

## **HISTORY OF FUND 540**

The grant program, the Judicial and Court Personnel Training Fund, is called Fund 540.

Some Court of Criminal Appeals judges don't want to administer the grant any more, and the Texas Center for the Judiciary has been at odds with the Court of Criminal Appeals over some of the Court of Criminal Appeals restrictions.

Understanding the controversy requires a little history of Fund 540.

Bill Hill, the Court of Criminal Appeals judicial education auditor, said the Legislature created Fund 540 in 1985 to provide judicial training funded by court fees. In 1992, the Legislature added training programs for prosecutors and criminal-defense attorneys to the list of eligible grant recipients, Hill says. The Legislature appropriated about \$8.9 million to the Court of Criminal Appeals for the 2009 grants program, he says.

The Court of Criminal Appeals awards grants to seven training programs, according to Court of Criminal Appeals Presiding **Judge Sharon Keller**: the Center for the Judiciary, the Texas Municipal Courts Education Center, the Texas Justice Courts Training Center, the Center for American and International Law, the Texas Association of Counties, the Texas District and County Attorneys Association, and the Texas Criminal Defense Lawyers Association.

[News story on Judge Sharon Keller, the state's highest criminal appeals court judge, 2010](#)

[Judge Sharon Keller ignored the court's execution-day procedures for appeals and displayed conduct that "casts public discredit on the judiciary" by denying a late-hour appeal for a Death Row inmate in 2007, the State Commission on Judicial Conduct concluded in a report released Friday.](#)

[The 19-page document sharply rebuked Keller for her handling of the case, saying that her conduct violated legal standards for her office and effectively closed off last-minute legal avenues for inmate Michael Wayne Richard, who was executed by lethal injection at 8:23 p.m. on Sept. 25, 2007.](#)

**[But the judicial oversight panel chose the least severe public sanction against Keller -- a public warning -- opting against more severe recommendations, including calling for her removal from the bench.](#)**

### Continuation of History of Fund 540:

In a letter to the chairmen of the Senate Jurisprudence and House Judiciary Committees, the Court of Criminal Appeals Judge Cheryl Johnson requested that the Legislature move responsibility for that fund outside the judicial system.

Court of Criminal Appeals Judges Tom Price and Cathy Cochran jointly wrote in a letter to the chairmen of House and Senate committees to request that the Legislature consider transferring authority for Fund 540. Price and Cochran wrote in their letter that the Court of Criminal Appeals **administration of the fund "is a situation rife with potential problems and always subject to suspicion about our motives in directing funds to favored grantees."**

Cochran says in an interview that she has had concerns about the Court of Criminal Appeals responsibility for Fund 540 since 2002.

Thomas, who serves as mediator of an informal conference committee that has been trying to work out differences between the Court of Criminal Appeals and the Center for the Judiciary, says the court and the center have been at odds over Fund 540 since 2005.

**"The dispute between the Court of Criminal Appeals and the center is about money and who is going to administer the education funds,"** she says.

Hill says the Center for the Judiciary received about \$1.7 million of the state grant funds for 2009 -- \$72,000 less than the center had requested.