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Colleges

Supreme Court Justice visits Tech law school

By Sally Gunter/*The University Daily*

He was responsible for eliminating racial preferences in university admissions in three states.

Texas Supreme Court Justice Steven Wayne Smith, the lawyer behind the 1996 Hopwood v. Texas case, spoke about judicial activism at the Texas Tech School of Law Thursday. He also touched on another topic close to his heart.

"I am running for re-election," Smith said.

"I run on a judicial philosophy," he said. "I am an outspoken advocate of judicial restraint."

While an attorney, Smith filed, litigated and won the Hopwood case that eliminated racial preferences in admissions and scholarships at Texas universities from 1996 through 2003.

He graduated with a finance degree from the University of Texas-Arlington and from the University of Texas School of Law with honors. Smith said he was the first member of his family to graduate from college.

Smith said he is the only member of the court with legislative experience, as he worked for a legislature council for four years.

The justice election system in Texas is important because it keeps justices accountable, Smith said.

While there are parts of the election system that need to be improved, Smith said the election process is better than the appointment of justices.

"In my view that is the system that works best," he said. "It is a bitter partisan debate between the election system and appointment system."

During campaigning justices had limited free speech. This changed 18 months ago. The only limitation now is that no justice is allowed to make a direct pledge on how they will rule on cases, Smith said.

"If you have elections you have got to have free speech," he said. "This



JAIME TOMÁS AGUILAR/*The University Daily*

JASON ROBERTS, A third-year law student from San Antonio, introduces Texas Supreme Court Justice Steven Wayne Smith during a visit to the law school Thursday morning.

allows the citizens to determine the degree of free speech."

With the option of speaking freely, Smith said he still does not want to

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speaks about his personal philosophies, any standing or hypothetical cases.

"I've tried to use my free speech prudently," he said.

Policies such as abortion, homosexual rights and educational funding should be determined by the Texas Legislature, Smith said.

Paul Green, Smith's opponent in the Republican primary and a judge from San Antonio, declined an offer from The Federalist Society to participate in a debate between himself and Smith on Thursday.

"I wish my opponent had made it," Smith said. "But you got to hear my side."

President of The Federalist Society, Jason Roberts, said Smith was assertive during his speech, which will help him get re-elected.

"He is clear in what he believes," Roberts said. "His philosophy speaks for him. If he can clearly articulate

what he believes it will be a success, and that's what he did."

Smith has a sense of what Lubbock and West Texas want, said David Rogers, Smith's campaign manager and a 2001 Tech law graduate.

"He is understanding of the challenges rural Texas faces," Rogers said. "It is important not just to have high-money lawyers, but regular Texans have someone to represent them."

Andrew Lutz, a freshman philosophy major from Fort Worth, said he enjoyed the lecture from Smith.

"He was informative and made good arguments against the questions asked," Lutz said. "He's done a good job in the past."

Smith ran for the position in 2002 and won against an appointee of Gov. Rick Perry. He took office Nov. 20, 2002, completing current Texas Attorney General Greg Abbott's term as justice.

"I beat the governor's appointee last time," he said. "It's going to be a close race."