



THE EL PASO COURT OF APPEALS
Centennial Celebration



**Only 32 Jurists Have Served The Court In 100 Years
The Ten Living Justices Gather to Celebrate**

Back Row: Justice Fuller, Justice McClure, Chief Justice Chew, Justice Rivera, Justice Carr, Justice Schulte
Front Row: Justice Woodard, Justice Larsen, Justice Koehler, Chief Justice (Retired) Barajas

1911-2011

The Centennial Committee

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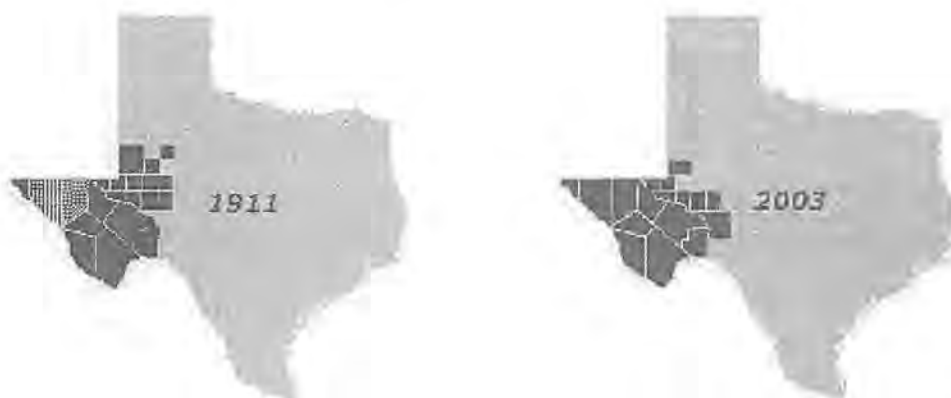
EX OFFICIO

Chief Justice David Wellington Chew

Justice Guadalupe Rivera

Introduction *

In 1911, the Texas Legislature created the Eighth Court of Civil Appeals located in El Paso. The twenty counties placed within the Eighth District included Andrews, Brewster, Crane, Ector, El Paso, Gaines, Glasscock, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Ward, Winkler and Borden Counties. At that time, the geographical areas which would later become Culberson and Hudspeth Counties were included within El Paso County. Culberson County was carved out and added to the District in 1913. Hudspeth County was created and became part of the District in 1925, at the same time that Borden County was removed from the Eighth District and added to the newly created Eleventh District in Eastland. In 1927, Crockett, Dawson, and Howard Counties were added. In 1929, Dawson and Howard were removed from the Eighth District and added to the Eleventh District. Finally, in 2003, five counties from the eastern boundary were redistricted from the Eighth Court in El Paso to the Eleventh Court in Eastland. These included Ector, Gaines, Glasscock, Martin, and Midland Counties, leaving seventeen counties within the Court's jurisdiction.



As originally created, the El Paso Court of Appeals heard only civil matters and was comprised of one chief justice and two associate justices. All three would sit as a panel to hear and decide each case. One would undertake the responsibility of preparing a written opinion which formed the basis for the Court's decision. In 1981, all fourteen intermediate appellate courts were given criminal jurisdiction and renamed the Courts of Appeals. At that time, El Paso gained a bench and became a four-judge court. The 2003 redistricting legislation resulted in a loss of approximately 25% of the Court's docket and the fourth judicial bench. The Court has remained a three-judge court since that time. There are a total of eighty intermediate appellate justices who serve the fourteen Courts of Appeals.

*The original history of the Eighth Court of Appeals was penned in 1988 by then-Chief Justice Max N. Osborn and Justice Charles Schulte and later published in the El Paso County Historical Society's *Password* magazine in connection with the Court's 85th anniversary in 1991. See THE EL PASO HISTORICAL SOCIETY, Vol. XXXVI, No. 3, *Password* Fall 1991. It has been revised and refreshed by Justice Ann Crawford McClure.

The First Court

W. M. Peticolas, James Franklin McKenzie and E. F. Higgins were appointed by Governor O. B. Colquitt to serve on the new Court of Civil Appeals for West Texas. At a time when the Mexican Civil War was ending just across the border from El Paso, they took their oaths of office on June 14, 1911. The first session of court was held on October 2, 1911.



Chief Justice W. M. Peticolas, the son of attorney A. B. Peticolas, was born June 19, 1873, in Victoria, Texas. He was a graduate of the University of Texas School of Law and moved from Victoria to El Paso in 1898. He became a charter member of the El Paso Bar Association. Chief Justice Peticolas was sworn in on June 14, 1911 when he was 39 years of age, making him the youngest appellate court chief justice in the history of Texas, a record he still holds. He practiced law in El Paso after he retired from the bench until his death on April 28, 1941. Judge Peticolas married Lola Davis and fathered six children. The original commission for Chief Justice Peticolas signed by Governor Colquitt hangs in the Court's robing room, on loan from his great-grandson, Ed Peticolas, himself an attorney. In addition to Ed, three other direct descendants have pursued a legal career, including W. C. Peticolas, Michael Peticolas, and Betsy Peticolas.



Justice James Franklin McKenzie was born in Prairie Lea, Texas, on March 18, 1873. He attended Texas A&M College and thereafter studied law at Vanderbilt University. He was admitted to the Texas Bar in 1895 and entered public life while a resident of Fort Stockton, becoming Pecos County Judge. He also served two terms in the Texas Legislature. Justice McKenzie served on the court from 1911 until he resigned to enter private practice in El Paso on October 8, 1914. At the time of his death on March 4, 1939, he was in partnership with Harvey R. Gamble. Justice McKenzie married Blanche A. Terrell and had two children.



Justice E. F. Higgins was born July 28, 1875, on his father's plantation near Bastrop. He was educated in the public schools of Bastrop and Southwestern University at Georgetown. He was admitted to the Texas Bar in 1896 and practiced in Bastrop until 1899 when he moved his practice to Houston. Developing tuberculosis, he moved to Alpine where he regained his health and resumed practice in 1907. In 1908 he was elected County Judge of Brewster County and served in that capacity until appointed to the Eighth Court by Governor Colquitt in 1911. He remained on the Court for thirty years. He was married and had one stepson. He died on July 22, 1949, six days before his seventy-fourth birthday.

The Peticolas Legacy

(Abridged)

BY BALLARD COLDWELL SHAPLEIGH

The name of a man, said Marshall McLuhan, is a numbing blow from which he never recovers. And every generation, said Lewis Mumford, revolts against its fathers and makes friends with its grandfathers. Not so with a family of lawyers from El Paso named Peticolas. In 1859, A. B. Peticolas began practicing law in Victoria, Texas. This marks the commencement of a distinction very possibly unmatched by any other family in Texas, namely an unbroken line of five consecutive generations of Peticolas men who practiced law in this state. The gentlemen lawyers have recently been joined by a woman who now practices in Austin.

This story begins with the notable Alfred Brown Peticolas. A.B. Peticolas was an attorney, diarist, artist, and Civil War veteran who left his mark on Texas. He was born on May 27, 1838, in Richmond, Virginia. He came to Victoria, Texas, in 1859 and set up a law partnership with Samuel White. In 1869, A. B. married Marion Goodwin and they had three sons. In addition to his law practice, Peticolas also served as editor of the *Victoria Advocate* from 1881-1888. He died in Victoria in 1915.

The second in this line of lawyers is Alfred's son, Warner Marion Peticolas, who was the first Chief Justice of the 8th Court of Civil Appeals. Warner came to El Paso from Victoria in 1898. Upon taking the bench in 1911, he became **the youngest intermediate appellate court chief justice in the history of Texas**. He died in El Paso in 1941.

The third-generation lawyer is Warner's son, William Craig Peticolas, known personally by many in the Bar Association to this day. After graduating from law school in 1934, W.C. went into partnership in El Paso with his father in a firm then known as Peticolas & Peticolas. Later, he became a special prosecutor for the United States Department of Justice from 1940 to 1946 while continuing to practice law with his father.

Fourth in the Peticolas line is W.C.'s son, Edward Kent Peticolas, who obtained his license in 1974 and joined his father's firm which had become known as Peticolas, Luscombe, Stephens and Windle. And now fifth in succession is Ed's son, Michael Peticolas, who presently lives and practices in Dallas.

There is a sixth descendent of A.B. Peticolas who has joined the ranks of attorneys practicing in Texas. W.C. Peticolas had a twin brother, John Davis Peticolas. John's son, James Bowie Peticolas (Jim), was a long time resident of El Paso who passed away in December 2010. Betsy Peticolas is the daughter Jim and his wife, Rose. Betsy practices with the Texas Commission on Environmental Quality in Austin.

An old Hebrew proverb says "whoever teaches his son teaches not only his son but also his son's son, and so on to the end of generations." One might also add, "So be it with his son's daughter." And so it is with the Peticolas family. The Peticolas family left a legacy only of eminence in El Paso and this community is greatly impoverished by their absence.

The Centennial Court

The Eighth Court celebrates its centennial anniversary on June 14, 2011. In the one hundred years of its existence, the Court has been served by a total of only 32 justices. Of those, five became Chief Justice; another eight served only in the role of Chief Justice. The Centennial Court is comprised of Chief Justice David Wellington Chew, Justice Ann Crawford McClure and Justice Guadalupe Rivera.



Chief Justice David Wellington Chew was born in El Paso, Texas on September 29, 1947, the son of Wellington Yee Chew, a prominent attorney and civic leader, and Patricia M. Chew, an elementary school teacher and principal. He attended Irvin High School and the University of Texas at El Paso before accepting a congressional appointment to the United States Naval Academy. He graduated from the Academy with a Bachelor of Science degree in 1971 and was commissioned as an Ensign in the United States Navy. His first assignment was on the U.S.S. *Claud Jones* (DE-1033) as Communications Officer and later as Operations Officer. In 1975, then- Lieutenant Chew was assigned as the Flag Lieutenant/ Personal Aide to Commander, Cruiser Destroyer Group Twelve, homeported in Mayport, Florida. He attained the rank of Lieutenant Commander. During his service he was awarded the Navy Achievement Medal, National Defense Service Medal, Vietnam Service Medal (2 Stars), Sea Service Deployment Ribbon and the Republic of Vietnam Campaign Medal. Chief Justice Chew was graduated from Southern Methodist University School of Law in 1978 and entered into the private practice of law in El Paso immediately afterwards, forming a partnership with Paul M. Douglass, who practiced with Justice Chew's father. They were later joined by his sister Linda Yee Chew, and succeeded by another sister, Patricia B. Chew. Linda Chew is now the Judge of the 327th Judicial District Court while Patricia Chew is the Judge of El Paso County Probate Court No. 1. Chief Justice Chew was board certified in Immigration and Nationality Law in 1985 and listed in the 1994/95 and 1995/96 *The Best Lawyers in America*. He was elected to and served one term as the West-Central City Representative to the El Paso City Council from 1989 to 1991. In 1994, he was elected to the Eighth District Court of Appeals. In April 1999, he served on the Texas Supreme Court on the commission of then Governor George W. Bush. In 2002, the Asian Pacific Section of the State Bar of Texas established the Justice David Wellington Chew Award which is presented annually to the section's outstanding attorney. Justice Chew was appointed as Chief Justice of the Eighth Court of Appeals in 2006. He is married to Mandy Chew and they have one son, Wellington Montgomery.



Justice Ann Crawford McClure was born in Cincinnati, Ohio on September 5, 1953 and the family relocated to Texas in 1955. She completed her undergraduate education at Texas Christian University in Fort Worth, and was graduated magna cum laude with a bachelor of fine arts degree in communications. In 1979, she received her Doctor of Jurisprudence from the University of Houston Law Center and entered private practice with a preeminent family law firm in Houston. She moved to El Paso in 1983 and began a solo practice in appellate law. In 1984, she was board certified by the Texas Board of Legal Specialization in Family Law, and in 1987, she became the first attorney from El Paso to obtain board certification in Civil Appellate Law. She was listed in the 1989/90, 1991/92 and 1993/94 editions of *The Best Lawyers in America*. In 1992, Justice McClure and her husband merged their respective practices into the partnership of McClure & McClure. She continued to maintain a state-wide appellate practice until she was elected to the Eighth Court of Appeals. Justice McClure assumed office on January 1, 1995.

She was appointed by the Supreme Court of Texas and commissioned by Governor Ann W. Richards to the Texas Board of Law Examiners in 1991. She additionally served as one of the original members of the Texas Board of Disciplinary Appeals and as a member of the Texas Family Law Specialization Exam Commission and Chair of the Texas Civil Appellate Law Advisory Commission. Dedicated to continuing legal education, she has authored over one hundred continuing legal education articles and published two law review articles. As a result, she received the 2005 Gene Cavin Award from the State Bar of Texas/Texas Bar CLE. Justice McClure has served as Chair of the State Bar of Texas Appellate Section, the Family Law Section and the Appellate Division of the Judicial Section. She serves as an Editorial Consultant to Matthew Bender's Texas Family Law Practice and Procedure and has also served as a director of the Texas Academy of Family Law Specialists.

In 2006, Justice McClure was named Judge of the Year by the El Paso Chapter of the Mexican American Bar Association. She was selected by the Texas Bar Foundation as the Samuel Pessara Jurist of the Year in 2005. In 2004, she received the Jurist of the Year Award from the American Academy of Matrimonial Lawyers/Texas Chapter. The Texas Center of Legal Ethics and Professionalism, joined by the El Paso Bar Association and the El Paso Young Lawyers Association, presented her with the 2004 Professionalism Award. She was also the recipient of the Texas Academy of Family Law Specialists' Judge Sam Emison Award in 2002. In 2000, Justice McClure received the Dan R. Price Award from the Family Law Section of the State Bar of Texas and the Sarah T. Hughes Award from the Women and the Law Section of the State Bar. In 1999, Justice McClure was presented the Distinguished Alumnus Award from Texas Christian University and the Civil Rights Award from the El Paso Local Chapter of the NAACP. She was also recognized as the honoree of Women in the Law of Texas Tech University School of Law.

A former member of the Governor's Task Force on Indigent Defense and the Texas Judicial Council, Justice McClure is a past president of both the El Paso Bar Association and the Trans Pecos Bar Association. She is a fellow of the American Bar Foundation and a life fellow of the Texas Bar Foundation. She and her husband, attorney David R. McClure, have two children. All four are duly commissioned Kentucky Colonels.

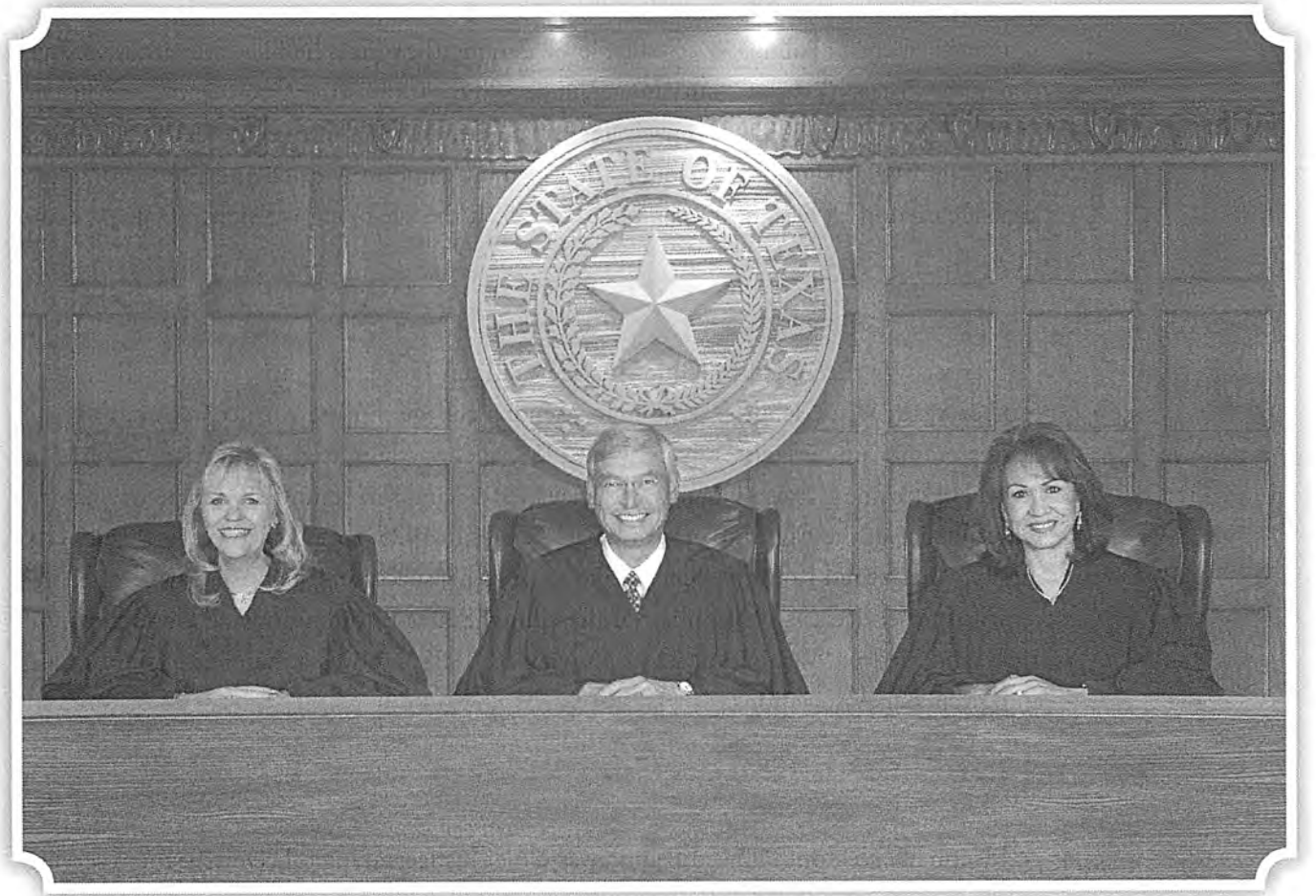


Justice Guadalupe Rivera was born in El Paso, Texas on May 9, 1948. She attended Loretto Academy and completed her undergraduate education at the University of Texas at El Paso. Justice Rivera received her Juris Doctorate degree from the University of Texas School of Law in 1981. In 1983, she became the first Hispanic woman to serve as an assistant district attorney for the 34th Judicial District and was primarily responsible for the prosecution of high profile felony cases. In 1985, she was appointed by the El Paso Council of Judges to serve as Associate Judge (Court Master) and for five years she presided over half of all family law matters filed in the district courts of El Paso County. She was also

appointed to serve as a criminal law magistrate. Judge Rivera was the founding Chair of the El Paso Commission for Women, an organization that annually recognizes the accomplishments of El Paso women. She also was the founder of the El Paso County Task Force on Domestic Violence and worked to raise awareness of domestic violence in the EL Paso legal system. In 1993, she was awarded the Leonore Walker Award for Commitment to Solving the Problem of Domestic Violence. She was board certified by the Texas Board of Legal Specialization in Family Law in 1987. In 1990, Justice Rivera was elected to the 168th District Court, a court of general jurisdiction and became El Paso's first Hispanic female district court judge. Subsequently she was re-elected to the 168th District Court for four additional terms. During her service on the trial bench she presided over thousands of criminal and civil cases and capital murder trials. In 2001 she was elected by the El Paso Council of Judges to serve for a two year term as the Local Administrative Judge for the Council. Judge Rivera served as the presiding judge and chair of the Board of Auditors and the Adult Probation Board. On November 4, 2008, she was elected to the Eighth District Court of Appeals and was sworn in on December 1, 2008. She is the first Hispanic female to serve the Court.

Justice Rivera has been a frequent speaker and course director for legal education seminars sponsored by the State Bar of Texas. Over the years she has served on several State Bar of Texas standing committees. At the present time she serves on the Pattern Jury Charges- Oversight Committee. She has served as a director for the Texas Center of Legal Ethics and Professionalism and as a member of the Texas Judicial Council. She has been honored by the El Paso Young Lawyers and the Mexican American Bar Association with the Outstanding Jurist in El Paso awards. In 1986, she was named Woman of the Year in Law by the El Paso Women's Political Caucus and was recognized by the Adelante Mujer Hispana Conference IV for her contributions in Politics. In 1985, she was again recognized by the Adelante Mujer Hispana Conference for her Contributions and Commitment to the Advancement of Hispanic Women. In 1990, she received the Public Citizen of the Year Award from both the El Paso Association of Social Workers and the National Association of Social Workers. In 1991, She was inducted into the El Paso Women's Hall of Fame. In 1993, the Black El Paso Democrats presented her with the Community Service Award. In 2001, the Texas Bar Foundation presented Judge Rivera with the prestigious Samuel Pessara Outstanding Jurist of the Year award, an award that recognizes judges who have earned a reputation for competency, efficiency and integrity. She is life fellow of the Texas Bar Foundation. Justice Rivera is married to attorney Wiley F. James III and they have six children and seven grandchildren.

The Centennial Court



Hail To The Chiefs



W.M. Peticolas was succeeded as Chief Justice by **James R. Harper** in 1912. Judge Harper was born in 1867, and came to El Paso from Denton, Texas, in 1892. He studied law at the University of Texas and in the office of a practicing attorney. His career placed him on the bench at almost every state level. Among the offices he filled were those of Justice of the Peace, El Paso County Judge, Judge of the 34th District Court, and Chief Justice of the Eighth Court of Civil Appeals. He left the bench in 1925 to reenter law practice and retired in 1945. Judge Harper found time to hunt game in Mexico and the surrounding area. He died in El Paso on December 19, 1955, at the age of eighty-eight.



Harper was succeeded by **Chief Justice William Hosea Pelphrey**. He was born December 8, 1881, in Cleburne, Texas. He attended college in New Mexico, received his law degree from Cumberland University in 1913, and was admitted to practice in Texas in 1914. He became El Paso County Attorney in 1918 and served until 1922. He was named Chief Justice of the Eighth Court of Civil Appeals in 1925. He married Nancy Daugherty in 1936 and retired from the bench. Like some of his successors, he was an avid golfer. He returned to service as an Examiner for the United States Bituminous Coal Commission in 1937, and died in Washington, D.C. on May 28, 1938. He was a member of the El Paso and Texas Bar Associations.



Joseph M. Nealon followed Pelphrey as Chief Justice, taking office in 1937 and serving until his death on June 30, 1939. He was born in Dalton, Georgia, on May 12, 1875. He attended convent and public schools in Atlanta, and was admitted to the bar in Georgia in 1897. He practiced there until he moved to El Paso in 1904 and was admitted to the Texas Bar. In 1908, he became El Paso's assistant district attorney and then District Attorney from 1911 to 1912. He was El Paso City Attorney from 1913 to 1915, before being admitted to both the California and Arizona bars. He served as HOLC attorney in El Paso from 1935 to 1936 and was thereafter chairman of the City of El Paso Civil Service Commission. He married Elizabeth Young and the couple had no children. A member of the Knights of Columbus and the American and Texas Bar Associations, he also served as President of the El Paso Bar Association. He died at the age of sixty-four.



P. R. (Perry Riley) Price took the reins as Chief Justice with the death of Judge Nealon. He was born in Plattsburg, Missouri on October 28, 1879. He received his law degree from the University of Missouri in 1902 and pursued postgraduate work in law at the University of Michigan in Ann Arbor in 1903. He came to El Paso and ultimately served as both the El Paso County Attorney and Judge of the 41st District Court. Justice Price served on the Eighth Court from July 7, 1939, until his death on October 6, 1953.



While Chief Justices Harper, Pelphrey, Nealon, and Price were El Paso residents when they joined the Court, the next seven Chiefs hailed from other Texas counties. **Robert W. Hamilton** was serving as the Judge of the 70th District Court in Midland when he was appointed to replace Judge Price. A native of Nashville, Arkansas, he grew up in East Texas and graduated from the University of Texas School of Law. He became Chief Justice of the Eighth Court in 1953 and served there until 1958. For the next twelve years, he was a justice on the Texas Supreme Court, retiring from that Court in 1970. He thereafter was of counsel in a Tyler law firm. In addition to his bar association membership, he was a member of Phi Alpha Delta Legal Fraternity and a member of the vestry and lay reader of Christ Episcopal Church in Tyler. He was married to Lois Rogers Hamilton and they had one son and two daughters. One daughter is Emily Gunning of El Paso. Judge Hamilton died August 9, 1981, at the age of eighty-two.



Chief Justice Hamilton was replaced in 1959 by **Chief Justice J. C. Langdon**. He was a native of Stephenville and completed high school in Cleburne. He attended Tarleton State University and obtained his law degree at the University of Texas in 1939. After a tour as special agent with the FBI, he took military leave in 1943 and served in the South Pacific and Atlantic Theaters with the Naval Air Corps until the end of World War II. Leaving military service, he practiced law and was City Attorney of McCamey. In 1954, he was appointed Judge of the 112th District Court and in 1958, he was named Chief Justice of the Eighth Court. In 1963, Governor John Conally appointed him to the Texas Railroad Commission and he held that post for over fourteen years before returning to private practice in Austin. He and Mrs. Langdon had five children. He was a member of the Tarrytown Methodist Church of Austin, the Austin Lions Club, the University of Texas at Austin Ex-Students Association, the State Bar of Texas and the Legal Committee of the Interstate Oil Compact Commission. He died December 18, 1979, at the age of sixty-five.



Alan R. Fraser succeeded Jim Langdon as Chief Justice in 1963. After receiving his law degree from the University of Texas, Fraser practiced law in Alpine where he served as District Attorney and as Judge of the 83rd District Court. Chief Justice Fraser first joined the Court as a justice in 1953. He retired in 1970 and died in El Paso on December 29, 1981.



Replacing Chief Justice Frazier on January 1, 1971, was **Max E. Ramsey**. The fifty-one-year-old lawyer from Andrews was named to the bench by Governor Preston Smith. Judge Ramsey and his wife Dorothy have three children, Paige Palmer, Carolyn Cole and Max E. Ramsey, Jr. Judge Ramsey attended Baylor University and George Washington University Law School where he received his J.D. degree in 1943. He was a veteran of the United States Navy. Prior to appointment to the Eighth Court, Judge Ramsey had been practicing in Andrews for twenty-two years. During that time he served as a city attorney, a county attorney and then District Attorney for the 109th Judicial District from 1957 to 1960. He retired from the bench in 1973 and returned to his private practice and business interests in Odessa. Judge Ramsey died on May 25, 1998.



Chief Justice Stephen F. Preslar succeeded Judge Ramsey in 1973. Judge Preslar was born in Coleman County and grew up in Ranger, where he attended Ranger High School and Ranger Junior College, later being selected Outstanding Alumni by the class of 1972. From 1940 through 1950, he worked in Washington, D.C. as a fingerprint specialist with the FBI, an officer for the Capitol Police Force, and an elevator operator at the Senate Building. He had been serving as a justice on the Court since August 1, 1963, when at the age of forty-five he was appointed Chief Justice by Governor John Connally. Judge Preslar served in the Navy and the Naval Air Corps during World War II. He attended the University of North Carolina, the University of Iowa, Carmell College and George Washington University, where he received his law degree. Prior to his appointment to the appeals court, he was Judge of the 112th Judicial District of Texas. He also served as Upton County Attorney and McCamey City Attorney. He retired from the Court on July 20, 1986, and passed away on March 2, 2009, Texas Independence Day. He and his wife Avis had three sons, Stephen, Samuel, and Robert.



When Justice Preslar became Chief Justice in 1973, his position was filled by Max Norman Osborn, then of Midland. Justice Osborn was born in Wilson, Oklahoma, on October 21, 1928. He took office on August 15, 1973, after appointment by Governor Dolph Briscoe. Justice Osborn was then appointed to succeed Preslar as Chief Justice and the oath of office was administered by Governor Mark White in Odessa, Texas on July 21, 1986. **Chief Justice Max Osborn** received his B.B.A. degree from Texas Technological College in 1950 and his LL.B. from Southern Methodist University in 1953. He served in the Air Force from July 1953 to July 1955 as Captain, Judge Advocate, 4710th Air Defense Wing. A member of the Midland Bar Association, the State Bar of Texas and the American Bar Association, Justice Osborn was named Outstanding Young Lawyer in Texas in 1966. He was a Life Fellow of the Texas Bar Foundation and a former member of the Special State Bar Committee on Disciplinary Procedures. He served as secretary-treasurer and vice president of the Midland Bar Association, and in 1960, as president of the Midland Jaycees. He served as Chairman of the Appellate Judges Division of the Judicial Section of the State Bar, and Chairman of the Council of Judges of the Courts of Appeals. He and his wife Jane had five children, Laura, Mark, David, Elaine, and Stephen. Justice Osborn retired December 31, 1993, and passed away in El Paso on December 31, 2004.



Chief Justice Richard Barajas was appointed by Governor Ann W. Richards to replace Chief Justice Osborn on January 1, 1994. He is a 1971 graduate of Cathedral High School in El Paso. He received his Bachelor of Arts degree in Sociology from Baylor University in Waco, Texas in 1974. In 1977, he received his Juris Doctorate from Baylor School of Law and was admitted to the State Bar of Texas that same year. He served in the United States Naval Judge Advocate General's Corps as a legislative attorney on Capitol Hill in Washington, D.C. In 1988, he was elected District Attorney for the 83rd Judicial District of Texas and in 1991 he was appointed to the Eighth District Court of Appeals in El Paso. He retired in August 2006. Chief Justice Barajas is a former faculty member of the National Judicial College in Reno, Nevada, where he was an instructor on the use of information technology. He served as a designer of the State of Texas Judicial Commission on Information Technology and as the original Chair of the Appellate Court Technology Committee. He has also served on the board of the National Organization for Victims Assistance and is the national Chair of the NOVA Task Force on Identity Theft. A nationally recognized lecturer on the proper balancing of the constitutional rights between the criminal defendant and the intended victim, Chief Justice Barajas was honored by the President of the United States at a White House ceremony as a national recipient of the Presidential Award for Victim Services. He is a frequent lecturer on judicial ethics, educational leadership and mentoring, the applicability of federal constitutional protections to the parochial school setting, and various aspects of educational management and technology. Since his retirement from elected judicial service, Chief Justice Barajas has moved into academia where he currently holds positions as Assistant Principal and Director of the Center for Advanced Studies at his alma mater, Cathedral High School. Judge Barajas and his wife Cathy make their home in El Paso. They have four children, Melanie, Brian, Edward, and Tyler.

And Thanks To The Justices



Justice Anderson Miller Walthall served with both Harper and Pelphrey, and later with Chief Justices Nealon and Price. He was born June 10, 1851, in Jefferson City, Missouri. Walthall graduated from Westminster College in Fulton, Missouri. After graduation, he read law, obtained his license, married Sallie Harris, and moved to Weatherford in 1874. He was licensed in Texas in 1876 and began practice in Breckenridge. Moving to Pecos, Reeves County, in 1885, he was in partnership with R.D. Gage. There he was instrumental in the development of the Pecos River Irrigation Project and in the promotion of the Northwestern Railroad of which he became a vice president. In 1899, he became the Judge of the 34th Judicial District of Texas, sitting in El Paso. He was also Judge of the 41st District from 1911 to 1914. In 1914, he was appointed to the Eighth Court of Civil Appeals. He retired from that bench in 1943. At that time he was credited by the El Paso Bar Association with having "a never failing sense of justice and with an ever present friendliness and kindness toward the members of the bar..." Judge Walthall had been an active member of the Baptist Church and contributed to the organization of the Hardin Simmons University. He died on December 5, 1943, at the age of ninety-two.



Justice C. R. Sutton was born in 1887 in Llano, Texas and graduated from the University of Texas School of Law. He was admitted to practice in 1912. He served as Judge of the 83rd District Court from 1922 until 1940. At that time, he replaced the retiring Justice Higgins on the Eighth Court of Civil Appeals. Justice Sutton served twelve years and retired on December 31, 1952.



Justice Joseph McGill was appointed to the Court in 1943 and served until his death on June 9, 1957. A native of Thurmont, Maryland, he had attended Harvard Law School. After service in the United States Army Air Corps during World War I, he moved to El Paso and was a member of the Texas House of Representatives from 1925 to 1932 when he was elected El Paso County Judge. His daughter lives in El Paso to this day.



Justice Holvey Williams served on the Court during the period of 1957-1958. Judge Williams was born in Lorena, near Waco, on October 18, 1894. After high school, he attended Meridian Junior College and was later one of the early students, a charter member as he puts it, at Southern Methodist University. Prior to graduating from law school at the University of Texas at Austin in 1925, he worked for seven years on his father's ranch in San Angelo. After his admission to the bar, he served as assistant and then as District Attorney in Waco. He entered the United States Attorney's Office as an assistant in 1941 and was soon sent to the El Paso office for the Western District of Texas. He was with the United States Attorney's office for sixteen years. Following his duty on the Eighth Court, he returned to practice in Houston for a year and then resumed practice in El Paso until his retirement in 1984, at the age of ninety. Mrs. Williams was a prominent artist, painting in oils with her principal subject being animals. Judge Williams, as a hobby, framed hundreds of her works. He died on January 1, 2001, at the age of 106.



Justice William George Abbott assumed the seat vacated by Justice Williams in 1958 and served three years, until his death on May 31, 1961 at the age of fifty-three. Judge Abbott was born in El Paso on March 21, 1914. He attended the United States Naval Academy and thereafter graduated from Southern Methodist University Law School. Licensed in 1947, he entered practice with his brother, Dan Abbott, in Abilene. In 1950, he moved to Midland. Judge Abbott married Bernice Clark and they had two sons, William Clark Abbott and Robert Pat Abbott. His mother, Ethel S. Abbott of Abilene, was one of the first women lawyers in the Southwest. As a past Army Judge Advocate and a veteran of World War II, Judge Abbott remained active in the American Legion and the VFW. In addition to his bar memberships, he was a member of Delta Theta Phi Legal Fraternity and St. Mark's Methodist Church. His father, William G. Abbott, died while serving as an Assistant El Paso County Attorney. His son, Robert, served as a briefing attorney for the Court in 1981.



Justice William Edwin Clayton took office in 1961, replacing Abbott who had passed away. Judge Clayton was born November 7, 1904 in El Paso where he attended El Paso High. He received his B.A. and LL.B. degrees from the University of Texas, receiving the latter degree in 1928. His practice in El Paso followed and continued until 1933 when he became a State Representative serving until 1936. He next became first assistant county attorney, and then assistant U.S. Attorney in charge of the El Paso office. He then was a member of the United States Auxiliary Foreign Service in Mexico City. He and his wife Jessie Ormsbee had two children. The couple remained in Mexico City after his federal service where he was a member of a Mexico City law firm for a few years before returning to El Paso to become the District Attorney. He held that office until being named to the Eighth Court in 1961. He resigned from the Court in 1969 due to ill health and died October 10, 1970. He had been active in the University of Texas Ex-Student's Association and the Presbyterian Church. His hobbies included cartooning and oil painting.



Upon the retirement of Justice Clayton in 1969, **Justice William E. Ward** was appointed to the Eighth Court on June 1, 1969, by Governor Preston Smith. Justice Ward moved up from the bench of the 34th District Court which he had held since 1955. Justice Ward was born in El Paso in 1916. After attending public school in El Paso, he received his B.A. and J.D. degrees from the University of Texas in 1939. While at the University he was a member of Chancellors, Phi Delta Phi Legal Fraternity and Order of the Coif. During World War II he served as Captain of the 45th Artillery, seeing service in the European Theater. He and his wife Mary had five children. Justice Ward served as President of the El Paso County School Board (1952-55), Special Judge of the El Paso County Court at Law (1949) and as Trustee for Texas Tech University School of Law. Justice Ward died on February 22, 1986 during the last year of his term of office.



When the Eighth Court gained criminal appellate jurisdiction on September 1, 1981, it also gained **Justice Charles R. Schulte** as the fourth member. Justice Schulte, a life-long Democrat, was initially appointed to the appellate bench by Republican Governor William Clements and won election for a six-year term. He received his B.A. degree from the Texas College of Mines in El Paso and his law degree from the University of Texas in 1950. A Missouri native, he was born in St. Louis on November 11, 1921. Judge Schulte served during World War II in the Army Air Corps, being discharged as a sergeant. Commissioned in the United States Air Force in 1950, he served as Judge Advocate during the Korean Conflict, remained in the Reserve and retired as a Colonel after 33 years total service. His prior public offices include alternate city judge (1956-59); El Paso County Judge (1960-61); and Judge of the 41st Judicial Court (1966-1981). He completed twenty-two years of judicial service on December 1, 1988 and retired from the bench. Justice Schulte is married to Alice Stovall Schulte and the couple have three children, Perry Kay Haley, Charles R. Schulte, Jr. and Don Park Schulte.



Justice Albert Armendariz, Sr. was born in El Paso, Texas on August 11, 1919. He graduated from El Paso High School and served in the U.S. Army from 1941 to 1945. He attended Texas Western College (now the University of Texas at El Paso) and received his law degree from the University of Southern California School of Law in 1950. After being in private law practice in El Paso from 1950 to 1979, he served as a United States Immigration Judge from 1979 to 1985. Justice Armendariz was appointed by Governor Mark White to complete Judge Ward's unexpired term of office. He served on the Court from July 1986 through November 1986. Choosing not to run for election, he returned to private practice in El Paso. He and his first wife Maria Luisa had six children, Albert Jr., Edward, Leticia, John, Mary Lou and Larry. Justice Armendariz served as National President of the League of Latin American Citizens and was selected as El Paso High School Outstanding Ex-Student in 1964. Justice Armendariz has served on many state and local boards and commissions. In a 2010 dedication ceremony, the newly built United States Federal Courthouse in El Paso was named for Justice Albert Armendariz, Sr.



Justice Lawrence L. (Larry) Fuller was born November 13, 1926. He attended schools in El Paso and graduated from Austin High School. During World War II he served in the U.S. Navy. Both his undergraduate and law degrees were received from the University of Texas. After graduation, he returned to El Paso and served as an Assistant County Attorney and Assistant United States Attorney. From 1961 to 1970 he was in private law practice in Midland, Odessa and Monahans. He became District Attorney for the 143rd Judicial District in 1973 and was then elected District Judge, serving in that office from 1977 to 1986. Justice Fuller was appointed in July 1986 to fill an unexpired term on the Court of Appeals and then was elected both for the balance of that term and for a new term beginning in 1989. He retired in 1991. Justice Fuller and his wife Barbara are the parents of five married daughters, Pamela, Debra, Patty, Gail and Kisa.



Justice Ward Koehler was born in Akron, Ohio, on April 14, 1926. He attended public elementary school in Chicago, Illinois, and high school in Woodstock, Illinois, graduating from the latter in May 1943. Justice Koehler joined the U.S. Army in September 1944. He participated in several engagements in the Philippines for which he was awarded the Combat Infantryman's Badge. At the conclusion of World War II, he went into occupation in Korea, attaining the rank of staff sergeant prior to his discharge in November 1946. Justice Koehler then attended Illinois College in Jacksonville, Illinois, from which he graduated with an B.A. degree in history and government and with class honors in 1950. Prior to his graduation, he was inducted into Phi Beta Kappa National Honor Society. While a student, Koehler was a member of Barristers, an honorary society, Delta Theta Phi Law Fraternity, secretary/treasurer of the Junior Class, a commissioner of the Student Bar Association, and president of the Executive Council of the Lawyers Club, the governing body of the 350-student law school dormitory. Following law school, Koehler was admitted to the Illinois and Michigan bars in 1953. Koehler was licensed to practice in Texas in July 1954 and sworn in by the renowned Sarah T. Hughes, then a Dallas district judge. Koehler married Kathryn Sara Ponsford in February 1956 and they moved to El Paso in 1959.

Koehler at that time opened a law office. In October 1980, Koehler was appointed Judge of the 168th District Court of El Paso by Governor William Clements. Sworn in on November 7, 1980, he served as judge of that court until December 31, 1988. At the time he first became judge, most courts in Texas functioned with the judge, a bailiff and a court reporter as the only personnel. The 168th had a large backlog on its docket. He immediately employed a legal secretary and instituted a mandatory pretrial system. In 1982, after extensive lobbying by Judge Koehler and his secretary, the 168th became the first court in the county and in West Texas to become computerized. In 1983 and 1984, again after an extensive campaign, Judge Koehler persuaded the Commissioners Court and a few of the other judges of the wisdom of replacing court secretaries with professionally-trained and wellpaid court coordinators. The 168th, along with the 243rd, then became the first district courts in the western part of the state to employ professional court coordinators. After winning election to the Eighth Court of Appeals, Justice Koehler began a six-year term on January 1, 1989. During his tenure as an appellate judge, he wrote approximately 480 to 500 opinions, both civil and criminal.

Justice Koehler received the Outstanding El Paso Jurist Award for the year 1993-94 and the Outstanding Senior Lawyer Award for 2006-2007 from the El Paso Young Lawyers Association. It is worth noting that Koehler was the first Republican to serve as a district judge in El Paso County since Reconstruction and up to the present time, the only Republican to be elected a district judge and an appellate justice in El Paso County history. Judge Koehler was appointed by Governor Clements to served as a member of the Texas Judicial Council from October 1987 to April 1994. He was an elected member of the Board of Directors of El Paso Legal Assistance Society from 1971 to 1980 and later served as chairman. He has been a member of the El Paso Bar Association since 1959 and served on the Board of Directors from 1970 to 1973. He has served on both the Grievance and Prosecution Committees of District 17A of the State Bar. He is a Life Fellow of the Texas Bar Foundation. In the early 1960s, Justice Koehler served as a member and director of the El Paso Junior Chamber of Commerce (Jaycees). From 1964 to 1971, he was a member of the Optimist Club of El Paso, serving as president in 1966-67. He was on the board of the Sun Carnival Association.

He was a member of the Rotary Club of El Paso from 1981 until 2004, serving on the board of directors and various committees. Justice Koehler actively participated in scouting for many years, serving as a member of the board of Yucca Council for five years, chairman of Polaris district for two years, and Assistant Scoutmaster of Troop 165 for eleven years. Prior to becoming a judge, he served the Republican Party as a precinct chairman, as county chairman, and was a member of the State Republican Executive Committee from 1972-80. He is a member of First Presbyterian Church of El Paso where he has served as deacon and elder on the church session. Justice Koehler and his wife are the parents of four adult children, Paul Koehler, Tom Koehler, Christine Servin and Bruce Koehler. They have twelve grandchildren.



Justice Jerry Woodard was born on May 10, 1931. He attended high school in El Paso and served military duty in the Korean conflict. He received his pre-law education at Texas Western College and graduated from Baylor University Law School in 1959. He returned to El Paso to practice law and served as judge of the municipal court from 1966 to 1969. He became Judge of the 34th District Court in 1969 and held that office until he was elected to the Eighth District Court of Appeals in 1986. He retired in April 1992. He continues to serve as a senior visiting judge. Justice Woodard resides in El Paso with his wife and daughter.



Justice Susan Larsen, born on June 10, 1955 in Bakersfield, California, was the first woman to serve on the Eighth Court of Appeals. She was raised in Lakewood, a suburb of Los Angeles, and graduated from California State University Fullerton. She received her law degree in 1981 from the College of William and Mary, Marshall-Wythe School of Law in Williamsburg, Virginia. She then moved to Nacogdoches, Texas, where she practice law in the firm of Collins & Larsen. In 1983, Justice Larsen moved to El Paso and worked at the El Paso Legal Assistance Society as a staff attorney, as an associate in the law firm of former Texas Senator Malcolm McGregor, and as a solo practitioner specializing in appellate practice. A former president of the El Paso Women's Bar Association, she became board certified by the Texas Board of Legal Specialization in Civil Appellate Law in 1988. In 1992, she was a candidate for Justice of the Eighth Court of Appeals, and in

April of that year – immediately after Judge Woodard’s retirement – she was appointed to the Court. She retired December 31, 2004. Justice Larsen is an avid backpacker, snow skier, and private pilot.



Justice Paul McCollum was appointed by Governor Ann W. Richards to the vacancy created when Justice Barajas was appointed Chief Justice. Justice McCollum was born March 13, 1925. He obtained his undergraduate degree and law degree from Baylor University, and was admitted to the practice of law in 1950. He served as Ector County Judge from 1953 to 1955 and as district Judge from 1955 until 1960. Judge McCollum practiced for many years with the Odessa firm of Shafer, Gilliland, Davis, Bunton & McCollum, now known as Shafer, Davis, O’Leary, & Stoker. He served as a justice on the Eighth Court of Appeals in 1994 and continued to serve as a senior visiting judge throughout the Trans Pecos area until his death on March 30, 2004.



Justice Kenneth R. Carr was appointed by Governor Rick Perry to the vacancy created when Justice Chew was appointed Chief Justice. Justice Carr represented public and private employers in all aspects of labor and employment law for forty years, practicing primarily in the areas of union-management relations, employment discrimination, and wage-hour matters. He is a member of the Fair Labor Standards Legislation Committee of the Labor & Employment Law Section of the ABA and is a Contributing Editor to the annual supplement of the Committee’s seminal treatise, *The Fair Labor Standards Act*. He is also the New Mexico Chapter Editor of the Section’s recently published volume entitled *Wage and Hour Laws: A State-by-State Survey*, as well as both annual supplements to that treatise. In 1989, Justice Carr was asked to prepare the Chapter on “Employment Agreements” in the Texas Association of Business’ new publication entitled *Texas Employment Law Handbook*, and he has updated that Chapter annually since then. Justice Carr has been Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization since the certification program began in 1975, and he has been listed in the Labor and Employment Lawyers section of *Best Lawyers in America* annually since 1989. He has also been designated as a “Texas Super Lawyer” in the field of Labor and Employment Law by *Texas Monthly Magazine* for all four times that honor has been bestowed. Justice Carr is admitted to practice in Texas and Nevada and before numerous federal courts. He graduated cum laude from Rice University and he earned his J.D. degree from the University of Texas Law School, where he was an editor of the *Texas Law Review*. Justice Carr has been married to his wife Sharon for 42 years. They have two adult daughters, Kelly and Tracy.

The Court Staff

Since its inception, the Court has had very able personnel in the Office of Clerk. Today the Clerk provides able assistance to each of the judges, supervises administrative staff, and oversees a budget of \$2.5 million per biennium. The first Clerk, J. I. Driscoll, served from the date of the Court's creation in 1911 until January 31, 1949. He was succeeded by E. J. Redding, who served from February 1, 1949 until December 31, 1968. Sam Florence followed, serving the Court from January 1, 1969 until January 31, 1976. Anne D. Ray succeeded Florence, serving from February 1, 1976 until February 28, 1982. She was followed by Martha S. "Fran" Diaz, who held the position from March 1982 through May 31, 1987. Barbara B. Dorris was appointed Clerk of Court on June 1, 1987 and served until her retirement in 1997. Denise Pacheco succeeded Dorris as Clerk and continues her service today. The Centennial Administrative Staff includes:

Centennial Administrative Staff

Clerk of the Court	Denise Pacheco
Chief Deputy Clerk	Diana Rodriguez
Deputy Clerk	Elizabeth Flores
Deputy Clerk	Rose Gonzalez
Systems Analyst	Sean Miller
Chief Legal Assistant	Sylvia Darnold
Legal Assistant	Gloria Gravalos
Legal Assistant	Yolanda Fisher

Centennial Legal Staff

Legal staffing of the Court, aside from the Justices, is of fairly recent origin. The Court did not acquire its first Staff Attorney until 1982 when James T. Carter, a Princeton and University of Texas graduate, accepted that position. He received a most welcome assist when a Research Attorney was authorized in 1983. William (Bill) Lockhart, a Texas Tech graduate, took that position. Both had been serving as trial counsel in the El Paso District Attorney's office. Lockhart became the Chief

Staff Attorney 1981 when Carter was appointed to a criminal law magistrate's bench. He retired from the Court in December 2009. Kay Waters is the current Chief Staff Attorney. Ms. Waters received her bachelor's degree in business administration from Corpus Christi State University (now Texas A&M Corpus Christi) in 1980 and a combined juris doctorate/masters of business administration from Texas Tech University in 1986. She has worked as an auditor at the Federal Reserve, a briefing attorney for the Fifth Court of Appeals, an Assistant Potter County Attorney, an Assistant Randall County District Attorney, and an attorney in private practice. She joined the staff in 1993 and was named Chief Staff Attorney in 2006. In addition to the Chief Staff Attorney, the court is served by four other Staff Attorneys. The Centennial Staff Attorneys include:

CENTENNIAL STAFF ATTORNEYS

Chief Staff Attorney	Kay Waters
Senior Staff Attorney	Nita Ledford
Staff Attorney	Kimberly Anderson
Staff Attorney	Landon Schmidt
Staff Attorney	Melissa Winblood

Law Clerks were added to the Court's staff in 1973 and the number was expanded in 1979 to provide a law clerk for each Justice. Centennial Law Clerks include:

CENTENNIAL LAW CLERKS

Chambers of Chief Justice Chew	Jacqueline Shi
Chambers of Justice McClure	Laura Adkins

*Former Law Clerks, Briefing Attorneys
and Staff Attorneys*

(Listed Chronologically in Order of Tenure)

LAW CLERKS

George J. Stengel, Jr.	Marilyn Mungerson	Erin Gibbins
Thad Floyd, Jr.	Trey Hill, III	Leslie A. Coleman
James H. Luckett	Debra Morgan	Daphne Andritsos
Steven A. Guerra	Diann Hanson	Paul Mansur
Charles McNabb, Jr.	April Smith	Scott Nelson
S. Craig Smith	Michael Clark	Lori Warner
A. Risher Smith	Terry McConnaughey	Christopher Brown
John W. McNey	Frank Gonzales	Gordon P. Sanz
John Morgan Broaddus	Dena A. Reecer	Clare Koontz
Joseph A. Pitzinger, III	Tony Y. Cole	Anne Burnham
Scott W. Johnson	Charles E. Morse, Jr.	Cori Harbour
Alfonso Melendez	Jane Prigmore	Todd Gibson
Ballard Shapleigh	Daniel Kalanek	Karl Lynch
Robert Abbott	Brit Hartsell	Cheryl Lay
Terri A. Cullen	Mike Thompson, Jr.	Melissa Perkins
Robin E. Cochran	Amy Stewart	Steven J. Knight
Tim Tunks	Candice Chappell	J. Christopher Nickelson
Lee Shapleigh	Libby Brown	Kathy Kang
Norbert Garney	Katherine A. Braden	Elsa Manzanares
Frank Cram	Frank Suhr	Michelle Chuang
Robert Hannan	Anu Shah	Laurel E. Kelly
Steven Hershberger	Patricia Cummings	Lon Loveless
Laura P. Gordon	Rosemary M. Marin	Marie Taylor
Sherry Peel	John P. Mobbs	James Johanns
Wm. Jeff Burnett	M. Mitchell Moss	Stephanie T. Allala
Anita Adams	Karen A. Cook	Heather Reynolds
Brenda Norton	Troy Brown	Isela Pena
Linda Stevens	Jennifer Melton	Jackie Curry Thomas
Michael Griffin	Carmen Perez	Kimberly Anderson
Susan Desmarais	Tom Darnold	Aldo Lopez
Thomas Brown	Jim Iserman	Alejandro Acosta, III
Roger Davie	James Martinez	Jacqueline L. Shi
Christopher Troutt	John Rolater, Jr.	Laura Adkins

STAFF ATTORNEYS

Over the years, the Court has adopted a mix of one- or two-year term briefing attorneys and full-time staff attorneys. Often, young attorneys begin as law clerks and are promoted to staff attorneys.

James T. Carter

Bill Lockhart

Gina Lambert

Dibrell Waldrip

Kay Waters

Angela Morrow Nickey

Thomas Jones

Cori Harbour

Debra Fischer

Belinda Ortiz

Shelly Scott

Mara Blatt

Marie Taylor

Laura Gordon

Jackie Curry Thomas

Larry Roberson

Kimberly Anderson

Constance Wannamaker

James Chris Skillern

Todd Wayne

Landon Schmidt

Melissa Winblood



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