



# VOTERS GUIDE

General Election - Fort Bend County

**NONPARTISAN**

November 4, 2008 7 a.m. - 7 p.m.

Check our website: [www.lwvhouston.org](http://www.lwvhouston.org)

The League of Women Voters is a nonpartisan organization that provides information about political issues and candidates in order to promote greater citizen responsibility and participation in government.



### Mission Statement

*The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.*

Because the League is nonpartisan, it does NOT support or oppose any political candidate or party. It does publish and distribute information for citizens to use in preparing to cast an informed vote.

### About the VOTERS GUIDE --

Our intent in preparing this VOTERS GUIDE is to present information on candidates appearing on the Fort Bend County General Election ballot, listed in ballot order except for the list of presidential candidates appearing at the bottom of this page. Information from respondents is included in the VOTERS GUIDE. Unopposed candidates are listed in their respective races.

Responses to this VOTERS GUIDE were obtained by means of a questionnaire sent to opposed candidates whose names appear on the ballot. Answers are printed exactly as received. The League does not edit for meaning, grammar, or spelling. Because of space restrictions, the League advised candidates of word limits. Replies exceeding the word limit are indicated by an ellipsis (. . .). Candidates who did not respond in time for printing show "No response received" following their names.

Information on candidates in statewide races was prepared by the League of Women Voters of Texas.

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***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.***

### Fort Bend County Early Voting Schedule November 4, 2008 - Presidential General Election

Rosenberg Annex Building.....4520 Reading Road, Rosenberg, TX	Chasewood Clubhouse.....7622 Chasewood Drive, Missouri City, TX
Cinco Ranch Branch Library.....2620 Commercial Center Blvd, Katy, TX	First Colony Conference Center.....3232 Austin Parkway, Sugar Land, TX
Garcia Middle School.....18550 Old Richmond Road, Sugar Land, TX	Houston Community College at Sienna.....5855 Sienna Springs Way, Missouri City, TX
Hightower High School.....3333 Hurricane Lane, Missouri City, TX	Monday - Friday October 20 - 24, 2008 10:00 a.m. to 7:00 p.m.
Meadows Place City Hall.....One Troyan Dr., Meadows Place, TX	Saturday October 25, 2008 7:00 a.m. to 7:00 p.m.
Missouri City Community Center.....1522 Texas Parkway, Missouri City, TX	Sunday October 26, 2008 12:00 p.m. to 5:00 p.m.
Monday - Friday October 20 - 24, 2008 8:00 a.m. to 5:00 p.m.	Monday - Friday October 27 - 31, 2008 7:00 a.m. to 7:00 p.m.
Saturday October 25, 2008 7:00 a.m. to 7:00 p.m.	
Sunday October 26, 2008 12:00 p.m. to 5:00 p.m.	
Monday - Friday October 27 - 31, 2008 7:00 a.m. to 7:00 p.m.	
Fulshear Precinct 3 Office Building.....8100 FM 359, Fulshear, TX	Old Needville Fire House.....3115 Richmond Street, Needville, TX
Beasley City Hall.....319 S. 3rd Street, Beasley, TX	Sugar Land Branch Library.....550 Eldridge, Sugar Land, TX
Monday - Friday October 20 - 24, 2008 8:00 a.m. to 5:00 p.m.	Townwest Town Hall.....10322 Old Towne Ln, Sugar Land, TX
Saturday October 25, 2008 7:00 a.m. to 7:00 p.m.	U of H at Cinco Ranch.....4242 South Mason, Katy, TX
Sunday October 26, 2008 CLOSED	Greatwood Golf Club.....6767 Greatwood Parkway, Sugar Land, TX
Monday - Friday October 27 - 31, 2008 7:00 a.m. to 7:00 p.m.	Monday - Friday October 20 - 24, 2008 10:00 a.m. to 7:00 p.m.
Lost Creek Park.....3703 Lost Creek Blvd, Sugar Land, TX	Saturday October 25, 2008 7:00 a.m. to 7:00 p.m.
Sugar Land City Hall.....2700 Town Center Blvd N, Sugar Land, TX	Sunday October 26, 2008 CLOSED
Meadowcreek Clubhouse.....2410 La Quinta, Missouri City, TX	Monday - Friday October 27 - 31, 2008 7:00 a.m. to 7:00 p.m.
Monday - Friday October 20 - 24, 2008 8:00 a.m. to 5:00 p.m.	
Saturday October 25, 2008 CLOSED	
Sunday October 26, 2008 CLOSED	
Monday - Friday October 27 - 31, 2008 7:00 a.m. to 7:00 p.m.	
	Pecan Grove Baptist Church.....1727 FM 359, Richmond, TX
	Monday - Friday October 20 - 24, 2008 8:00 a.m. to 5:00 p.m.
	Saturday October 25, 2008 7:00 a.m. to 7:00 p.m.
	Sunday October 26, 2008 CLOSED
	Monday - Friday October 27 - 31, 2008 8:00 a.m. to 5:00 p.m.

***For information about absentee ballots or election day poll locations, call the Elections Administration, 281 341-8670.***

## ☆☆☆ UNITED STATES PRESIDENT ☆☆☆

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.

**Republican: John McCain/Sarah Palin**

**Website: <http://www.johnmccain.com/>**

**Democrat: Barack Obama/Joe Biden**

**Website: <http://www.barackobama.com/index.php>**

**Libertarian: Bob Barr/Wayne A. Root**

**Website: <http://www.bobbarr2008.com/>**

*A list of write-in candidates will be posted at the polls.*

# SPECIAL ELECTION TEXAS STATE SENATOR UNEXPIRED TERM, DISTRICT 17

Members in the Senate must be at least 26 years old, registered voter for at least five years, and resident of the district for at least one year. The Senate confirms gubernatorial appointments to administrative and judicial posts. It participates in the initiation of proposals for constitutional amendments. It canvasses the returns in elections for governor and lieutenant governor. The Senate tries officials impeached by the House. Senate members also serve as advocate for citizens in the members' home district. State Senators are elected for a term of four years.

*Please describe your education, your occupation, and the training and experience that qualify you for this position. (50 word limit)*

*Companies are showing that energy conservation is cost effective and saves energy. What legislation would you support to increase energy conservation in Texas? (60 word limit)*

*Is current state tax policy sufficient to finance state government needs such as public education, public safety, and bridge and road maintenance? If not, what measures would you support to increase state revenues? (60 word limit)*

*Public Schools, once again, are in severe financial straits. What additional legislation would you recommend to address this problem? (60 word limit)*

## Chris Bell, Democrat



I earned my B.A. from UT and my law degree from the South Texas College of Law. I represented this area on the Houston City Council as an at-large member for five years and in Congress for two years. By profession, I am an attorney.

I would favor requiring electric power utilities to meet 100% of the anticipated growth in energy demands through energy efficiency and demand management within the next 5 to 10 years. Incentivizing or requiring the use of energy efficient appliances and buildings, "weatherization" of existing homes and buildings, and programmable thermostats should also be done.

No. The state surplus should be used for basic needs such as schools and transportation infrastructure. If this is not sufficient, then I support finding additional revenues to pay for public schools and other needs, as well as a property tax cut for homeowners.

We must stop the endless cycle of crisis funding by putting our public schools on sustainable financial footing. We need to explore increasing the state's share of education spending (and decreasing the burden on homeowners) with a broad-based business profits tax.

## Joan Huffman, Republican - No response received

## Stephanie E. Simmons, Democrat - No response received

## Ken Sherman, Republican - No response received

## Austen Furse, Republican



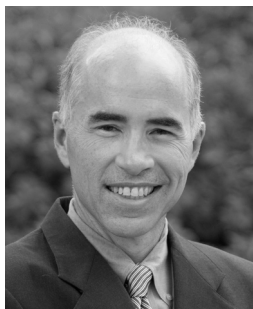
Husband, father, Houston businessman. B.A., Yale. White House Director of Policy Planning under Pres. George H.W. Bush. Led a series of grassroots efforts to protect taxpayers with a tax revenue cap, promote a taxpayer pledge for legislators, require the fulfillment of a promised transit vote, and more.

In spite of tremendous growth, technological breakthroughs helped keep oil consumption stable for over a decade after the 1970s oil crisis. We must remove barriers to innovation, small business creation and entrepreneurship, starting with the stifling new business tax. Funding research at Texas universities will also prime the innovation pump. The solution lies in encouraging innovation instead of costly mandates.

For the last thirty years, state revenues grew over twice the rate of population increase plus inflation! We need to rein in this tax explosion. In Houston, I pioneered an idea that has caught fire statewide: a Taxpayer Bill of Rights Revenue Cap. This proven solution succeeds in part because taxpayers receive back the excess revenues, encouraging a watchdog citizenry.

More revenue should bypass the bureaucrats and go straight to classrooms and teachers. We should also pay teachers based on performance – in business that's just common sense. Reducing red tape will allow teachers to spend more time teaching and less time filling out paperwork. We must institute these proven solutions quickly in order to match ever-faster technological and global change.

## Grant Harpold, Republican



BBA in Accounting from Texas A&M, 1985; JD from South Texas College of Law, 1988. Practicing lawyer for 20 years; Board Certified in Civil Trial Law since 1997; Partner, Hargis & Harpold, LLP, 1997-Present. I deal with people/business issues each and every day. A history of listening and responding...

Tax exemptions or relief for those companies or individuals who invest in or use alternative energy to power their business or home. Alternatives such as wind, solar and bio-fuel. Also, an effort should be directed to entities and individuals to install alternative ways of collecting and using water so as ease the strain on underground supplies and reservoirs.

No. We do not need more artificial means, such as increased taxes, to enable more revenue and more spending. In fact, the people need some tax relief, which is why the business margins tax needs to be repealed. Further, property values need to be frozen for 5-7 years to slow down the growth of spending and to give the property...

Funding for public education as increased dramatically in the last 10 years, much more so than the rate of enrollment. Therefore, more money is not necessarily the solution. There should be more accountability and transparency as to where the money is spent and for what.

## U.S. 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

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

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

*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)*

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

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

## John Cornyn, Republican



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.

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.

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.

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.

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.

## U. S. Senator (Continued)

### Richard J. (Rick) Noriega, Democrat



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...

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 ...

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 ...

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 ...

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, Libertarian



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.

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.

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.

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.

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.

## U.S. REPRESENTATIVE

Two-year term. Member U.S. Congress. Serves in the House of Representatives. The House originates revenue bills and, by tradition, appropriation bills. The House brings charges of impeachment for trial in the Senate. Both the House and the Senate count electoral votes following a presidential election and, if no candidate receives a majority of electoral votes, the House chooses the President from among the top three candidates.

Please describe your education, your occupation, and the training and experience that qualify you for this position. (50 word limit)

What are your recommendations to address the problem of undocumented workers currently in the United States and those who wish to come to the United States to work? (60 word limit)

What is your position on a single payer health insurance system for all Americans? (60 word limit)

What should the government do to promote the development and use of alternative energy sources to reduce our dependence on oil? (60 word limit)

### District 9

Al Green, Democrat - No response received

Brad Walters, Libertarian - No response received

### District 14 - Ron Paul, Republican - Unopposed

### District 22

#### Pete Olsen, Republican



I served for almost 10-years in the U.S. Armed Forces, as a Navy Pilot and then in the Pentagon with the Joint Chiefs of Staff and Senate Liaison Office. On Sen. Gramm's staff, I was the point person for Texas projects, and then Chief of Staff for Sen. Cornyn.

We must start by enforcing all our laws, ending "Sanctuary City" policies, and securing our borders. The American people deserve to see the federal government working to STOP illegal immigration. I will also work to expand efforts between local and federal law enforcement to target criminal illegal aliens for apprehension and deportation. Amnesty is not an option.

We shouldn't harm the 250 million people with health insurance or America's premier delivery system. We must expand affordable and comprehensive coverage for small business via tax deductibility and associated health plans, allow portability and implement lawsuit reform, as in Texas. I oppose Universal health because it will put medical decisions in the hands of government bureaucrats, not families.

Increased domestic oil production is the starting point for energy independence. Simultaneously, we must build new nuclear plants, develop solar, wind, biodiesel, geothermal and clean coal technologies and fund research to discover and develop the next energy technologies that will serve future generations. This staged approach will provide America energy security and independence in the future.

#### Nick Lampson, Democrat



I am a five-term Representative and have focused my work on improving civility in Congress and bringing Republicans and Democrats together to reach common-sense solutions to our problems. I have fought for legislation to protect kids from online predators, secure funding for NASA, and ensure fiscal responsibility.

We cannot begin to address the issues of illegal immigration until we secure our borders. Undocumented workers must return to their country and apply for visas like others who go through the process legally. However, our country is a nation of immigrants, and our economy depends on the contributions of skilled immigrants. We must strengthen our legal immigration system.

Our health care system is broken and in need of reform. I will support legislation that increases health coverage for Americans in a fiscally responsible manner and also ensures that our health care system is efficient and not overly bureaucratic. I support early buy-in access to Medicare, and I oppose single-payer, socialized medicine..

We need a comprehensive energy plan. I support domestic drilling in the Outer Continental Shelf and in Alaska (ANWR). However, our energy needs are greater than that. We must also invest in and provide tax incentives for other sources of energy, including wind, solar, biodiesel, fuel cells, and much more. Energy drives our economy, and we can't forget that.

John Wieder *Libertarian*



USAF Vietnam Vet 68-72, College of Mainland 1976 AAS Computer Science, UH 1980 BBA Business Administration, Data Base Administrator UTMB 73-80, Owner/Broker ( 2 ) Century 21 Wieder Realty's 80-84 Converted to Seguros y Bienes Raices 85-05 Includes American National, American General, Woodmen , Bankers, Royal Neighbors. Not a career politician, ready...

Undocumented workers are illegal aliens? A plan that might work. If you are here illegally, you must immediately register for a special military draft. If you fail to register, deportation is automatic and businesses are guilty of harboring a draft dodger. As long as we have the IRS, add code for illegal aliens and drug dealers to pay taxes.

First, I want to say that Medicaid for children is abused by Dentists. Many children are walking around with caps on all their baby teeth. Health insurance should be defined and divided as physical, optical, dental and mental health. Offer a safety net to all Americans only on any deficient coverage including automatic bridge coverage. Stop abuse in current programs.

The United States spends \$700 billion every year on foreign oil. We are 4% of the world population but use 25% of the world's oil. We are the Saudi Arabia of wind power. Natural Gas is cheaper, cleaner, and 100% domestic. Adopt T Boone Picken's energy plan by replacing natural gas with wind power and use natural gas for vehicles.

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 liquified petroleum gas, compressed natural gas, and liquified natural gas; railroad safety; and encourages the use of clean-burning propane and researches new technologies for its use. Annual authorized salary: \$137,500

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

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

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)

Michael L Williams, *Republican*



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.

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.

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, *Democrat*

No Photo Received

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.

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.

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, *Libertarian* - No response received

Texas Supreme Court Justice

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).

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

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

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

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)

Chief Justice, Supreme Court

Wallace Jefferson, *Republican*



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.

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.

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.

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.

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## Supreme Court (Continued)

### Chief Justice, Supreme Court (Continued)

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#### Jim Jordan, Democrat



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.

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 public trust in our judicial system and injures the stability of the rule of law.

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.

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, Libertarian



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.

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.

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.

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.

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### Justice, Supreme Court, Place 7

#### Dale Wainwright, Republican



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 ...

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 ...

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.

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.

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#### Sam Houston, Democrat



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.

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.

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.

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 reelection have politicized the judicial process to the point that it is perceived by many to be a biased system.

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#### David G. Smith, Libertarian



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.

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.

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.

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.

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**STUDENT VOTERS:** If students consider their parents’ or home 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, thirty days prior to the election. Students cannot be registered at both places. The general rule of thumb is that wherever the students claim 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.

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## Justice, Supreme Court, Place 8

**Phil Johnson, Republican**



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.

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.

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.

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.

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**Linda Reyna Yanez, Democrat**



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.

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.

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.

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.

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**Drew Shirley, Libertarian - No response received**

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## Court of Criminal Appeals Judge

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)

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## Judge, Court of Criminal Appeals Place 3

**Tom Price, Republican**



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.

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.

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.

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.

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**Susan Strawn, Democrat**



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.

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.

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.

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.

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**Matthew E. Eilers, Libertarian**



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.

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.

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.

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 ...

## Judge, Court of Criminal Appeals Place 4

### Paul Womack, *Republican*

No Photo  
Received

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.

“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.

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.

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, *Democrat*



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.

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.

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.

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, *Libertarian*

No Photo  
Received

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.

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.

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.

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.

## Judge, Court of Criminal Appeals Place 9

### Cathy Cochran, *Republican* - No response received

### William Bryan Strange, III, *Libertarian*



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.

“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.

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.

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.

## State Representative

Four year term. The Legislature meets in January of odd-numbered years for 140 days to establish policy for the state of Texas. The Governor may call additional special sessions of the Legislature when needed. The House is comprised of 150 members.

Please describe your education, your occupation, and the training and experience that qualify you for this position. (50 word limit)

Companies are showing that energy conservation is cost effective and saves energy. What legislation would you support to increase energy conservation in Texas? (60 word limit)

Is current state tax policy sufficient to finance state government needs, such as public education, public safety, and bridge and road maintenance? If not, what measures would you support to increase state revenues? (60 word limit)

Public Schools, once again, are in severe financial straits. What additional legislation would you recommend to address this problem? (60 word limit)

### District 26 Charlie Howard, *Republican* - Unopposed

(Continued on next page)

#### Provisional Voting

You may vote without your certificate if your name is on the list of registered voters at your polling place, and if you present a valid identification. If your name is not on the list of registered voters, but you believe you are registered, you may vote a provisional ballot after completing an affidavit and presenting a valid identification. Your ballot will be counted if you are found to be legally registered. You will be given information on how to ascertain whether your vote was counted.

## Texas State Representative (continued)

### District 27

#### Steve Host, Republican



Steve is a father, neighbor, successful small business owner and volunteer who cares deeply about our community. A twenty-two year resident of Fort Bend County, he has been married to Susan for over thirty years. They have two children and four grandchildren, all who reside in Fort Bend County.

The answer is not just energy conservation, but promoting the growth of alternative energy sources that are available to us today. The state of Texas leads the nation in wind power, and we need to look seriously at addition nuclear power plants.

Yes, the State will probably have a surplus of over \$11 Billion dollars this cycle.

The proper funding of our Public school system is of great concern to the citizens of Texas. Our Goal should be to provide the the best public school system of all 50 States. Our future depends on it. I would like us to rethink the funding mechanisms of our entire public school system; to insure excellence in education.

#### Dora Olivo, Democrat



Ten years teaching in public schools; lawyer; 35 years working as a community advocate; 11 years serving in the Texas House; a Bachelors/ Master's degree in Education; Law degree from the University of Houston; a wife, mother and grandmother, I use my experience to work for our communities.

With utility bills rising, more energy conservation is necessary at home and at work. I believe in using tax abatements to attract investments in cleaner, alternative energy, increasing tax exemptions for purchases of energy efficient products for homes and businesses, supporting consumer education for home and business weatherization and requiring state agencies to achieve specific levels of energy efficiency.

Revenue and spending needs a complete overhaul, particularly the new small business margins tax which I voted against. Despite \$10 billion budget surplus, state share of public school funding continues to drop and toll roads are the primary method for new infrastructure. Tax policy is about priorities. Fix the margins tax and eliminate outdated tax exemptions before raising taxes.

Since 2006, funding formulas have been subordinated by a static funding level based on target revenue. Instead, funding formulas must be enriched to provide cost-based funding. The transportation allotment, not revised since 1984, must correlate to today's gas prices, and certain outdated school property tax abatements must be eliminated.

### District 28

#### John Zerwas, Republican



I received my Bachelor's degree from the University of Houston and my doctorate in medicine from Baylor college of medicine. I am currently the President of the Memorial Hermann health care network. I also was co-founder of Greater Houston Anesthesiology, now the second largest group medical practice in the U.S.

Senate bill 5, passed in the 77th legislature and extended in the 80th by Senate bill 12, enacts energy efficiency standards for our public universities and colleges as well as executive branch state agencies. I would support extending these standards to all state agencies and would consider providing more incentives to private sector to take similar efficiency measures.

The tax revenue that Texas generates is sufficient, as evidenced by our current budget surplus, but it is flawed. The margins tax, although well-intentioned, imposes an undue burden on small businesses, which are the backbone of our economy. In the 81st session we will revisit the margins tax to minimize that burden, with the goal of repealing it by 2012.

I will support legislation diverting some funds dedicated to the Rainy day fund and sending them to schools. I will also make it a legislative priority to investigate the financial impact of compliance with overlapping State and Federal mandates. Complying with two sets of directives on education standards costs school districts money that should be spent educating our children.

**Dorothy Bottos, Democrat** No Response Received

**M. Stephen Lucas, Libertarian** No Response Received

### 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)

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

*What method of selecting judges and justices best ensures an independent judiciary? (75 word limit)*

*Should a judge or justice recuse himself or herself from cases in which the participating lawyers or their firms have contributed substantially to the judge's or justice's election? (75 word limit)*

*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)*

### Chief Justice, 14th Court of Appeals District

#### Adele Hedges, Republican



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.

"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.

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.

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.

(Continued on next page)

**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.

## Chief Justice, 14th Court of Appeals (continued)

### Joe W. Beverly, Democrat



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.

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.

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.

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.

### Justice, 1st Court of Appeals District, Place 3

#### Ed Hubbard, Republican



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.

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.

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").

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 Democrat



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).

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.

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

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.

### Justice, 1st Court of Appeals District, Place 5

#### Laura Carter Higley, Republican



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 ...

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.

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 ...

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, Democrat



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.

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.

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.

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.

## Justice, 14th Court of Appeals District, Place 4, Unexpired Term

### Jeff Brown, *Republican*



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.

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.

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.

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, *Democrat*



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.

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.

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.

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.

## Justice, 14th Court of Appeals District, Place 6, Unexpired Term

### Bill Boyce, *Republican*



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.

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.

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.

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 M. Markantonis, *Democrat* - No response received

## Justice, 14th Court of Appeals District, Place 7

### Kem Thompson Frost, *Republican*



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.

"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.

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.

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 J. Siegel, *Democrat*

No Photo  
Received

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.

"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.

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.

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.

## District Judge

Four year term. District Courts are highest level trial courts of State of Texas. Primarily hear felony and civil cases including contracts, real estate disputes, libel and slander suits, and controversies over contested elections.

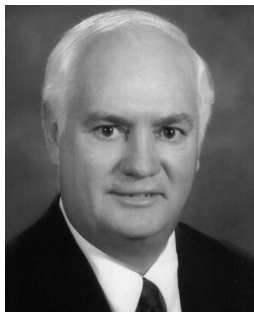
*Please describe your education, your occupation, and the training and experience that qualify you for this position. (50 word limit)*

*What do you see as the most critical issue facing this court, and how would you address it? Discuss. (60 word limit)*

### 387<sup>th</sup> Judicial District - Robert J. Kern, *Republican* - Unopposed

### 400<sup>th</sup> Judicial District

#### Cliff Vacek, *Republican*



Needville High School 1965 Class Valedictorian. University of Houston 1969 B.S. Political Science; 1975 Doctor of Jurisprudence. Current sitting Judge 400th District Court Fort Bend County since August 2004. Twenty-eight years experience as trial lawyer. Board Certified trial lawyer since 1989. Presided over approximately 100 jury trials as Judge.

The 400th District Court has approximately 2000 civil and criminal cases pending with approximately 120 new cases added each month. Obviously it would be impossible from a time standpoint to conduct a jury trial for each. We conduct pretrial conferences to facilitate resolution of most of these cases without a time-consuming and expensive jury trial.

#### Milton Flick, *Democrat*



I have a BA degree in mathematics from North Texas State University. I graduated in the top 10% of my class at the University of Texas Law School. 40 years of practicing civil and criminal law qualifies me for the Judgeship of the 400th District Court.

This court should ensure equal justice for all, under the rules of law, regardless of background or community standing. As Judge, I would treat all parties fairly, impartially, and with respect. I would uphold all laws to protect the safety and security of all residents of Fort Bend County.

### 434<sup>th</sup> Judicial District

#### James H. (Jim) Shoemake, *Republican*



B.S., Political Science, 1970 and Juris Doctorate, 1972, Univ. Houston; State Bar of Texas, 1972-present; 30 years practice; Associate Judge, 328th District Court, 2003-2007; appointed to 434th District Court and confirmed by the Texas Senate, 2/27/07. Served as Judge 2/07-present.

Providing fair, impartial decisions based on the law; treating people with dignity and respect; moving cases through the system expeditiously but carefully; and presiding over a Court which tries civil and criminal cases. Being open to change without being foolish about it; being careful to follow not create law; and to be a good steward of my budget.

#### Albert Hollan, *Democrat*



Attorney for 20 years; Board Certified in Civil Trial Law and Personal Injury Trial Law by the Texas Board of Legal Specialization; Finance and Law degrees from the University of Houston; member, State Bar of Texas and Fort Bend Bar Association; member, First United Methodist, Sugar Land; musician and author.

This court has been in the news because of conflicts of interest and ex parte communications that resulted in Motions to Recuse. Invisible webs of relationships are detrimental to litigants and their lawyers. Judges must be independent from these relationships, and I will be.

#### County Attorney

Roy L. Cordes, Jr., *Republican* - Unopposed

#### Sheriff

Milton Wright, *Republican* - Unopposed

#### County Tax Assessor-Collector

Patsy Schultz, *Republican* - Unopposed

***Know your candidates, select your candidates, and VOTE.***



League of Women Voters - Houston Area Education Fund  
2650 Fountain View, Suite 328  
Houston, TX 77057-7631  
Phone: 713-784-2923 Fax: 713-784-2984  
Email: [lwv@lwvhouston.org](mailto:lwv@lwvhouston.org) Website: <http://www.lwvhouston.org>

## County Commissioner

Four year term. Responsible for maintaining county roads and bridges, courthouse and jail, and administering county health and welfare system. Empowered to adopt county budget and provide additional optional services.

Please describe your education, your occupation, and the training and experience that qualify you for this position. (50 word limit)

What influence or action can this office have in planning and implementing solutions to transportation problems in Fort Bend County? (60 word limit)

### Precinct No. 1

#### Greg Ordeneaux, Republican



After my military service, I graduated from Texas A&M with a degree in Agricultural Economics. I have run a successful small business for 21 years. Service on numerous boards and commissions has given me valuable insight into our county's needs. Learn more at [www.gregordeneaux.com](http://www.gregordeneaux.com).

Mobility is a crucial problem that must be addressed through cooperation between our county, its cities and towns, and the state. County Commissioners must take an active role to ensure that all issues will be addressed in an efficient, cost effective manner. As a proactive Commissioner, I will implement needed projects without infringing on property owner rights.

#### Richard Morrison, Democrat



I'm an environmental lawyer. I handle litigation to protect Texas families and small businesses from their own government. It is through this work that I have learned most levels of Texas Government, from TxDOT to the TCEQ, are unresponsive and sometimes downright hostile to the average citizen and small business.

The County Commissioner's jobs are: oversee the construction, maintenance and improvement of county roads and bridges, set the yearly property tax rate and approve the budget, call for bond elections, and establish long-range thoroughfare, open space and land use plans. The Commissioner must balance the growth of Precinct 1 with the needs of its current residents.

### Precinct No. 3 W. A. "Andy" Meyers Republican - Unopposed

#### Justice of the Peace, Precinct 1, Place 1 Gary D. Janssen, Republican - Unopposed

#### Constable, Precinct 1 A. J. Dorr, Republican - Unopposed

#### Constable, Precinct 3 Robert "Bob" Cook, Republican - Unopposed

#### Constable, Precinct 2 Ruben Davis, Democrat - Unopposed

#### Constable, Precinct 4 Troy E. Nehls, Republican - Unopposed

## CITY SPECIAL ELECTIONS PROPOSITIONS

### CITY OF MISSOURI CITY SPECIAL BOND ELECTION

**Proposition:** The proposed issuance of \$17,500,000 City of Missouri City, Texas, Bonds for (1) purchasing, acquiring, constructing, repairing and improving land, facilities and equipment for park and recreation purposes, (2) engineering and related studies in connection with park and recreation improvements in the City and (3) all matters necessary or incidental thereto and the levy of taxes to provide for the payment thereof and interest thereon.  FOR  AGAINST

### CITY OF SIMONTON SPECIAL ELECTION

**Proposition 1:** The adoption of a sales and use tax for the promotion and development of new and expanded business enterprises at the rate of one-fourth of one percent.  FOR  AGAINST

**Proposition 2:** The adoption of a Section 4B sales and use tax in the City of Simonton at the rate of one-half (1/2) of one percent to undertake any or all projects authorized for Section 4B corporations by Article 5190.6 of the Revised Civil Statutes of the State of Texas (Development Corporation Act of 1979, as amended) including, but not limited to projects for the promotion of new and expanded business enterprises, of tourism, development of parks, retail development, job training, learning centers, infrastructure projects such as, but not limited to, streets, roads, water and sewer, and drainage, and related improvements that enhance any authorized project undertaken, along with the cost of operation and maintenance of any such projects.  FOR  AGAINST

### CITY OF SUGAR LAND SPECIAL BOND ELECTION

**Proposition A:** Authorizing the Sugar Land Development Corporation to use proceeds of its existing one quarter of one percent sales and use tax, including amounts previously authorized and collected and amounts to be collected in the future, for land, buildings, equipment, facilities and improvements required or suitable for use for professional and amateur sports or athletics events, including minor league baseball games, specifically a sports stadium, and related infrastructure, and any maintenance and operating expenses of the sports stadium and related infrastructure.  FOR  AGAINST

**Proposition B:** Authorizing the Sugar Land Development Corporation to use proceeds of its existing one quarter of one percent sales and use tax, including amounts previously authorized and collected and amounts to be collected in the future, for land, buildings, equipment, facilities and improvements required or suitable for use for entertainment and tourist purposes and events, specifically a concert and live entertainment venue and festival site, and related facilities, and other improvements that relate to and enhance the concert and live entertainment venue and festival site, and any maintenance and operating expenses of the concert and live entertainment venue and festival site,  FOR  AGAINST

**Proposition C:** Authorizing the City of Sugar Land, Texas, to plan, acquire, establish, develop, or construct a stadium or other type of area or facility for use for one or more professional or amateur sports events, including specifically minor league baseball games, and related infrastructure, and to impose a hotel occupancy tax at the rate of up to two percent of the price paid for a room in a hotel in the City, an admissions tax at the rate of up to ten percent of the price of a ticket for admission to an event at such venue and an event parking tax at the rate of up to three dollars per motor vehicle for the purpose of financing the venue project.  FOR  AGAINST

**Proposition D:** Authorizing the City of Sugar Land, Texas, to plan, acquire, establish, develop, or construct land, buildings, equipment, facilities and improvements required or suitable for use for entertainment and tourist purposes and events, specifically a concert and live entertainment and festival site venue, and related infrastructure, and to impose an admissions tax at the rate of up to ten percent of the price of a ticket for admission to an event at such venue project and an event parking tax at the rate of up to three dollars for motor vehicle for the purpose of financing the venue project.  FOR  AGAINST

### CITY OF ROSENBERG SPECIAL ORDINANCE ELECTION

**Proposition:** Shall the zoning ordinance proposed by the city council be adopted?  FOR THE ORDINANCE  AGAINST THE ORDINANCE

### PECAN GROVE MUNICIPAL UTILITY DISTRICT BOND ELECTION

**Proposition 1:** The issuance of bonds for a reclamation and drainage system and refunding bonds in the amount of \$24,300,000 and the levy of taxes in payment of the bonds and refunding bonds.  FOR  AGAINST

### FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158 FIRE PLAN AND AGREEMENT ELECTION

**Proposition:** The plan and agreement to provide fire fighting services for the district  FOR  AGAINST