, then the voters could keep track of a judge's performance.

**Answer 4:** Yes, there must be the appearance of propriety in addition to actual non-bias. But I think the key word is "substantially." In my race, the maximum contribution from any "family" is \$2500, and the maximum from any law firm, including all its lawyers, employees, and their spouses, is \$15,000. These amounts are relatively low considering what it costs to run a race. The fact is that most of my contributions are between \$50 and \$500.

**THE 13TH COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**

Aransas, Bee, Calhoun, Cameron, De Witt, Goliad, Gonzales, Hidalgo, Jackson, Kenedy, Kleberg, Lavaca, Live Oak, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton, Willacy

**CAROLINE BERTUZZI (R)**



**13TH COURT CANDIDATE, PLACE 6**

**Answer 1:** I served as a Corpus Christi Municipal Judge for two years. I have been in private practice for 19 years representing both individuals and businesses in a variety of legal practice areas, including appellate law. I hold a Law Degree with Honors from the University of Tulsa.

**Answer 2:** The term "activist judges" generally refers to judges who have replaced the "rule of law" with the "rule of judges." The term affects perception of the judiciary negatively. Judges are sworn to interpret and apply the laws enacted by the legislature. Judges who change or ignore the law, or legislate from the bench, are perceived to believe their rules are superior to the laws they are duty bound to uphold.

**Answer 3:** A non-partisan election of Judges is more likely to result in an independent judiciary. Under this process of selection, Judicial candidates are listed on the ballot, but are not associated or identified with any political party. Therefore, judicial races would focus on the candidates' qualifications, experience and judicial philosophy, rather than the candidates' political affiliation. It is imperative that we elect judges who apply the law in a fair, impartial and unbiased manner.

**Answer 4:** A member of the judiciary should recuse himself or herself from cases in which those participating have contributed substantially to the judge's election in order to avoid the appearance of impropriety and to avoid eroding the confidence of the public in the integrity and impartiality of the judiciary. The public's perception that members of the judiciary are not conducting themselves in an independent and honorable manner, harms the public trust and our system of justice.

**DORI CONTRERAS GARZA (D)**



**13TH COURT CANDIDATE, PLACE 6**

**Answer 1:** I have served 5 ½ years in the position for which I am seeking re-election. I have written over 500 opinions to date while maintaining a current docket and averaging a three-month disposition rate. My opinions serve as a reasoned statement that justifies the outcome the court has reached.

**Answer 2:** Generally, "activist judges" are those that impose their personal views onto their legal reasoning. I don't believe the term affects the perception of the judiciary except among the few that understand our role. Even in those groups, the perception is in the eye of the beholder. If the reader agrees with the opinion, the judge is praised for correctly interpreting the law; if the reader disagrees, the judge may be accused of being activist.

**Answer 3:** Election of judges has, for the most part, resulted in a qualified, diverse and independent judiciary. Depending on the process utilized, appointment of judges may theoretically result in a more qualified judiciary but, I believe, a less independent one because of the allegiance the appointee is compelled to maintain to the party of the appointer. In my opinion, non-partisan election of judges would be ideal.

**Answer 4:** No. Lawyers contribute to campaigns because they have a vested interest in having a competent, fair judiciary. Recusal would result in inefficiency because some lawyers/law firms contribute to many judges. Judges are sworn to uphold the law with fairness and impartiality, without regard to their source of campaign funding. If they fail to do so, they should be replaced. Depending on the circumstances, recusal may be warranted when a party makes a substantial contribution.

**INFORMED VOTERS KNOW:**

**EARLY VOTING IN PERSON**

Any registered voter may vote early by personal appearance at any early voting location in their county. Check with your county clerk or elections administrator for early voting times and locations. Early voting days for this elections are October 20 through October 31.

**EARLY VOTING BY MAIL**

Only specific reasons entitle a person to vote early by mail (no longer called absentee voting). You may request a ballot by mail if you will be away from your

county on election day **and** during the hours of early voting, are sick or disabled, are 65 or older on election day, or are confined to jail.

Request an Application for Ballot by Mail (ABBM) from the early voting clerk in the county where you are registered, or download the form from Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us). The completed form must be received by mail or fax by **October 28, 2008** (postmarks don't count). County elections addresses and fax numbers are also available on the SOS website.

A ballot will be mailed to you, and you must return your completed ballot to your county elections department by **7PM on election day, November 4** (received, not just postmarked, and no faxes are allowed).

**Court of Appeals, continued**

**THE 14TH COURT OF APPEALS SERVES THE FOLLOWING TEXAS COUNTIES:**  
Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Waller, Washington

**ADELE HEDGES (R)**



**14TH COURT CANDIDATE, CHIEF JUSTICE**

**Answer 1:** I've been a licensed attorney since 1974, having graduated summa cum laude from UH Law Center. I've been an appellate judge since 1992 and Chief of the Court since 2003. I've authored three Texas litigation and trial practice guides and served as Chair of the Texas Council of Chief Justices.

**Answer 2:** "Activist judges" are those who go beyond the interpretation of the law and begin legislating from the bench. As such, they misinterpret the role of the judiciary and invade the province of the legislative branch. Their actions represent a perversion of the tripartite system of government.

**Answer 3:** Each method of selection of judges has its advantages and disadvantages. I prefer to leave it to the voters and the legislators to select the best method of judicial selections, since it is their province to make that decision.

**Answer 4:** Judges are called upon to put aside their personal biases and make decisions based upon the law, not prejudice and favoritism. Judges have a variety of associations with a great many lawyers who practice before them. Judges should not concern themselves with whether they rule in favor of, or against, any lawyer. Their only concern should be whether a ruling is firmly grounded in the law and legal precedent.

**JOE BEVERLY (D)**



**14TH COURT CANDIDATE, CHIEF JUSTICE**

**Answer 1:** I have handled more than 50 trials and appeals in courts all across Texas and have represented clients ranging from large corporations to small business owners to individuals. I am board certified in Civil Appellate Law and served as briefing attorney for the Court of Criminal Appeals.

**Answer 2:** Activist judges are those that pursue their own personal political agendas from the bench rather than enforcing and fairly interpreting the law as applied to the facts. As we have seen over the last 12 years with the cutting back of individual rights and liberties and the distrust of trial by jury, activist judges are not confined to one ideology or one political party.

**Answer 3:** Judges like any other public official, must be accountable to the citizens of Texas. Judges protect our rights and liberties by being independent, honest and fair. Independent judges that protect the rights of Texas citizens are the bedrock of our democracy. Texas voters provide the ultimate check on an out of control judiciary and insure its independence.

**Answer 4:** A judge should not be influenced by political contributions. However, it is unrealistic to expect that all judges can completely disregard large contributions. A judge should absolutely recuse himself or herself when a party to a suit has made a substantial contribution to his or her campaign. However, most contributions come from attorneys and firms. Judges should weigh the significance of those contributions against the appearance of impropriety or bias and act accordingly.

**JEFF BROWN (R)**



**14TH COURT CANDIDATE, PLACE 4**

**Answer 1:** I served six years as a highly rated district judge before going to the court of appeals. I am board certified in Civil Trial Law and write frequently for legal journals. After graduating law school with high honors, I served as a briefing attorney at the Texas Supreme Court.

**Answer 2:** Judges are activist when they allow their own opinions of what the law should be override their duty to interpret the law as it actually is. Judges and judicial candidates who want to make law should run for the legislature instead. Judicial activism undermines judicial independence because it calls into question whether the judiciary should be independent. It builds a perception that judges regularly abuse their power. Good judges understand their role and practice restraint.

**Answer 3:** I believe we should adopt an appoint-and-retain system. The voters would be able to remove underperforming judges, but good judges would not be swept from office by straight-ticket votes. That does not mean our current system has not produced a qualified, diverse, and independent judiciary. The judges on the bench in Texas are well-qualified and more diverse than ever. But they should be independent of the vagaries of straight-ticket voting.

**Answer 4:** Campaign contributions have no place in judicial decision making. When they take their oath of office, judges pledge to make decisions based on the law, not prejudice and favoritism. On the court of appeals where I serve, judges must demonstrate that their decisions comport with the law and legal precedent by issuing detailed written opinions. The soundness of those opinions is evidence of the judges' fairness and impartiality. They serve to hold the judiciary accountable.

**BERT MOSER (D)**



**14TH COURT CANDIDATE, PLACE 4**

**Answer 1:** Honor graduate Rice, UT Law, Certified Specialist: Civil Appellate Law 1991-date; Criminal Law 1978-1993; Appellate counsel-100 cases in every legal area, 40 published opinions; Wide ranging trial and arbitration experience; Highest peer review rating; Teacher, author; Writing that is understandable and not boring.

**Answer 2:** Originally a phrase used by Democrats to describe judges who overturned laws to improve working conditions. Has become a Republican code term to disparage opinions they disagree with by judges who take an expansive view of the Bill of Rights and the individual's use of the courts for legal redress. Designed to convince the public that these opinions are based not on law, but only on the judge's personal philosophy.

**Answer 3:** Judges should not be politicians or fund raisers, as they have become under the Texas system. Elections put a premium on name identification purchased by contributions and discourage able lawyers from seeking judgeships. A better approach is appointment of lawyers deemed by their colleagues to be highly qualified. Appointments should be for limited tenure. Life terms make judges too distant from the real lives of litigants.

**Answer 4:** The ethics rules do not require recusal for the sole reason that lawyers or parties appearing before the judge have contributed to his campaign. That is because an elected judiciary requires that candidates raise money. And much of that money inevitably comes from lawyers who know the judge personally or are familiar with the court. But a judge should always recuse himself if any relationship to the lawyers raises the appearance of impropriety.

**BILL BOYCE (R)**



**14TH COURT CANDIDATE, PLACE 6**

**Answer 1:** Before becoming an appellate justice in 2007, I practiced appellate law for 18 years with Fulbright & Jaworski. I have been board certified in Civil Appellate Law since 1994. I argued more than 60 appeals in courts throughout Texas and across the country, including the U.S. Supreme Court.

**Answer 2:** The "activist" label is most likely to be attached when there is a belief that a particular decision or ruling exceeds the boundaries of a court's authority. Especially in the circumstance of an intermediate appellate court, there must be sensitivity regarding the limits of such a court's authority. An intermediate appellate court should apply the existing body of law to the specific facts and circumstances of a particular case.

**Answer 3:** No selection method is perfect. Elections have the advantage of giving citizens a direct voice in the selection of judges who preside over their cases and affect their lives. My own example demonstrates that highly experienced and qualified attorneys will participate in the election process. The features of a pure appointment process must be balanced against the delay and periodic gridlock that have arisen at times in the process for appointing federal judges.

**Answer 4:** Widespread recusal is not warranted and would threaten to interfere with courts' ability to function. Any erroneous perception of judges and the judiciary among members of the public can be countered by the hard work and conscientious service of judges who pledge to be fair and impartial, and then demonstrate their commitment to that pledge in the way they perform their work and fulfill their duties on the bench.

**MARY MARKANTONIS (D) - no response**

**14TH COURT CANDIDATE, PLACE 6**

**KEM THOMPSON FROST (R)**



**14TH COURT CANDIDATE, PLACE 7**

**Answer 1:** In 9+ years on the bench, I've ruled on 1000+ cases and authored hundreds of published opinions. I've been certified in Appellate Jurisprudence (TCJS) and elected to the American Law Institute. Before becoming a judge, I practiced for 15 years with two major firms, earning the highest possible peer-review rating.

**Answer 2:** "Activist judges," whether liberal or conservative, go beyond their appropriate powers and engage in making law and not merely interpreting it. Judges should exercise judicial restraint, applying laws as written and leaving changes to the legislature. The public expects legislatures to make laws and courts to apply those laws as written. When judges exceed this role, public confidence in judges is diminished; when judges stay within the boundaries of their authority, public confidence is strengthened.

**Answer 3:** The federal system, with lifetime appointments, is lauded as achieving these goals. Judicial selection, however, is a complex and multi-faceted issue. Each system has advantages and disadvantages. Texans feel strongly about electing their judges; when given opportunities to change our current system, Texans have chosen not to do so. Preserving the independence of the judiciary and promoting public confidence in the impartiality and competence of our judges should be the hallmarks of any selection system.

**Answer 4:** Judicial campaign funding is an unavoidable part a system with an elected judiciary. Though laws limit amounts and require disclosure of campaign contributions, this aspect of our system is criticized because giving/accepting campaign contributions can give rise to negative perceptions of judges. A judge must recuse in those rare situations when the particular facts and circumstances warrant recusal; a judge is duty-bound to hear and decide matters when they do not.

**MARTIN SIEGEL (D)**

**14TH COURT CANDIDATE, PLACE 7**

**Answer 1:** Harvard Law School, cum laude; federal appellate law clerk; associate at a national law firm; Assistant United States Attorney; staffer, U.S. Senate Judiciary Committee; extensive appellate experience in state and federal courts in Texas and elsewhere as a government lawyer and in private practice; frequently published legal author.

**Answer 2:** "Activist" is a pejorative directed at judges claimed to elevate personal preferences over the law. Because all sides now use the term to describe all sorts of decisions, it is losing much of its meaning, though it probably does lower the public's perception of judges. Decisions must always be based on the law, not personal views. But while fairly criticizing judges, we should strive to avoid politicizing the legal process and compromising judicial independence.

**Answer 3:** Judicial elections have some strengths. They promote public accessibility to judges and candidates during the campaign season and are an easier way to remove judges who have committed misconduct. But, on balance, I believe a system of nonpartisan, publicly financed or retention elections – or an apolitical, merit-based appointment system – would most effectively convince the public that our courts are free of improper influence and yield qualified, diverse and independent judges.

**Answer 4:** Given how many lawyers contribute, a blanket rule is probably infeasible and would make it harder to assemble panels of judges able to hear cases. Recusal should be considered more strongly as to parties, since non-lawyers contribute to judicial races less frequently. Above all, judges must act with integrity and not to please supporters. I will strongly consider recusal where my relationship with the contributors and others might raise any reasonable doubt about my impartiality.

**UNOPPOSED CANDIDATES**

**BILL MEIER (R), Justice, 2nd Court of Appeals, Place 2**

**TERRIE LIVINGSTON (R), Justice, 2nd Court of Appeals, Place 7**

**JACK CARTER (D), Justice, 6th Court of Appeals, Place 3**

**BRIAN QUINN (R), Chief Justice, 7th Court of Appeals**

**DAVID WELLINGTON CHEW (D), Chief Justice, 8th Court of Appeals**

**STEVE McKEITHEN (R), Chief Justice, 9th Court of Appeals**

**RICK STRANGE (R), Justice, 11th Court of Appeals, Place 2**

**JIM WORTHEN (R), Chief Justice, 12th Court of Appeals**

**STATE BOARD OF EDUCATION**

Four-year terms. Must be at least 26 years old, a citizen of the United States, a resident of Texas for at least 12 months, a district resident for at least 12 months, and a registered Texas voter. Composed of 15 members elected from roughly equally populous State Board of Education districts, the Board adopts rules and establishes policies that govern a wide range of educational programs and services provided by Texas public schools. The Board establishes goals for the public school system and adopts and promotes four-year plans for meeting those goals. Annual authorized salary: none

**Question 1:**  
Please describe the training and experience that qualify you for this office. (50 words)

**Question 2:**  
What are the most pressing public education issues facing the State Board of Education, and how would you address them? (75 words)

**Question 3:**  
How can you, as a member of the State Board of Education, help the increasingly diverse student population of Texas achieve success in education, in careers, and in civic participation? (75 words)

**Question 4:**  
When the State Board of Education considers revisions to the science curriculum in Texas, what will be your position on the current requirement that evolution be taught as science? (75 words)

**THE 2ND DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Aransas, Calhoun, Cameron, Goliad, Hidalgo, Jackson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton, Willacy

**PETER JOHNSTON (R)**



**DISTRICT 2**


**Answer 1:** My background includes a history degree from Cornell University, a law degree and work in education and law. I graduated from an excellent public school and am a former teacher and school administrator. I have two children in our local public school where my wife serves as a substitute teacher.

**Answer 2:** The State Board needs to work cohesively to establish policy and provide leadership that emphasizes local control, motivates teachers to excel in their profession, motivates students of all ethnic and economic backgrounds to excel in character and critical thinking skills and encourages parental involvement and choice. Civics reflecting our rich cultural heritage must accurately and passionately be taught to help students make wise decisions today to best assure cultural growth amidst demographic change for tomorrow.

**Answer 3:** Teachers need to be supported with resources in the classroom to promote academic excellence. Students of all backgrounds need good role models. Local community volunteer mentoring programs such as Big Brothers Big Sisters and Dallas-based National Church Adopt a School Initiative have successfully assisted students in education, careers and civic participation. Local mentoring programs assist schools, help students and can transform communities.

**Answer 4:** My background includes history, education and law. I am a strong proponent of critical thinking skills and the importance of evidence. Science requires objectivity. Strangely, the history of science suggests that the scientific status quo typically rigorously resists new models which, ironically, are essential to continued scientific advancement. Students need and deserve to hear both strengths and weaknesses of various scientific theories including evolution and, as has been stated, "let the fittest theory survive."

**MARY HELEN BERLANGA (D)**



**DISTRICT 2**

**Answer 1:** I have served on the State Board of Education (SBOE) since I was first elected in 1983. I represent District 2 (15 counties) which stretches from as far north as Wharton County to the Mexican border in the Rio Grande Valley. In my capacity as board member I have learned ///

**Answer 2:** The most pressing issue is how the board is being run by a majority of individuals with a very narrow social conservative agenda. This group has ignored the work and contributions of our teachers in the field and has decided they know what is best for students. They have rejected the input from Texas English teachers whose testimony is overwhelmingly supported by research. They started by revamping the English Language Arts and Reading Curriculum to ///

**Answer 3:** I have always been very conscious of the changing demographics in our state. I believe in helping all children succeed including the “at risk” and “disadvantaged” children in our schools. We can help these students by setting policy that will advance their education taking into consideration the variety of learning styles presented by the diversity in our student population. All children can learn, but you must be able to involve the child in the educational ///

**Answer 4:** I will support what the overwhelming body of research supports and that is to teach evolution in our science books. I will not support the placement of “creationism” or “intelligent design” in our science books. I have received letters from various religious leaders who have urged me to leave the teaching of religion to them and that the SBOE address the pressing educational issues in our public schools.


**THE 6TH DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Harris

**TERRI LEO (R) - no response**

**DISTRICT 6**

**MARY ANN BRYAN (L)**



**DISTRICT 6**

**Answer 1:** I have many years of experience watching public schools fail our children. This experience has given me the determination to fight for private education, not government schools. I will not accept that the answer to failed public schools is more money and more state control.

**Answer 2:** The most pressing issue is the terrible quality and the absurdly high cost of government-run education. I would try to help reduce this problem by returning as much power to local districts as possible. I would try to ease or eliminate curriculum requirements, spending mandates, and testing mandates. I understand that the real answer is legislative reform to create school choice and reduce the power of the public school industry.

**Answer 3:** Unfortunately there’s not much I can do directly, because the real answer lies in school choice and the benefits of free-market-based education. Possible the best thing I can do is use the high profile of this office to advocate for legislative reforms. The activities of the SBOE are mostly like rearranging the deck chairs on the Titanic.

**Answer 4:** It’s terrible that the State Board of Education even has to consider this question. Unfortunately, one-size-fits-all government school systems always result in this kind of vicious battle. I will vote that this question be left up to local school districts to the greatest extent possible. I will also advocate for legislative changes to allow parents to education their children in accordance with their beliefs and desires.


**THE 7TH DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Brazoria, Chambers, Galveston, Harris, Jefferson

**DAVID BRADLEY (R) - no response**

**DISTRICT 7**

**LAURA EWING (D)**



**DISTRICT 7**

**Answer 1:** Training: •Bachelor’s: Secondary Education •Master’s: Educational Leadership •Extensive additional training in how children learn, educational politics and finances; Experience: •24 years teacher •10 years specialist working with teachers, librarians, character education programs, textbook adoption, staff development •5 years on Friendswood City Council

**Answer 2:** SBOE needs to: •Address the increasing drop-out rate •Prepare students for the 21st century •Ensure responsible investment of the \$25 billion Permanent School Fund for our children’s educational future; I will: •Promote more vocational courses for graduation •Consult with experts and study relevant research before making decisions •Ensure that all courses have specific, rigorous, and relevant curriculum standards •Make reasonable decisions that will respect and support the teachers’ ///

**Answer 3:** By including a greater variety of courses for graduation credit, the SBOE can better meet the diverse needs of the student population. Non-English speaking students need opportunities to learn English while studying the required subjects. Students who are not college-bound need additional class options with rigorous standards that will prepare them for the work world. Courses also need to include standards that prepare students for civic responsibilities through authentic learning experiences.

**Answer 4:** As a parent and a person of faith, I want public schools to prepare our children to succeed in the 21st century. That means public schools should teach accurate, scientific accounts of the theory of evolution. Schools should also respect the freedom of families and congregations to educate their children about their own religious beliefs regarding creation. Public schools have no business deciding whose religious beliefs to teach in science classes.


**RICHARD JOHNSON (L) - no response**

**DISTRICT 7**

**THE 8TH DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Angelina, Bowie, Cass, Gregg, Hardin, Harrison, Jasper, Liberty, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Trinity, Tyler

**BARBARA CARGILL (R)**



**DISTRICT 8**

**Answer 1:** An undergraduate degree in education from Baylor University and a Masters of Science in Science Education degree from Texas Woman’s University are assets to my SBOE position. However my role as a mother to three sons in public school and my work as a science educator are the best qualifiers!

**Answer 2:** The SBOE has authority over approving curriculum standards and adopting textbooks. Our students and teachers need clear, concise, measurable standards and quality textbooks. Providing what our students need to attain postsecondary success in college or in the work place is a top priority for me. The Legislature has wisely encouraged rigor in the classroom. Strong conservative votes such as mine send a clear message-- inferior curriculum standards and textbooks are not acceptable in Texas!

**Answer 3:** It is my goal to provide all students with a quality education. I will continue to uphold my strong conservative stance on issues such as academic rigor, college and workforce readiness, and parental involvement. As the mother of an Eagle Scout, I also support character education and volunteer opportunities for students.

**Answer 4:** TEKS 3A is a current standard that I will vote to keep. It states: “The student is expected to analyze, review, and critique scientific explanations, including hypotheses and theories, as to their strengths and weaknesses using scientific evidence and information.” The scientific strengths of evolution are taught in most Texas classrooms; it is my position that its weaknesses must also be presented. Discussing both sides of the debate better prepares our students for post-secondary pursuits.

**KIM STROMAN (L) - no response**

**DISTRICT 8**

**THE 11TH DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Ellis, Johnson, Parker, Tarrant

**PATRICIA HARDY (R) -**

*no response*

**DISTRICT 11**

**BRUCE BECKMAN (L)**



**DISTRICT 11**

**Answer 1:** I am a parent of an elementary school student and will represent the voice of the parents. In addition, I have spent the majority of my career working for multinational companies and have witnessed firsthand the challenges our students are going to face in the global workplace.

**Answer 2:** Today's students will have to be able to compete in the global marketplace and in that reality, a student's score on a TAKS test is meaningless. We need to give our teachers the ability to teach our students a curriculum that is applicable to the real world and then go to the next level and teach our students how to apply it in the real world.

**Answer 3:** By promoting curriculum that prepares all students in Texas to be more competitive in the job marketplace, whether they choose to attend a university, technical school, trade school, or none of the above, we can prepare students from all backgrounds to achieve success.

**Answer 4:** I believe in the separation of church and state, as well as the separation of science and state. The public educational system should not be used for political and ideological disputes. The State should strive to remain neutral. The State of Texas should provide a school choice voucher program for parents who wish to send their child to a school which teaches a curriculum that meets the needs of their family.

**THE 13TH DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Dallas, Tarrant

**CINDY WERNER (R)**



**DISTRICT 13**

**Answer 1:** Parent of seven children who have attended public schools, their needs ranged from autistic to merit scholars. Retired public school teacher (spouse). School board trustee working to obtain my Master Trustee certification. Former PTA officer. Education advocate, coordinated after school programs and coordinating an education summit to decrease dropout rates.

**Answer 2:** Aside from unfunded mandates that are passed onto school districts, dropout rates and career opportunities are most pressing. To help decrease the dropout rates legislation should be encouraged to create more programs that would focus on retention and re-entry. Not all of my children went to college and creating more school programs geared towards industries that are growing in Texas that do not require a college education will help with decreasing dropout rates.

**Answer 3:** As a school board trustee with an increasing growing diverse population in our district, I have taken courses that focus on educational opportunities and best practices that have improved educational, career and civic participation of the diverse student population. These courses have taught me that the primary focus should be an immersion of the English language. Increasing these programs will provide greater opportunities in education, careers and civic participation.

**Answer 4:** As a member of the State Board of Education it is our duty to follow the directions given to us by our legislators. In the review process of these textbooks I would, listen to recommendations, review and vote for textbooks that provided the strength and weakness of the subject of evolution.

**MAVIS BEST KNIGHT (D) -**

*no response*

**DISTRICT 13**

**THE 14TH DISTRICT OF THE SBOE IS COMPOSED OF THE FOLLOWING TEXAS COUNTIES:**

Archer, Bell, Bosque, Brown, Clay, Comanche, Cooke, Coryell, Denton, Eastland, Erath, Grayson, Hamilton, Hill, Hood, Jack, Lampasas, McLennan, Mills, Montague, Palo Pinto, Somervell, Stephens, Wichita, Wise, Young

**GAIL LOWE (R)**



**DISTRICT 14**

**Answer 1:** I have served six years on the State Board of Education. Prior to that, I was a local school board trustee. As a longtime classroom volunteer, I worked with students struggling in reading and math. My children attend public school, so I understand the challenges of our education system.

**Answer 2:** College and workforce readiness of Texas' high school graduates has become a growing priority. As a State Board of Education member, I have helped strengthen the graduation requirements and curriculum standards to ensure that what is being taught in public schools sufficiently prepares students for their post-secondary pursuits. Texas schools should produce well-educated students, and our curriculum should support strong academic content and skills for the competitive marketplace.

**Answer 3:** State Board of Education members must continue to identify the types of academic courses, knowledge and skills that have proven necessary for success and then hold schools accountable for teaching these elements to their diverse student populations. All students, regardless of their ethnic or economic background, will benefit from a well-rounded education that also teaches them a good work ethic, personal responsibility and civic participation.

**Answer 4:** Evolution continues to be a prevailing theory in science. For almost 20 years Texas has required high school biology students to learn about evolution and the strengths and limitations of this theory. I support that position.

**EDRA BOGLE (D)**



**DISTRICT 14**

**Answer 1:** B.A. University of Northern Iowa, majors in Education, Library Science; M.S. Columbia University, Library Service; Ph.D. University of Southern California, Comparative Literature. Assistant Librarian Frostburg STC, Maryland; Oregon College of Education, Monmouth; Education Librarian, Associate Librarian/Public Services, University of Southern California; Associate Professor of English, University of North Texas, 1968-2002.

**Answer 2:** a. Less emphasis on fact-based testing, such as the TAKS. b. Local control, taking local conditions into account--coordination, not dictatorship, from the SBOE. c. Real sex education, not "Abstinence only," to stop Texas from having the highest rate of teen pregnancy in the country. d. Real science, not religion, in biology classes (see #4 below for details). e. Teacher consultation on textbooks and curriculum; following state law about publicly stating reasons for rejecting textbooks.

**Answer 3:** Real education cannot be measured by how many facts a child has memorized. Facts must fit into a broad framework of understanding so they may be used for creative thinking. "Teach to the test" is the motto of too many school districts; they drill heavily on test-taking strategies; anything not tested is eliminated from the curriculum. Learning should be enjoyable even if unrelated to one's job, but an essential qualification for a good job today.

**Answer 4:** "Theory" in science means a coherent group of propositions forming the principles of that science; evolution is theory only in that sense. Evidence can be seen in fossils, mutations, even bacteria adapting to new drugs. The Supreme Court ruled Creationism cannot be required in h.s. biology because it "impermissibly endorses religion; "Intelligent Design" is similarly religious. Our students' science scores are below those of children abroad; we dare not let our schools fall further behind.

**JOHN SHUEY (L)**



**DISTRICT 14**

**Answer 1:** In addition to teaching for three years post college, I have been closely involved in the education of our three children...including a number of years of volunteer activity in their schools. I am now retired from a successful career in business management.

**Answer 2:** Education in Texas is a virtual train wreck, and the only solution being offered is to add yet another carload of cash to the train. Members of the SBOE must become advocates for new concepts in funding and organizing our public schools. Einstein's definition of insanity is the best description I can think of for the complete disaster state leadership has made of education in Texas.

**Answer 3:** The key to improvement is a dramatic increase in expectations. For too long we have made excuses for poor performance and that must stop. Math, reading, and the sciences must be strengthened and "living skills" in areas such as personal finance, social skills, and civics need to be re-emphasized.

**Answer 4:** Evolution is not only the foundation of modern biology, it may well be the single most important scientific discovery ever. As such it deserves far more than the cursory mention it gets in most Texas classrooms today. I oppose any attempt to confuse students through the introduction of pseudoscience or unfounded claims of weakness in evolutionary theory.

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- Galveston Area
- Houston Area
- Irving
- Johnson County
- Kerrville Area
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- Plano/Collin County
- Richardson
- San Antonio Area
- San Marcos Area
- Sherman/Grayson County
- Tarrant County
- Tyler/Smith County
- Victoria
- Waco Area
- Wichita Falls
- Wimberley Valley

For local election coverage visit one of the local Leagues listed above for information in your area at [www.lwvtexas.org/localleagues.htm](http://www.lwvtexas.org/localleagues.htm)

### HELPFUL WEBSITES:

League of Women Voters of Texas  
[www.lwvtexas.org](http://www.lwvtexas.org)

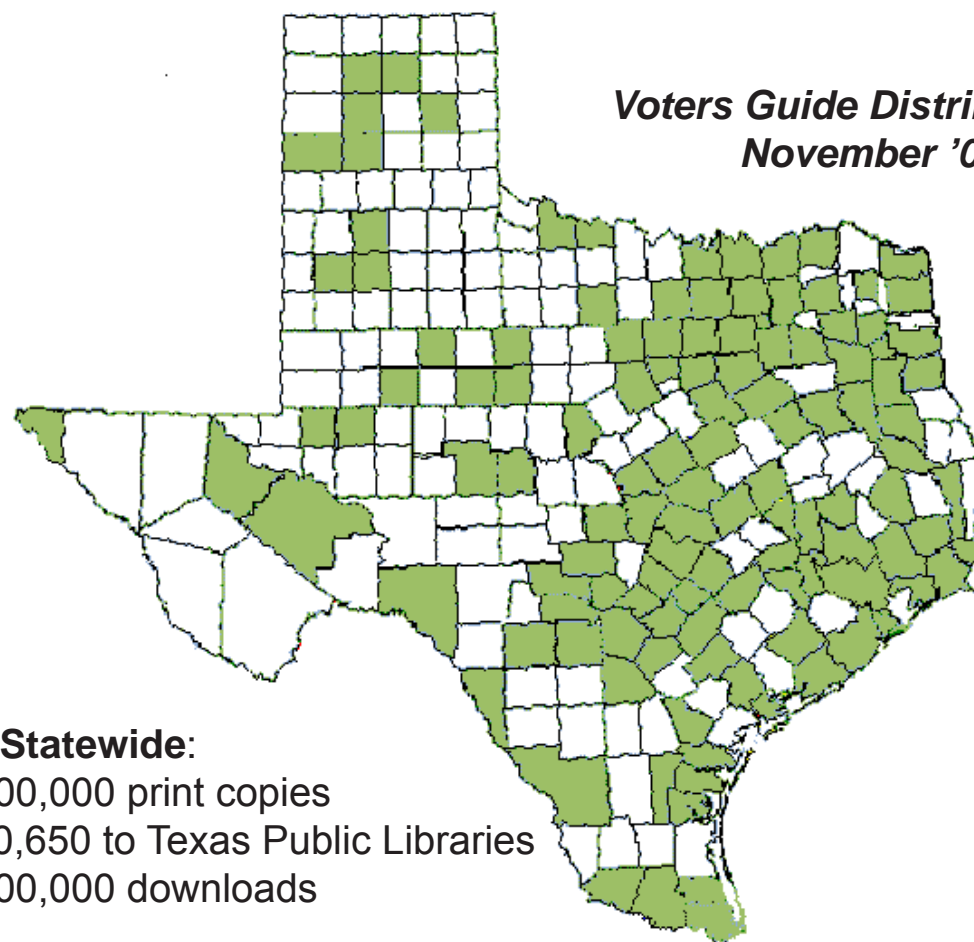
Secretary of State  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

League of Women Voters (U.S.)  
[www.lwv.org](http://www.lwv.org)

Republican Party of Texas  
<http://www.texasgop.org>

Texas Democratic Party  
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