By Frank Gibbard
Staff Attorney
U.S. Court of Appeals for the Tenth Circuit
Denver, Colorado

“The White Elephant.” Now there was a name a thirsty Texas cowboy could know and grow to love. At the height of the Old West days, a bibulous cowpoke could find a White Elephant saloon in most any Texas town, in places ranging from San Antonio to Longview Junction, Fort Worth to Albany, and Fredericksburg to Paris.

White Elephant saloons not only served whiskey but also catered to other popular vices. Many of them offered gambling, for instance. Cock-fighting was occasionally on order as well. It is worth noting that the “White Elephant” was not a franchise, just a series of separate establishments that all bore the same name.

Not surprisingly, the White Elephant brand also made several cameo appearances in the Texas criminal case reports. An examination of a pair of these “White Elephant” cases sheds some interesting light on crime and punishment on the Texas frontier.

The Con Man

The case of Golden v. State involved conduct the Texas Court of Appeals characterized as “detestable depravity.” No one died, but hearts were broken.

In late November 1885, a man named W.A.M. Golden was observed playing faro at the White Elephant in Paris. He remained there gambling over a period of several days. This may seem like a strange pastime for a gentleman who claimed to be a minister of the Gospel. But Rev. Golden was not quite what he appeared.

Continued on page 10...

CASA SUBSTANCE AT THE SUMMIT

By Susan Dautel
Assistant Deputy Clerk
New York State Court of Appeals
Albany, NY

What is CASA's input into the substantive programs of the 2014 AJEI Summit, and what is the input process? My opportunity to serve on the CASA Education Committee gave me an inside look at what goes on behind the scenes.

The Summit Planning Process

Serving on CASA's Education Committee is an entree into the planning and politics (and the politics of planning!) involved in the AJEI Summits. Education Committee volunteers get the insider's view of the programs proposed and selected for the following year by all the Appellate Judges Conference (AJC) constituents: the appellate judges, the practicing attorneys of the Council of Appellate Lawyers (CAL) and CASA. Seeing the whole conference evolve is interesting, but most exciting is the opportunity to put forth ideas for speakers and programs that pique your own interests, and to see the proposals gain group acceptance and actual agenda status. I highly recommend service on the Education Committee as a way to get active with CASA, to meet the judges and practicing appellate attorneys of the AJC, and to interact with potential conference speakers. If you have an interest in helping plan the 2015 Summit in Washington, D.C., speak to one of the CASA officers at the Dallas Summit or send an email to me at sdautel@nycourts.gov.

Continued on page 6...
By Rachel Zahniser  
Staff Attorney  
U.S. Court of Appeals for the Sixth Circuit  
Cincinnati, Ohio  

It’s time to register for the Appellate Judges Education Institute (AJEI) Summit! This year’s Summit will be held in Dallas, Texas, at the Marriott City Center from Thursday, November 13, through Sunday, November 16. To register, visit ajei.law.smu.edu.

We owe a big thanks to the members of CASA’s education committee, including co-chairs Frank Gibbard and Ric Schickele along with Susan Dautel and Cliffie Wesson, for their hard work in planning the Summit. They have lined up terrific speakers for the CASA-sponsored sessions. Cliffie Wesson will moderate a breakout session entitled “Brain Games to Stay Motivated” with speakers from the UT Dallas Center for BrainHealth. Dean Erwin Chemerinsky from the University of California, Irvine School of law will be returning for a twenty-sixth consecutive year to give his popular Supreme Court reviews. Thanks to Susan Dautel, Professor Susan Herman of the Brooklyn Law School will speak on “Three Decades After 1984: Why Does Privacy Matter?”

In addition to the CASA-sponsored sessions, the AJEI has put together an outstanding program with fantastic speakers. Erin Moriarty, a lawyer and correspondent for “48 Hours” on CBS News, will talk about her experiences in crime reporting. Other topnotch speakers, including attorneys, law school deans and professors, and state and federal judges, are lined up.

The Summit not only offers high quality continuing legal education but also provides wonderful opportunities to meet and network with other attendees. The opening reception on Thursday evening will feature “A Taste of the Arts,” performances by Dallas artists at the Winspear Opera House. On Friday afternoon, there will be pre-arranged activities, including a wine tasting and tour of Professor Garner’s private library and private tours of the George W. Bush Presidential Library and Museum and the Sixth Floor Museum at Dealey Plaza. CASA’s annual t-shirt exchange and dinner will be Friday evening. Chair-elect Dalila Patton has planned a fun evening at Dallas’s legendary barbeque restaurant, Sonny Bryan’s Smokehouse. Don’t forget to bring a new XL t-shirt connected to your locale, such as a bar, restaurant, or festival, for the infamous t-shirt exchange! The AJEI’s annual dinner and reception will be held on Saturday evening with entertainment provided by members of the Dallas Bar Association’s musical variety group, Bar None. Throughout the Summit, CASA will be hosting a hospitality suite for all attendees. Stop by for drinks, snacks, and conversation!

CASA’s business meeting will be on Saturday at lunchtime. We will be voting on the slate of candidates for the 2014-2015 executive board and discussing other business issues.

During the Summit, panels of CASA members will be speaking at local law schools about job opportunities for attorneys in the appellate courts. If you are interested in speaking on a panel, please contact me at rachel_zahniser@ca6.uscourts.gov.

Before I close, I would like to thank Lee Ramsey for filling in for me at the ABA annual meeting, which I was unable to attend due to a family obligation. We are indebted to Lee for his continued commitment to CASA.

I hope to see you in Dallas!

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I hope to see you in Dallas!
LIFE AS A TENNESSEE SUPREME COURT STAFF ATTORNEY

By Karen Hornsby
Staff Attorney
Tennessee Supreme Court
Nashville, Tennessee

I’ve come full circle. Thirty-two years ago, I started my legal career in this same building as a law clerk to a judge on the Tennessee Court of Criminal Appeals, our state’s intermediate appellate court for criminal cases. I found the work interesting and challenging, and made life-long friendships with my fellow clerks and several of the judges. In short, it was the best job I’d ever had, and it was with reluctance that I left at the end of my one-year term. After practicing law in the “real world” for the next twelve years—first as an Air Force JAG, then in private practice, and finally as an Assistant Public Defender, I was delighted to get a phone call one day from one of my former fellow clerks, who was leaving his job as a Supreme Court Staff Attorney to follow his Justice to the Sixth Circuit Court of Appeals. It wasn’t the first time he’d called, but after butting my head against a brick wall with criminal clients for the previous five years, I was finally ready to return to the peace and predictability of appellate work. I was fortunate to be offered the job, which allowed me to continue practicing mostly criminal law — my passion — and I’ve been here ever since (in my twenty-first year, now).

In addition to an administrative assistant and two law clerks for each justice, the Tennessee Supreme Court employs eight central staff attorneys. Each came to the Court with clerkship experience and at least five years of “real world” experience, and each brings to the job a different set of skills.

Every state utilizes its staff differently. In Tennessee, with a few exceptions (capital cases being one), the Supreme Court is one of discretionary review. Since close to 1,000 cases, either interlocutory appeals or applications for permission to appeal, are filed with the Court in any given year, one of the primary functions of the staff is to review those cases and recommend to the Court ones that merit review. In Tennessee, similar to the U.S. Supreme Court, reasons that merit review include the existence of a conflict in the intermediate appellate courts and the concomitant need to secure uniformity of decision, the need to settle important questions of law, the need to settle questions of public interest, or the need for the Supreme Court to exercise its supervisory authority. Eighty percent of a staff attorney’s time is spent screening these cases and drafting memoranda that analyze the facts and law and succinctly state why that case does or does not merit further review.

The other twenty percent of a staff attorney’s time is spent on special projects for the Court. This includes, but is not necessarily limited to, reviewing motions and drafting court orders in response to those motions, drafting opinions (usually in cases the attorney previously screened for review), researching issues of particular interest to the Court, acting as liaison to various committees, and drafting appellate or court rules. In my case, one of my extra duties is acting as the lead staff attorney on death penalty cases, which involves keeping track of the cases as they progress through the initial trial and direct appeal, and then later through collateral appeal, and drafting orders, memos and opinions, as appropriate. On execution nights, a team of staff attorneys works around the clock to assist and advise the Court as pleadings are filed.

In short, unless you have a heart for litigation and the excitement of the courtroom, there is absolutely nothing not to like about my job. It’s interesting, usually low pressure, and I work with the smartest and nicest people in the legal profession. Although different jurisdictions use central staff differently, the contacts I’ve made through CASA confirm that it is a universally coveted and enjoyable job. Should the opportunity present itself, come join us!

Karen Hornsby, CASA Member
MEET ABBY RUTH, THE NEW AJEI COORDINATOR

By Christina Cooley Smith
Staff Attorney
Georgia Court of Appeals

Abby Ruth came on board this past January as the new Program Coordinator of the AJEI at SMU Dedman School of Law. Ms. Ruth is an accomplished attorney who practiced at Norton Rose Fullbright, where she served as lead and co-counsel in numerous complex litigation cases. She is very active in her community, volunteering with the University of Texas Dallas Center for Brainhealth and having served on the advisory board of the Voice of Hope Ministries West Dallas. In 2012, the Dallas Bar Association recognized her as one of the “Dallas Volunteer Attorneys Program’s Finest” with a Pro Bono Award. The participants of the AJEI Summit are fortunate to be the beneficiary of Ms. Ruth’s boundless skills and energy, and she took time from her extremely busy schedule to answer a few questions for me.

I saw you went to SMU, and I’m curious to know how you came to be connected with the AJEI Summit?

My involvement with AJEI and the Summit seems like serendipity. I am an alum of SMU Dedman School of Law and knew of SMU’s sponsorship of and deep involvement with the Summit. I was a senior associate in the litigation section of a big law firm, and when I learned of the opportunity to work with this very prestigious group of judges and lawyers through AJEI and SMU, I felt I had to jump at the chance. I saw right away that working with AJEI would bring so many new opportunities and experiences. On my first day, I had a voicemail from retired Justice Craig Enoch of the Texas Supreme Court, welcoming me (yes, little old ME!) to AJEI. What an honor. Since that time, I have been so privileged to work with and get to know such a distinguished group of lawyers and judges and to be involved in an organization dedicated to providing quality education for a critical group of our legal system.

The mechanics of coordinating so many things with so many moving parts seems daunting. I’d also like to ask you about the parameters of your role. What is your title, and what are your responsibilities?

As the Program Coordinator for AJEI, I have the opportunity to work on all aspects of the nonprofit and the Summit itself—I get to have my hands in everything. On the nonprofit side, I work with groups such as our esteemed Board of Directors, the fantastic accounting group at SMU, and outside counsel on the operations of the nonprofit and all compliance aspects of our organization. On the Summit side, I work closely with our outstanding and energetic Summit Chair, Judge Catharina Haynes from the Fifth Circuit, members of CASA, members of CAL, and members of the Education Committee on all elements of the Summit. Specifically, I work on everything from programing and CLE management, to marketing and website management, to fundraising with CAL, and to planning the unique events and activities our guests will participate in at the Summit. Every day is different. I’ve enjoyed working with Rachel Zahniser, Frank Gibbard, Ric Schickele, Dalila Patton, Lee Ramsey, Cliffie Wesson, and other fantastic CASA members on very interesting programming for the Summit and fun events for CASA members. To put it mildly, we are busy at the AJEI Headquarters!

Are there things in this job that have surprised you, and if so, what?

I have been surprised and thrilled to see how dedicated the judges, staff attorneys, and other appellate lawyers have been to the mission of AJEI and to the success of the Summit. Our volunteers work incredibly hard on every aspect of the Summit—planning the programs, securing the speakers, attorney fundraising, and spreading the word about our great event. It has been a true honor to work so closely with people who are very passionate about AJEI. I cannot wait for November!
CELEBRATING THE 50TH ANNIVERSARY OF THE AJC

By Lee Ramsey
Staff Attorney
Tennessee Supreme Court
Nashville, Tennessee

This year marks the fiftieth anniversary of the founding of the Appellate Judges Conference (AJC), which was celebrated during the ABA’s annual meeting in Boston. On Friday, August 8, the AJC held its 50th Anniversary Luncheon with Jeffrey Toobin, staff writer at The New Yorker and the senior legal analyst at CNN, as the keynote speaker. Those who attended the luncheon also were treated to seeing a video produced by Judge James Lockemy (South Carolina Court of Appeals), highlighting the AJC’s history, its present, and its future. The video included clips from interviews with Chief Justice John Roberts, former CASA Chair Taye Sanford, and many other (yes, Taye, “other”) VIPs, with a terrific performance by Judge Lockemy as narrator. Retired Justice Frank Sullivan Jr., currently professor of practice at Indiana University’s Robert H. McKinney School of Law, also spoke about his recently completed book, A History of the ABA Appellate Judges Conference, a copy of which was provided for each person at the luncheon. Both in his remarks at the luncheon and in his book, Justice Sullivan thoughtfully noted CASA’s important role in the history of the AJC, and his book includes sections about CASA’s own history.

The luncheon was followed by the AJC’s 50th Anniversary Program, “Judicial Influence,” with panelists Ken Starr, President and Chancellor of Baylor University; Hon. Judith Kaye, Chief Judge, State of New York (Ret.); Kevin C. Newsom, Bradley Arant Boult Cummings, LLP; Jeffrey Rosen, President and Chief Executive Officer, National Constitution Center; and Kannon K. Shanmugam, Williams & Connolly, LLP. And the last of the anniversary events was held on Saturday night at the AJC’s dessert reception, complete with sparkling wine and a cake to celebrate the AJC’s 50th birthday.

The anniversary events were excellent, and I’ll give a tip of the hat to the members of the 50th Anniversary Committee, chaired by Justice Randy Holland (Delaware Supreme Court), for all their work in making the weekend’s events such a success.

TIPS FOR TAKING PICTURES (AND LIVING WELL)

Geoff Davis
Staff Attorney
Division of Supreme Court Administration
Indianapolis, Indiana

Since someone gave me a used digital camera a few years ago, I have been snapping photos regularly. Here are a few. Digital technology makes photography easy, quick, and relatively inexpensive. I still don’t know much about photography or how the camera works, but I’ve learned a few things.

(1) Posed portraits are appropriate for professional brochures, school pictures, driver’s licenses, and mug shots, but many of the best portraits show people doing what they do. The image of a friend or loved one working, running, laughing, telling a story, or fishing can be the most poignant and memorable. The best portraits show someone in context, doing what he or she loves or considers important.

(2) Like other things in life, you can’t control the moon, a mountain, or an ocean, but you can control your view of them. Move around. Change your perspective, and don’t be afraid to get your boots wet.

(3) Experiment. Take photos without looking through the viewfinder. Extend your arm out fully and snap away. Capture that bug or turtle from ground level, not your eye level.

(4) For variety, tilt the camera or move the subject from the photo’s center. Not all is straight or “squared away,” nor should it be, especially at a sporting event, parade, dance, or party.

Continued on page 6...
(5) Imperfections, flaws, or unexpected details may improve a picture. A lens flare reminds us of the sun's power and how the image was created; a blurred flower in an otherwise focused picture may signal swaying in the wind.

(6) Most importantly, remember there is beauty all around us.
2014–2015 CASA EXECUTIVE BOARD SLATE OF CANDIDATES

By Taye Sanford
Supervising Staff Attorney
U.S. Court of Appeals for the Tenth Circuit
Denver, Colorado

Greetings, CASA members. It is time to begin the process of selecting CASA Executive Board officers and members for the 2014-2015 term. The election will take place at our annual meeting during the AJEI Summit in Dallas on Saturday, November 15, 2014 at 1:00 p.m. As chair of the Nominating Committee, I present the following slate of candidates:

Chair - Dalila Patton

Dalila E. Patton, Esq. has been the Staff Attorney of the Supreme Court of the U.S. Virgin Islands since 2010. After receiving her J.D. from Tulane Law School in 2002, she worked as a judicial law clerk for the Honorable Edgar D. Ross of the Territorial Court of the Virgin Islands, Division of St. Croix - a trial court of general jurisdiction. Upon the conclusion of her clerkship, she served as the legal counsel for the Virgin Islands Department of Planning and Natural Resources, Division of Coastal Zone Management. She is a member of Delta Sigma Theta Sorority, Inc. and volunteers for the Dr. Betty Shabazz Delta Academy, mentoring girls from ages 11 to 14. In her spare time, she enjoys relaxing on the beautiful beaches of St. Croix with her family and friends.

Chair-Elect – Christina Cooley Smith

Christina Cooley Smith is the senior staff attorney for the Honorable Anne Elizabeth Barnes on the Georgia Court of Appeals, for whom she has worked since the judge took the bench in 1999. Christina received her B.A. from Georgia State University and her J.D. from the University of Georgia School of Law in 1983. Christina formerly chaired the State Bar of Georgia's Appellate Practice Section, and served on the Bar’s Record Appendix Subcommittee. She volunteers as a judge and evaluator for the Georgia High School Mock Trial program, and is a member of the Lawyers Club of Atlanta, the Federalist Society, and the American Constitution Society for Law and Policy. Before coming to the Court of Appeals, Christina was the managing editor of Counsel Connect, an online service for lawyers that began in 1993, and was a manager at Arthur Andersen, where she helped develop an online community for corporate counsel. During her career, she also owned a solo practice, clerked for a state trial court judge, worked in a small firm, and wrote for the Fulton County Daily Report and its parent company, American Lawyer Media. In her spare time, she volunteers for the Georgia Reptile Society and the DeKalb County Master Gardener’s program, where she is a Lifetime Master Gardener. Christina served as the Secretary of the CASA Executive Board for the 2013-2014 term.

Immediate Past Chair – Rachel Zahniser

Rachel Zahniser is a staff attorney for the United States Court of Appeals for the Sixth Circuit. Rachel received her bachelor’s degree in English from Centre College and her master’s degree in library science from the University of Kentucky School of Library and Information Science. After working as a librarian at Alice Lloyd College, Rachel attended the University of Kentucky College of Law, where she was editor-in-chief of the Kentucky Law Journal. Upon graduation, Rachel clerked for the Honorable Karl S. Forester, United States District Court for the Eastern District of Kentucky, and the Honorable Eugene E. Siler, Jr., United States Court of Appeals for the Sixth Circuit. Rachel practiced labor and employment law with a regional law firm prior to joining the staff attorneys' office. Rachel enjoys participating in her monthly book club meetings and attending Cincinnati Reds and Bengals games. Rachel served as CASA Chair in the 2013-2014 term.

Secretary – Frank Gibbard

Frank Gibbard graduated from the University of Wyoming College of Law in 1990. He attended his first CASA convention in 1992, while clerking at the Wyoming Supreme Court. He began working as a staff attorney with the Tenth Circuit Court of Appeals in 1995. From 2003 until 2014, he served as secretary of the Tenth Circuit Historical Society. Since 2004, he has written a legal history column for the Colorado Lawyer magazine. In 2010, the Colorado Bar Association published a book of his columns under the title Steam, Steel & Statutes: True Tales From Colorado Legal History. The book was selected as a 2011 Colorado Book Award finalist. Frank also serves as head of a French language Meetup group in Denver, sings tenor in a barbershop quartet, and plays the bass guitar in a Lutheran church band. He has been married to Chris, a medical social worker, for over 30 years. They have two children.

Member-at-Large (2nd Year) – Lisa Senter

Lisa Senter is a staff attorney for the United States Court of Appeals for the Sixth Circuit. She previously served as a staff attorney for the United States Court of Appeals for the Fifth Circuit for eight years. She graduated cum laude from Tulane Law School in 1998 and summa cum laude from Tulane Uni-
versity in 1995. Before working as a staff attorney, Lisa edited legal publications for Harcourt. She lives in Cincinnati with her husband, Matt, and her two sons, ages five and twelve. Lisa volunteers for the Interfaith Hospitality Network of Greater Cincinnati, which provides shelter, meals, and support to homeless families. She also enjoys running and hiking.

**Member-at-Large (2nd Year) – Great Scodro**

Greta Morris Scodro has served as the Deputy Administrator at the Indiana Supreme Court in Indianapolis since 1996. Legal duties include preparing legal memoranda about pending appeals, reviewing motions, and drafting other documents such as orders or per curiam opinions as directed by the Court. Administrative duties include managing the other staff attorneys, attending to some day-to-day Court operations, keeping track of Indiana death penalty cases, providing information about appellate procedure to the bar and the public, organizing an orientation program for law clerks, and “other duties as assigned.” She has attended CASA’s annual summits and conferences on an office-rotation basis for years. Life before the Supreme Court included private practice as a civil trial attorney in Chicago and Indianapolis. For fun, she polishes rocks, travels a bit, and takes photographs.

**Member-at-Large (2nd Year) – Clifffie Wesson**

Cliffie Wesson is currently the Chief Staff Attorney with the Fifth District Court of Appeals at Dallas, Texas, where she has worked since 1994. Her work as Chief Staff Attorney primarily involves assisting the Chief Justice with administration of the Court, and assisting the Court as a whole with research for and reviewing draft opinions. She is also responsible for in-house continuing legal education for Court attorneys, which includes presenting as well as arranging for speakers to educate the Court on issues unique to appellate staff attorneys. During the fall semester each year, she is an adjunct professor at Texas A & M School of Law, teaching a third semester writing course, Appellate Advocacy and Writing. Before her current position, she also worked as Deputy Chief Staff Attorney, Staff Attorney, Research Attorney, and Briefing Attorney, all at the Fifth District Court. From 1982 through 1994, prior to and during law school, Cliffie worked as a critical care registered nurse (C.C.R.N.) at Baylor University Medical Center and Parkland Memorial Hospital in Dallas, Texas; and as a registered nurse (R.N.) at the Madigan Army Medical Center, Tacoma, Washington and at the 130th Station Hospital, Heidelberg, Germany.

**Member-at-Large (1st Year) – Joe Merrick**

Joe Merrick has been a staff attorney at the Indiana Court of Appeals since March 2006. He works primarily as a law clerk for the Court’s senior judges but also assists the Chief Judge with motions. This year, he will speak about appellate procedure at several Indiana CLE seminars. Previously, Joe worked as an enforcement attorney at the Indiana Department of Environmental Management. He also worked as a litigator at Michael K. Sutherlin & Associates, focusing on plaintiffs-side civil rights and employment discrimination cases. He clerked for Hon. John T. Sharpnack of the Indiana Court of Appeals immediately after law school. A lifelong Hoosier, Joe earned an undergraduate degree in history at Indiana University-Bloomington and a J.D. at Indiana University-Maurer School of Law (formerly IU School of Law-Bloomington). He lives in downtown Indianapolis with his wife, Anne Laker.

Nominations also will be accepted from the floor at the annual meeting on November 15, 2014.
Planning for the 2014 Dallas Summit

Planning for next year’s Summit begins almost immediately after the current year Summit ends. By January the three constituent groups of AJC are soliciting ideas from their members and compiling lists of speakers and programs to be proposed to the larger Summit planning committee for the following November’s conference. Our efficient Education Committee co-chairs, Frank Gibbard and Ric Schickele, got us started early in 2014 with a January 3 conference call to gather and toss around ideas. By mid-January, Frank forwarded CASA’s list of eleven proposed topics/speakers to AJEI staff for circulation to the Summit planning committee in preparation for the larger group’s first planning session in Dallas at the end of January. Frank and committee member Clifffe Wesson attended the two-day Dallas meeting, which sounded like a bit of a marathon where many proposals were discussed and voted upon.

First, the group considered the plenary or general sessions for the Summit. Of about eight plenary sessions to be planned, one needing little discussion and added to the agenda by acclamation was the popular perennial Supreme Court civil case review by Dean Erwin Chemerinsky. CASA is proud to have introduced Dean Chemerinsky, who spoke for many years at CASA’s independent summer conferences, to the AJEI Summit world. We were able to tell the Summit planning committee that Dean Chemerinsky already had the November 2014 Summit dates on his calendar.

Next, the group voted on scores of possible breakout session ideas. Several of CASA’s proposals emerged from the final voting: Dean Chemerinsky’s Supreme Court criminal case review; a law and literature topic to be determined after discussion with Susan Herman, another long-time CASA favorite speaker (more about her later); and a program combining CASA’s suggestions concerning neuroscience and personal motivation.

The January planning meeting was followed by a regular succession of large-group conference calls at which reports were made about the status of each program unit: availability of speakers, crystallization of topics, and panel components. By April, CASA’s program offerings were buttoned up and ready for inclusion on the Dallas Summit agenda.

CASA-Sponsored Sessions at the 2014 AJEI Summit

On Thursday, November 13, CASA member Clifffe Wesson (staff attorney with the Texas Court of Appeals, Fifth District) will moderate and participate in the afternoon breakout panel "Brain Games to Stay Motivated." Other panelists are Matthew Neyland, Head of the Warrior Training Team of the Center for BrainHealth at the University of Texas at Dallas, and Dee O’Neill-Warren, Senior Clinician at the same facility. Matthew Neyland is a lawyer who formerly served in the Marine Corps and was deployed to Iraq and Afghanistan. He oversees training and assessment programs designed to assist veteran service members, and also acts as liaison to research and clinical personnel on best practices to "garner brain gains." Dee O’Neill-Warren, a Licensed Professional Counselor (LPC), performs BrainHealth physical evaluations and facilitates a high performance brain-training program known as Strategic Memory Advanced Reasoning Training (SMART).

The session promises to be an interesting mix of scientific and functional paths to life and work enrichment.

On Friday, November 14, Erwin Chemerinsky, Dean of the University of California, Irvine School of Law, offers the morning plenary session "Supreme Court Review – Civil" and the afternoon breakout session "Supreme Court Review – Criminal." Dean Chemerinsky is a masterful speaker with an astounding command of the case facts and individual vote tallies for each case heard and decided by the U.S. Supreme Court, a number of which he may have briefed or argued. If you have not seen him speak before, you will be amazed to see that he follows exactly, in order, without once glancing at a note, a lengthy outline of cases. His presentation is always a tour de force, offered with humor, grace, and thoughtful insights and predictions.

On Saturday, November 15, Susan Herman will present the afternoon breakout session "Three Decades After '1984': Why Does Privacy Matter?" Susan Herman wears many hats, including professor at Brooklyn Law School, President of the American Civil Liberties Union, frequent radio and TV commentator on the law, and author of multiple books and publications on constitutional law, civil liberties, terrorism, and the Patriot Act. For this session, CASA asked Professor Herman to assume the hat of Professor of Law and Literature; in turn she invites us to reread George Orwell’s ‘1984’ and...
consider the book’s vision while asking ourselves, “Why should I care what the government knows about me if I haven’t done anything wrong?” Professor Herman will present an engaging, and perhaps unsettling, look at the current state of surveillance law and a world with receding privacy.

I hope to see you enjoying these special sessions, among the many other interesting programs, in Dallas, and I encourage you to consider serving on the CASA Education Committee.

The “Rev. Mr. Golden,” as the Texas Court of Appeals called him, soon lost his shirt. He gambled away $175 in cash, a tidy sum in those days. Then he began betting with checks drawn on an account at the Farmers’ & Merchants’ Bank of Paris. Eventually, he lost those, too.

But when W.J. Warren, who took Rev. Golden’s checks as collateral, went to the bank to cash them, he found that the right reverend had already drawn out all of the money and closed his account. Warren searched for Rev. Golden, but could not find him.

At this point, the unfortunate affair of Rev. Golden appeared to involve a couple of bad checks and a few bad days at the gambling saloon. Nothing that unusual, perhaps. But as it turned out, the truth was worse—far worse, in fact.

Just a month earlier, Rev. Golden had married Ella Weedon in Alamance County, North Carolina. At the time of his marriage, he claimed to be “a preacher, music teacher, and schoolmaster.” Shortly after the marriage, he left North Carolina with his new wife and a $300 dowry the newlywed Mrs. Golden had been given by her mother Mrs. E. J. Weedon and her two elderly aunts. Rev. Golden said he was headed for Florida, where he claimed he owned an orange grove.

Not long afterwards, Rev. Golden telegraphed the mother of the bride, Mrs. Weedon. His telegram came not from a Florida orange grove, but from Paris, Texas. He asked her for an additional $300. When this sum was not forthcoming, he allegedly sent her several letters shamelessly importuning her for money.

Perhaps alarmed by these developments, Mrs. Weedon took the train to Paris. She arrived there on October 22, 1885. She brought her sisters Nancy, Harriet, and Molly with her. All these ladies were elderly. In addition, Harriet was crippled and could barely walk.

“Rev. Mr. Golden…soon lost his shirt.”

Rev. and Mrs. Golden met her elderly relatives at the train station. Rev. Golden warned the ladies that it was dangerous to carry cash in a Texas frontier town. He prevailed on them to give him their money, promising to put it in the bank and to bring them a receipt. The spinster sisters were reluctant to part with their cash at first, but after repeated entreaties, Mrs. E. J. Weedon gave him $175; Nancy, $169; and Molly, $150. They never saw their money again.

Rev. Golden later showed up at the Farmers’ and Merchants’ Bank of Paris. He opened an account there, depositing $130 in cash on November 23 and another $120 the next day. The account did not stay open for long. By November 25 he had written checks for the entire $250 balance. Then came the bout of faro at the White Elephant saloon, followed by Rev. Golden’s disappearance.

The authorities eventually tracked the missing clergyman down and brought him to trial. In December 1885, the Weedon sisters testified at a preliminary hearing about his thefts from them. Based on their testimony, a justice of the peace bound over Rev. Golden for trial on theft and embezzlement charges.

The sisters were truly desperate by this point. The Texas Court of Appeals described their plight:

They were gray-headed, unmarried women, who had been defrauded by [Rev. Golden] out of everything they had. They were in destitute circumstances, left in midwinter with nothing to eat, nothing to do, and no place to sleep. The neighbors carried them food. They were gray-headed women, one of whom was a cripple, and unable to get out of her seat. They wanted to go back to their home in North Carolina, where they could get work.
The Lamar County Attorney, J.W. Ownby, did not encourage the women to remain in Texas for Rev. Golden’s trial. Instead, he wrote and had published a newspaper article drawing attention to their plight. By this means, he raised enough money to send E.J., Nancy, and Harriet Weedon back to North Carolina, knowing they would most likely never return.

The Rev. Golden was tried for theft and embezzlement, convicted of the latter offense, and sentenced to nine years in the penitentiary. At trial, he argued that the money the Weedon sisters gave him was simply the remainder of his wife’s dowry. Surely, he reasoned, he could not be convicted of embezzling money that belonged to his own wife.

There was a difficulty with this theory, however: Mrs. Golden’s preliminary hearing testimony. She agreed that she had been promised additional money on her marriage. But she also stated that her uncle had already sent her that money, parceling it out to her on five or six different occasions in amounts ranging from fifteen or twenty dollars up to a hundred dollars on one occasion. In addition she testified at the preliminary hearing that her husband had locked her up in every town they passed through on their way to Texas, imprisoning her in hotel rooms from Memphis to Texarkana, and that he had kept her by herself at a hotel in Paris.

But Mrs. Golden told a completely different story at trial, one much more favorable to her husband. She claimed that the money Rev. Golden obtained from her mother and aunts was her own (Mrs. Golden’s) money, sent to her mother by her uncle in Missouri to educate her because she was illiterate. But, she said, her mother never sent her to school. Instead, her mother dictated to her. In fact, Mrs. Golden now said the whole story about her husband locking her up in hotel rooms was made up from whole cloth by the Weedon ladies to make Rev. Golden look bad.

There was more. At the preliminary hearing, Mrs. Golden had testified that her husband had revealed to her his plan to take the Weedon sisters’ money and to head west with it. He then showed her a photo of a lady and a child, telling her that was his other wife, who lived in Dallas, Georgia and who was a “bad and impure woman.” He also threatened to “give her a good whipping if she told her mother and aunts what he was going to do.” Before the preliminary hearing, Mrs. Golden had told the county attorney that she was afraid of her husband because he had treated her so badly. But at trial, Mrs. Golden either denied or claimed not to remember any of this prior testimony.

The prosecution put on a rebuttal witness, B.F. Perry, who testified that Mrs. Golden’s previous testimony was true. He also stated that he had not observed Mrs. Weedon making any threats or engage in any violence toward Mrs. Golden. In the end, the jury did not buy Rev. Golden’s story or, apparently, that of his wife. The Texas Court of Appeals also rejected his appellate issues, including claims that the preliminary hearing testimony should not have been used at his trial and that he should have been convicted, if anything, of theft, and not embezzlement. The court finished its decision by stating “we feel fully justified an adding that the facts developed in this record disclose such a heartless and inhuman wrong to obtain money by fraudulent devices as is rarely to be found in the history of crimes unaccompanied by personal violence.”

“...[T]he facts developed in this record disclose such a heartless and inhuman wrong to obtain money by fraudulent devices as is rarely to be found in the history of crimes unaccompanied by personal violence.”

The Poisoner

During the same year in which Mr. Golden committed his embezzlements, Sarah Johnson killed her step-father.

Eighteen-year-old Johnny Johnson (apparently no relation) worked at the White Elephant in San Antonio. On Saturday night, June 20, 1885, he met Sarah Johnson at a skating rink and walked her home at about two a.m. During their walk she told him that her step-father, Alfred Owens, was mistreating her and that he wouldn’t let her go out as she wished. So she was going to poison him with rat poison. Johnny told her not to talk that way. He assured her she
couldn’t mean what she was saying. She responded, “You don’t believe me, but you will see,” and added, “If you don’t quit going with those other girls I will fix you too.” This was not the first time Sarah had talked about murder. Two weeks earlier, she had threatened to kill her step-father, “fix” Johnny, and kill herself. **Johnny had brushed off her threats, later saying he had “attached no importance” to them.**

When the couple reached her house, Sarah said she didn’t want to go inside, because she was afraid her step-father would whip her. But it was actually her mother, Mrs. Owens, who intended to whip her. According to the testimony of Mrs. Owens, Mr. Owens had gone looking for Sarah that night at around one a.m. and found she was not at her workplace. In fact, she had not been there for a week. When Sarah returned, around two or three a.m., Mrs. Owens told her she planned to whip her soundly the next day, Monday.

Johnny saw Sarah again Monday morning, when she came to the White Elephant between nine and ten o’clock with two prescriptions in her hand. She told Johnny her step-father was sick with cholera. She left for a short while, then returned, and Johnny asked about her step-father. She replied: “I did not poison him” and left again.

When she returned for the third time that day, Sarah told Johnny her step-father was dead, and asked him for a dollar to buy shoes to wear to the funeral. Johnny said he didn’t have a dollar just then, but would bring her one that evening. He came to her house that evening, but she wasn’t there. Johnny saw Sarah again at the coroner’s inquest hearing, before she was arrested. He asked her if it was true that she had murdered her step-father. She said, “I don’t give a d--n if I did.”

One of the jurors at the inquest suggested to the presiding Justice of the Peace that a post-mortem investigation be conducted, and a physician performed the autopsy. The juror helped the physician remove Mr. Owens’ stomach, which was tied off at both ends. The juror and the deputy sheriff put the stomach into a glass jar and delivered it to druggist George Kalteyer that evening, which was the same day Mr. Owens died. The stomach looked the same as when it was taken from the body, except that it had been tied off at both ends. A plate, disc, cup and saucer used by Mr. Owens were also taken to the drug store.

Druggist Kalteyer, who was also a chemist, opened the stomach, and the autopsy doctor identified it as Mr. Owens’ stomach. When Kalteyer examined the contents of the stomach the next day, he found that it contained enough arsenic to kill half a dozen people. On the plate provided to him, he also found grains of arsenic.

At first, both Sarah and her mother were arrested for Mr. Owens’ murder and jailed. Then Sarah sent a note to the sheriff confessing to the crime and exculpating her mother. Supposedly, she admitted that she had got the idea of murdering Mr. Owens “by knowledge of the fact that her mother was jealous of her step-father, and had employed a voodoo doctor to charm him to death.”

George Kalteyer’s drug store was the same establishment where Sarah bought the rat poison she used to kill Alfred Owens. The evening before his death, she came to the drug store and asked the clerk for some “rough on rats.” A package of “rough on rats” sold for fifteen cents, but she only had ten cents. So, based on the clerk’s advice, Sarah bought three or four ounces of plain arsenic—the active ingredient in “rough on rats”—instead. The clerk “cautioned her to be very careful, as the arsenic was a deadly poison,” and entered her name in “the poison book” as the person to whom the arsenic was sold.

“The evening before his death, she came to the drug store and asked the clerk for some ‘rough on rats.’”

On the night before Mr. Owens died, Sarah, her mother, her two sisters, and Mr. Owens were at home together. When Mr. Owens left to visit a relative, Sarah took some meat and spread a white substance on it with a spoon. She gave some of it to her sister Eliza to try. The white substance was foaming up on the meat, but Sarah assured her sister that the foaming was just something to do with the fat. The next morning, her sister was sick with cramps and vomiting. Sarah gave the rest of the meat to Mr. Owens to eat.

Mr. Owens went off to work that morning, even though he felt unwell. He came back home after an hour, complaining that he felt very sick. He went to the outhouse, “vomiting and purging violently.” The family called for a doctor, who examined Mr. Owens and wrote out the two prescriptions Sarah later carried with her into the White Elephant. Neither of these prescriptions was for a poisonous substance.

The deputy sheriff questioned Sarah about the murder. She told him “the package containing the residue of the poison could be obtained from the privy, if it had not sunk.” But a search below the outhouse failed to discover the package.

Matilda Miller, a witness for the state, testified that she saw...
Sarah at Miller’s house on the evening before Mr. Owens died. Sarah had a parcel marked “arsenic” in her hand, and told her she was going to use it to kill rats. On cross-examination, Ms. Miller stated she could read the word “arsenic” on the parcel. But when her literacy skills were tested, Ms. Miller “failed to read a word on the title page of a volume of the Court of Appeals reports.”

The State produced a number of other witnesses. Ms. Miller’s sister testified that when she asked Sarah about Mr. Owens’ death, she responded: “You bother me; don’t ask so many questions.” Another witness testified that she met Sarah on the afternoon of Mr. Owens’ death. Without prompting, Sarah told her, “I did not poison my father, for I thought too much of him.”

One of Mr. Owens’ neighbors testified that about the time Mr. Owens died, a cat and two of his chickens died and swelled up. The cat went crazy before it died. But, the Court of Appeals noted, “[n]o post-mortem examination of either the cat or chickens was made.”

The defendant also put on a number of witnesses. Mrs. Owens’ father-in-law stated that it was he, not Sarah, who took Mr. Owens’ prescriptions to the drug store and had them filled.

Druggist Kalteyer, who had testified for the State, also testified for the defense. He stated that arsenic spread on meat “would not dissolve and become absorbed; it would not foam or bubble, but would cover the meat like so much sand.”

Mr. Owens’ mother testified that about an hour before her son died, she arrived at his house, having been summoned by Mrs. Owens. Mr. Owens was in the outhouse, sick, and the mother helped the wife get him back into the house and into bed. The mother said that her son and his wife did not get along well, and that he had often told his mother he would have to leave his wife. Mr. Owens got along well with Sarah, “but often said that she was an incorrigible liar.”

After Mr. Owens’ death, Sarah Miller said to Sarah Johnson: “You poisoned Alfred!” Sarah said: “Don’t bother me; I got the poison for a Mexican woman.” When asked who the Mexican woman was, Sarah replied: “You ask me too many questions; don’t bother me.”

Mrs. Owens said that when Mr. Owens complained about the meat, she smelled it, but couldn’t detect any odor. Mr. Owens told her it tasted like peppermint, “but that it may have been traversed by a centipede.” Mrs. Owens also said she “did not hire Uncle Joe Muncey to make her a voodoo bag, nor did she ever attempt to bribe him to voodoo any one.” The defense rested.

The jury convicted Sarah of first degree murder. The Fort Worth Daily Gazette called her “a regular Lucretia Borgia.”

On appeal, Sarah raised two issues. She argued that the prosecution had failed to prove the chain of custody of the plate and stomach that druggist Kalteyer examined. She also argued that her statement to Johnny Johnson, that she didn’t give a damn if she did kill Mr. Owens, should not have been admitted because she was under arrest at the time. The Texas Court of Appeals found no error in either issue, and affirmed her conviction, together with her sentence of life imprisonment.

The White Elephant Today

A “White Elephant Saloon” still exists in Fort Worth. It claims succession from the original Fort Worth saloon by that name, which endured “years of dormancy” before moving to a new location in the 1970s. The original Fort Worth location was perhaps most famous for its proximity to the boardwalk where one of the few true Old West shootouts occurred. In 1887, Luke Short, who owned Fort Worth’s White Elephant, gunned down Timothy Isaiah “Long-haired Jim” Courtright, former City Marshal of Fort Worth and alleged protection racketeer. It was but one crime associated with the old-time White Elephant saloons.

2 Golden v. State, 2 S.W. 531, 532 (Tex. App. 1886). The facts described here concerning Mr. Golden’s conduct are taken from the Texas Court of Appeals’ decision.
3 According to a popular internet encyclopedia, “faro” is a card game in which the players place bets on cards drawn by a dealer from a “dealing box.” http://en.wikipedia.org/wiki/Faro_card_game
4 Golden, 2 S.W. at 533-34.
5 The Farmers’ and Merchants’ Bank of Paris was situated in a very fine, two-story brick building. The bank opened in 1874. For an illustration of the bank building, dating from 1883, see “The Bicentennial of Our History,” The Paris News, July 13, 1975 at p. 4A. The building bears some resemblance to the Farmers’ and Merchants’ Bank building in Pilot Point, Texas, now used as an art gallery, which was featured in the 1967 film, Bonnie and Clyde. See http://www.movie-locations.com/movies/b/Bonnie-And-Clyde.html#VBuR-vlIDv8E
6 Golden, 2 S.W. at 533.
The Texas Court of Appeals' decision generally refers to three ladies, not four. The missing sister appears to be Molly. It is not clear what happened to her.

Golden, 2 S.W. at 532.

Id. at 532-33.

Id. at 534.

Id.

Id.

Id.

Id. at 537-38.

The facts concerning this case are taken from Johnson v. State, 20 Tex. App. 178 (Tex. App. 1886). This case predates the South Western Reporter and hence no S.W. citation is provided.

Id. at 181.

Id.

Id. at 182.

Id. at 181.

Id. at 182.


Id. at 180-81. “Rough on Rats” was a poison composed of arsenic, with a little coal added for colouring, [and] was used to kill vermin.”

http://nzetc.victoria.ac.nz/tm/scholarly/tei-NHSJ07_02-t1-g1-t8.html.

Unfortunately, its poisonous properties made it a favorite with suicides and homicides as well.

Id. at 181.

Id. at 183.

Id. at 184.

Id. at 185.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.


http://www.whiteelephantsaloon.com/history.asp.


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