



# Journal of the TEXAS SUPREME COURT HISTORICAL SOCIETY

Dinner Issue 2013 Vol. 2, No. 5 General Editor Lynne Liberato Executive Editor David Furlow

The Texas Supreme Court Historical Society is a nonpartisan, nonprofit organization that conserves for posterity the lives and work of the appellate courts of Texas through research, publication, preservation and education.

## Column

### Executive Editor's Page

By David A. Furlow

When judicial history is involved, justices and judges have front-row seats. Submit an article for the *Journal* and let us help you realize your vision. [Read more...](#)



David A. Furlow

## Feature

### 18th Annual Hemphill Dinner Draws

#### Record Attendance

#### Justice Sandra Day

#### O'Connor Was

#### Keynote Speaker

An armchair dialogue between former U.S.

Supreme Court Justice Sandra Day O'Connor and Texas Supreme Court Chief Justice Wallace B. Jefferson was the highlight. [Read more...](#)



Justice O'Connor

## Membership & More

### Officers, Trustees & Court Liaison

### Fellows of the Society

### Join the Society

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David A. Furlow

# We'd Like to Print *Your Stories* of the Texas Supreme Court

**L . P. HARTLEY BEGAN HIS NOVEL** *The Go-Between* with the lines, “The past is a foreign country: they do things differently there.” Please let the *Journal* stamp your passport to the past by submitting an article.

**A journal friendly to writers.** As we learned on September 11, 2001, we can all witness history as it happens, for better or worse. When judicial history is involved, lawyers and judges have front-row seats. Two friendly editors, Lynne Liberato and I, will introduce you to a staff dedicated to realizing your vision.

**No reason to be shy.** If anyone believes that Texas’s best lawyers, justices and judges have egos the size of a Ten Gallon Hat, service as an editor of the *Journal* will dispel that myth. As an editor I have found that even the best and brightest may insist that they lack the qualifications to write judicial history. Whether they are the writers or the subjects of someone else’s writing, they have something important to say. In other words, YOU have something important to say.

**No fancy cameras needed, either.** The easiest way to put your ideas in print is to ask a few questions of someone with knowledge of the court, write down the answers, and send us the interview. When I asked recently appointed Justice Jeff Boyd if I could interview him, he ushered me into his office. He did not object to my well-worn Nikon. Will Fleming’s excellent interview with Justice John Devine began with a similar request. Why not send us a judicial interview?

**Scholars are welcome, too.** Judge Mark Davidson contributed an excellent two-part series analyzing a case about the ownership of Padre Island: *State v. Balli*, 173 S.W.2d 522 (Tex. Civ. App.—San Antonio, 1943), *aff’d*, 144 Tex. 195, 190 S.W.2d 171 (Tex. 1944), *cert. denied*, 328 U.S. 852 (1946), *rhg. denied*, 328 U.S. 880 (1946). Judge Davidson showed how that case embroiled the Texas Supreme Court in controversy when it expanded from three justices to nine. University of Houston Professor Tasha Lea Willis analyzed centuries of arbitration in Texas. Dylan Drummond demonstrated how *Dallam’s Digest* preserved early Texas law. And Josiah M. Daniel described how Governor Dan Moody’s commitment to reform improved the lives of all the state’s lawyers, as well as their reputations.

Since the past is a foreign country, why not travel there with the *Journal*? If you’d like to join us, please send your draft article to me at [davidfurlowhistory@gmail.com](mailto:davidfurlowhistory@gmail.com).

— David A. Furlow, Thompson & Knight

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# 18th Annual John Hemphill Dinner Draws Record Attendance Justice Sandra Day O'Connor Was Keynote Speaker

Hemphill Dinner photos by Mark Matson



Retired U. S. Supreme Court Justice Sandra Day O'Connor speaks at 18<sup>th</sup> Annual John Hemphill Dinner

**A N ARMCHAIR DIALOGUE** between former U.S. Supreme Court Justice Sandra Day O'Connor and Texas Supreme Court Chief Justice Wallace B. Jefferson was the highlight of the Society's 18<sup>th</sup> Annual John Hemphill Dinner. About 500 appellate attorneys, judges, their spouses and other members of the community filled the Grand Ballroom of the Four Seasons Hotel in Austin on Friday, June 14, to listen to Justice O'Connor reminisce about her nomination and service as the first female justice on the nation's highest court.



Board President Warren W. Harris



Bedichek Junior Marine Corps

The evening began with a welcome by Society President Warren W. Harris, followed by the raising of the flag by the Bedichek Junior Marine Corps color guard. The Junior Marines, who drill under the leadership of Sgt. Darrick A. Norton, recently garnered a first-place Spirit Award in national competition.



Former Chief Justice Thomas R. Phillips gives a memorial for Justice William W. Kilgarlin

Former Chief Justice Thomas R. Phillips gave a memorial on behalf of Justice William W. Kilgarlin, who died in August 2012, and former Justice Craig T. Enoch memorialized Justice Robert A. “Bob” Gammage, who died in September 2012.



Former Justice Craig T. Enoch gives a memorial for Justice Robert A. “Bob” Gammage

Justice O’Connor’s interview with Chief Justice Jefferson was convivial, informative, and interspersed with laughter and applause. Topics varied from opinions on equal rights and judicial elections to stories about serving with

Thurgood Marshall and visiting with Margaret Thatcher and Nelson Mandela. O’Connor talked about her early years in her native El Paso and summers on her parents’ cattle ranch in Arizona, which was part of the 1854 Gadsden Purchase. She also noted that, upon graduating third in her class at Stanford University Law School, she had tremendous difficulty getting an interview, much less a job, at dozens of law firms because she was a woman. Indeed, the only legal position she could secure immediately after graduation was working for free for an Arizona county attorney, where she shared an office with his secretary. Her eventual rise to the nation’s highest court was an achievement appreciated by everyone at the dinner.



Justice Sandra Day O’Connor

Justice O'Connor also introduced the audience to her *iCivics* web project, which has developed innovative online educational materials on governance for use by public school classrooms throughout the U.S. Anyone interested in exploring the *iCivics* website may do so by going to [www.icivics.org](http://www.icivics.org).



Justice O'Connor with Chief Justice Wallace B. Jefferson

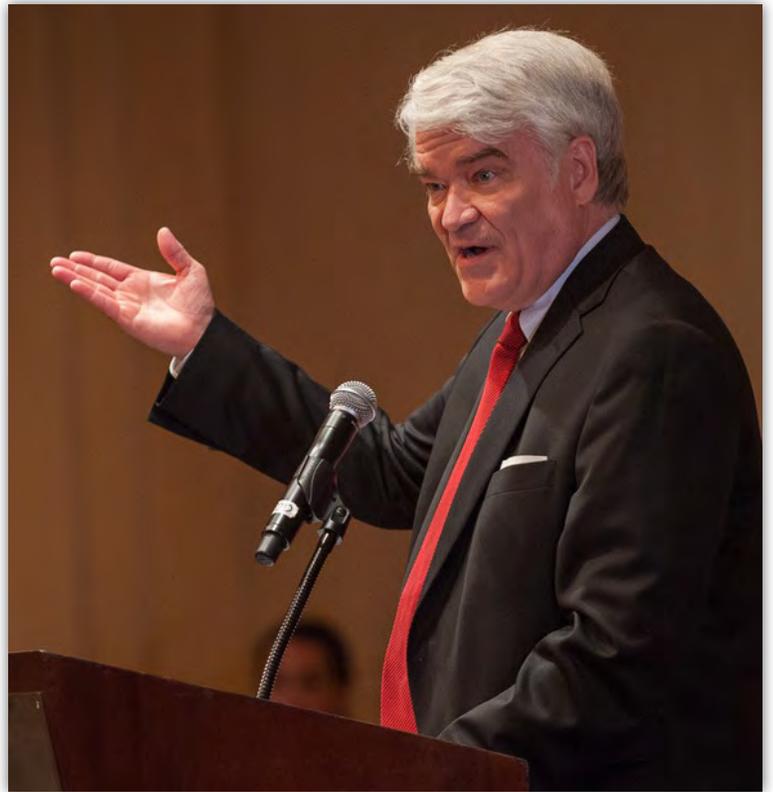
Justice Nathan L. Hecht gave a witty introduction of the two newest justices to join the Texas Supreme Court—Justice Jeff Boyd, appointed by Gov. Perry in 2012 to replace Justice Wainwright, and Justice John P. Devine, elected in 2012 after winning the Republican primary over Justice David Medina.



Justice Jeff Boyd



Justice John Devine



Justice Nathan L. Hecht introduces the two newest members of the Court



Jonathan Smaby



Judge Jennifer Walker Elrod

Presentation of the 5<sup>th</sup> Annual Chief Justice Jack Pope Professionalism Award began with comments by Jonathan Smaby, Executive Director of the Texas Center for Legal Ethics. Judge Jennifer Elrod presented the judicial professionalism award to Judge Patrick Higginbotham of the U.S. Court of Appeals for the 5<sup>th</sup> Circuit, and Chief Justice Jefferson gave the attorney award to Dallas attorney Nina Cortell of Haynes and Boone.



Judge Elrod presents Chief Justice Jack Pope Award to Judge Patrick Higginbotham



Nina Cortell receives the Pope attorney award from Chief Justice Jefferson

David Beck, Chair of the Society Fellows, reported on the activities and accomplishments of the Fellows, including the donation of a rare copy of Harbert Davenport's 1917 *History of the Supreme Court of the State of Texas*.

Along with thanking Macey Reasoner Stokes for her contributions as chair of the Dinner Committee, outgoing president Warren Harris thanked Executive Director Bill Pugsley for his nearly 15 years of service to the Society. As announced in the Summer issue of the eJournal, this was Pugsley's last Hemphill Dinner; he will be leaving the Society at the end of June.

RIGHT: David J. Beck, Chair of the Society Fellows

BELOW LEFT: Bill Pugsley (standing), Executive Director of the Society

BELOW RIGHT: Warren Harris



Justice Paul Green, Court liaison to the Society, administered the oath of office to incoming president Douglas Alexander. Alexander noted the four newest members elected to the Board of Trustees—Bob Black, Ben L. Mesches, William W. Ogden, and Cynthia K. Timms—and recognized Warren Harris for his outstanding leadership over the past year.



Douglas Alexander is sworn in by Justice Paul Green



Warren Harris



President Alexander thanks Warren Harris for his accomplishments

**PRE-DINNER RECEPTION  
WITH JUSTICE O'CONNOR**

Prior to the beginning of the Hemphill Dinner, Society Fellows, members of the Court, and other guests met with Justice O'Connor in the Four Seasons San Jacinto Room for a private reception.

Clerk of the Court Blake Hawthorne and his wife Wendy Herval speak with Justice O'Connor



Former Texas Solicitor General James Ho and Justice O'Connor

Fred Hagans introduces his daughter Lindsay to Justice O'Connor



The Society also took advantage of the occasion to capture a historic photo in which Justice O'Connor was surrounded by every female justice who has ever served a term on the Supreme Court of Texas. Pictured (seated l-r) are: former Justice Rose Spector, former Justice Ruby Kless Sondock, Justice Sandra Day O'Connor, former Justice Barbara Culver Clack, former Justice Priscilla Owen, (standing l-r) Justice Eva Guzman, former Justice Deborah Hankinson, former Justice Harriet O'Neill, and Justice Debra Lehrmann. This is the first time all eight of the female justices have ever gathered together.



Justice O'Connor with past and present Texas Supreme Court justices

Dinner guests may review and purchase photos taken by freelance photographer Mark Matson during the private reception and the Hemphill Dinner by going to the following link: <http://texascourthistory.photoshelter.com/gallery/2013-Hemphill-Dinner/G0000ZiRxiCxQGwY/>

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(\$5,000 or more annually)

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Richard Warren Mithoff

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(\$2,500 or more annually)

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

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# Membership Benefits & Application

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

## **Greenhill Fellow - \$2,500**

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

## **Trustee Membership - \$1,000**

- Historic Court-related Photograph
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- Complimentary Copy of *The Laws of Slavery in Texas* (paperback)
- Personalized Certificate of Society Membership
- Complimentary Admission to Society's Symposium
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## **Patron Membership - \$500**

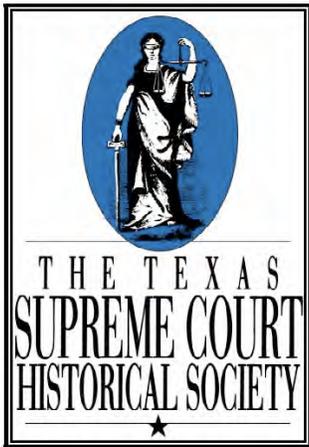
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## **Contributing Membership - \$100**

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## **Regular Membership - \$50**

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



# Membership Application

The Texas Supreme Court Historical Society conserves the work and lives of the appellate courts of Texas through research, publication, preservation and education.

Your membership dues support activities such as maintaining the judicial portrait collection, the ethics symposia, educational outreach programs, the Judicial Oral History Project and the Texas Legal Studies Series.

Member benefits increase with each membership level. Annual dues are tax deductible to the fullest extent allowed by law.

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