

PASSWORD



THE EL PASO COUNTY HISTORICAL SOCIETY

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and
**AMERICA: HISTORY
AND LIFE**



*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*

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The El Paso Court of Appeals Centennial Celebration

Edited and Revised by
Justice Ann Crawford McClure

**Only 32 Jurists have Served
the Court in 100 Years**

INTRODUCTION¹



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 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 Revolution was beginning 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 CENTENNIAL COURT

The Eighth Court celebrated 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, home-ported 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.

Justice Ann Crawford McClure was born in Cincinnati, Ohio on September 5, 1953. The family relocated to Texas in 1955. She completed her undergraduate education at Texas Christian University in Fort Worth and 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. She served 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 Court Master (Associate Judge) by the El Paso Council of Judges and presided over family law cases for all of the El Paso

district courts. She was also appointed to serve as Criminal Law Magistrate. She was board certified by the Texas Board of Legal Specialization in Family Law in 1987. In 1990, she was elected to the 168th District Court, court of general jurisdiction, thereby becoming El Paso's first Hispanic female district court judge. She was re-elected to the 168th District Court for four additional terms. In 2001, Justice Rivera was then elected to serve as Local Administrative Judge for the El Paso County Council of Judges. On November 4, 2008, she was elected to the Eighth District Court of Appeals to fill an unexpired term and was sworn in on December 1, 2008. She is the first Hispanic female to serve the Court. Justice Rivera is a frequent speaker at continuing legal education seminars sponsored by the State Bar of Texas and has served on several State Bar of Texas standing committees. She presently serves on the Pattern Jury Charges-Oversight Committee. Justice Rivera has served as Chair of the State Bar of Texas Litigation Section and as Chair of the State Bar of Texas Women and the Law Section. She has been honored by the El Paso Young Lawyers and the Mexican American Bar Association as Outstanding Jurist in El Paso. 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 and in 1985 for her Contributions and Commitment to the Advancement of Hispanic Women. In 1990, she received the local and statewide Public Citizen of the Year Award presented by both the El Paso and the National Association of Social Workers of Texas. In 1991, she was inducted into the El Paso Women's Hall of Fame. In 1993, the Black El Paso Democrats presented Judge Rivera with the Community Service Award. In 2001, she was presented the Samuel Pessara Outstanding Jurist of the Year award by the Texas Bar Foundation. Justice Rivera is married to attorney Wiley F. James III and they have six children and six grandchildren.

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 re-enter 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; 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. 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 Connally appointed him to the Texas Railroad Commission a post that he held 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 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. He and his wife Dorothy had three children.

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. He was later 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.

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 L.L.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,

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.

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, 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.

AND THANKS TO THE JUSTICES

Justice Anderson Miller Walthall served with both Harper and Pelphey, 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 Court 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 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.

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. 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.

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 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.

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. 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 un-expired 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 Barbra are the parents of five daughters.

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 where he 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 well paid 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 serve 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 and 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 and 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 who 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 practiced 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. In 2010, she was assigned as the presiding judge of Criminal District Court No. 1 due to the absence of the elected judge of that court.

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 Judge of the District Court 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.

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

Court Clerk 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

Centennial Law Clerks

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:

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

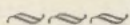
Staff Attorneys

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	Debra Fischer	Kimberly Anderson
Bill Lockhart	Belinda Ortiz	Constance
Gina Lambert	Shelly Scott	Wannamaker
Dibrell Waldrip	Mara Blatt	James Chris
Kay Waters	Marie Taylor	Skillern
Angela Morrow	Laura Gordon	Todd Wayne
Nickey	Jackie Curry	Landon Schmidt
Thomas Jones	Thomas	Melissa Winblood
Cori Harbour	Larry Roberson	Nita Ledford



*The El Paso County Historical Society congratulates
Justice Ann Crawford McClure on being named
Chief Justice of the Eighth Circuit Court of Appeals,
the first woman to hold that position.*




¹ 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 85 anniversary in 1991. See THE EL PASO COUNTY HISTORICAL SOCIETY, Vol. XXXVI, No. 3, *Password* Fall 1991. It has been revised and refreshed by Justice Ann Crawford McClure.





W. M. Peticolas



The Peticolas Legacy in El Paso

By Ballard Coldwell Shapleigh

*"Names are not always what they seem.
The common Welsh name Bzjxxllwep
is pronounced Jackson."*

— Mark Twain.



he 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. With the exception of the first and fifth generation, all lived and maintained their practices exclusively in El Paso.

This story begins with the notable Alfred Brown Peticolas. Alfred Brown 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 1850 and set up a law partnership with Samuel White. In September 1861, he joined the Confederate Army. He participated in the New Mexico Campaign and Louisiana Campaign before illness led to his reassignment as a clerk at the quartermaster headquarters. After the war, he returned to his law practice in Victoria. In 1869 A. B. Peticolas married Marian Goodwin, and they had three sons, including future El Paso lawyer and Court of Appeals justice Warner Marion. In addition to his law practice, Peticolas also served as the editor of the *Victoria Advocate* from 1881-1888. He had

several other hobbies, including drawing, traveling to Europe, playing chess, and building fine furniture. He died in Victoria in 1915.

A. B. Peticolas left a rich legacy for historians. He was a diligent diarist, even keeping a journal while serving with the Texas Mounted Volunteers (part of Sibley's Brigade) during the Civil War. Part of this journal was destroyed during the war, but the remaining volumes are an invaluable resource. The sections relating to the New Mexico campaign have been compiled into a book

entitled *Rebels on the Rio Grande* by Don Albers. Peticolas also left other significant writings, documents, and sketches. He wrote a law book, *The Index Digest of Civil and Criminal Law of Texas*, which became a standard text for the Texas Bar Association. As an amateur artist, Peticolas sketched many of the buildings in Victoria in the 1800s. These sketches are sometimes the only visual record that remains of these buildings. Peticolas' works are as dispersed as his travels. Many of his personal papers can be found in the Victoria Regional History Center Archives. An extensive collection of his drawings is

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housed at the Witte Museum in San Antonio, TX. Other papers, writings and sketches are held by the Arizona Historical Society and New Mexico State University.

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 sitting in El Paso. W. M. Peticolas came to El Paso from Victoria in 1898. He served as counsel to the El Paso and Southwestern Railway and became chief justice of the El Paso appellate court in 1911. Upon taking office, he became the youngest intermediate appellate court chief justice in the history of Texas. He was also a charter member of the El Paso Bar Association. By 1900 he was a member of the Texas Bar Association. Prior to becoming chief justice, he practiced law in partnership with Leigh Clark, a future city attorney and long-time district attorney, and J. H. Darwood. He died in El Paso in 1941.

The third-generation lawyer is Warner's son, William Craig ("W. C." or "Bill") Peticolas, known personally by many in the Bar Association to this day. He attended the University of Texas School of Law and served as editor-in-chief of the *Texas Law Review*. After graduating from law school in 1934, Bill Peticolas went into partnership in El Paso with his father W. M. Peticolas in a firm then known as Peticolas & Peticolas. Later, Bill Peticolas became a special prosecutor for the United States Department of Justice from 1940 to 1946 while continuing to practice law with his father. His son, Ed, says his father's work with the Department of Justice had something to do with World War II but he does not know the exact nature of his duties in this job. After W. M. Peticolas died in 1941, the firm became known as Andress, Lipscomb and Peticolas, which now included Ted Andress and Abner Lipscomb. Bradley Fisk joined some years later to form Andress, Lipscomb, Peticolas and Fisk. Ted Andress, the partner and school board president for whom Andress High School is named, was later assassinated by a deranged medical doctor named Eidinoff in the baggage claim area at the El Paso International Airport. W. C. Peticolas participated in some of the litigation leading up this murder.

See, Eidinoff vs. Andress, 321 S.W.2d 368 (Tex. Civ. App.—El Paso 1959, writ ref'd n.r.e.). Eidinoff was found not guilty by reason of insanity in November, 1959 and later escaped from Rusk in 1968. See, Ex Parte Eidinoff, 408 S.W.2d 540 (Tex. Civ. App.—Tyler 1966, no writ); Connolly vs. Eidinoff, 442 S.W.2d 415 (Tex. Civ. App.—Tyler, 1969), writ ref'd, 446 S.W.2d 5 (Tex. 1969).

This incarnation of the firm would eventually include other well-known and distinguished El Paso lawyers like John B. "Jack" Luscombe, Jr., Grover L. Stephens, Sanford Cox, Harry Lee Hudspeth, Mark Howell, Wayne Windle, Colbert Nathaniel Coldwell, Ed Peticolas, Charles McNabb, Liz Rogers, Eliot Shapleigh, and J. Morgan Broaddus II. While W. C. Peticolas exercised a profound influence over the lawyers he mentored and worked with in his firm—many have said that they tried to incorporate his methods, manner and practices into their own work—he was also known as "a lawyer's lawyer" from whom other attorneys outside the firm often sought advice and counsel. He argued successfully before the Supreme Court of the United States while in private practice. In 1966, he was selected as a charter member in the Fellows of the Texas Bar Foundation as a "lawyer who had

demonstrated outstanding professional ability and achievement." W. C. Peticolas also served as president of the El Paso Bar Association and was a charter member of the Texas Bar Foundation. He died in El Paso in 1995.

Fourth in the Peticolas line is W. C.'s son, Edward Kent ("E. K." or Ed) Peticolas, who obtained his license in 1974 and joined his father's firm which had become known as Peticolas, Luscombe, Stephens and Windle. For nearly 30 years, he was an AV-rated insurance defense trial lawyer and has a number of reported appellate decisions, some of which brought him clients many years after they had been decided. He was president of the Kiwanis Club of El Paso, Chairman of the MDA Telethon of El Paso, Instructor for the American Institute of Banking, and received an Honorary Foster Parent Award for work on the Board of Directors of Crossroads I & II. Upon his retirement in 2000, Ed had become one of the most respected trial lawyers in El Paso, following in the footsteps of his father and grandfather. He now makes his home with his wife in upstate New York.

And now fifth in succession is Ed's son, Michael Peticolas, who presently lives and practices in Dallas. However, Michael was born and raised in El Paso, Texas. He earned his Bachelor's Degree cum laude from the University of Texas at Dallas and, as an undergraduate, worked as an intern for United States Senator Kay Bailey Hutchison. Michael, like his father Ed before him, attended South Texas College of Law and worked as a legislative aide for Texas Senator Rodney Ellis during law school. After graduation, Michael moved back to El Paso and practiced with his father at the firm which by then had become known as Peticolas, Shapleigh, Brandys and Kern. In 2000, the State of Texas commissioned Michael as a Gubernatorial Advisor. That same year, Michael returned to Dallas, Texas joining the law firm of Cooper & Scully, P.C. and later opening his own firm, Peticolas Law Firm PLLC, where he maintains a lucrative practice with some of his cases garnering state-wide and national attention. Recently, for example, he has represented three individuals sued by wrongful death plaintiffs in connection with the collapse of the Texas Aggie Bonfire on November 18, 1999 where 11 Texas A&M students died and many others were injured. Michael also successfully represented individuals with wrongful death claims against British Petroleum North America Inc. resulting from an explosion at the British Petroleum industrial plant in Texas City, Texas on March

23, 2005. The explosion caused the death of 15 people and received media attention world wide.

There is a sixth descendent of A. B. Peticolas who has joined the ranks of attorneys practicing in Texas. William Craig Peticolas had a twin brother, John Davis Peticolas. John's son, James Bowie Peticolas ("Jim"), was a long-time resident of El Paso and passed away in December 2010. Betsy Peticolas is the daughter of Jim and his wife, Rose. Betsy graduated from The University of Texas School of Law in 2009 and was licensed that same year. She practices with the Texas Commission on Environmental Quality in Austin.

An old Hebrew proverb says "whoever teaches his son teaches not alone 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.



In Memoriam



FRANK GILLESPIE McKNIGHT

1921-2011

President, El Paso County Historical Society, 1999-2000
President, Western Cotton Shippers Association
Director, American Cotton Shippers Association
Presidential Appointment to the
United States Department of Agriculture
Director, El Paso Housing Authority



Mayor Peter de Wetter

By Margaret de Wetter



Here are notes about the mayoralty of Mayor Peter de Wetter (1969-1971). They are written by Margaret de Wetter many years later and with memory as the main source. They mark some of the highpoints of that era, unembroidered.



Mayor Peter de Wetter when he ran for office.

In 1969 Peter had served his city of El Paso in many capacities, but never political. His belief system ordered that one must contribute more than one takes from a community. His decision came as a challenge to me and to many of his friends on whom he would call. At that time the city had a mayor and four aldermen. Peter ran as a team with four men, three of whom were elected with him: Robert Hoy, Clinton Wolf, and Sal Berroteran. Only Leroy Leibrand was not elected.



*The de Wetter Team—Robert Hoy, Jr., Sal Berroteran,
Peter de Wetter, Clinton Wolf and Leroy Leibrand*

As Peter knew that he could not serve as mayor and run his business, he turned his business interests over to an accomplished manager, Martin Gemoets, who took charge of everything for him. He realized, though, that El Paso required a city manager as well as a mayor, something that he urged upon the city.



IT'S THE TICKET!

Pete de Wetter for MAYOR

Sal Berroteran, Clinton Wolf,

LeRoy Leibrand & Bob Hoy Jr. for ALDERMEN

Responsible, Responsive Leadership

To Assure Responsible, Responsive Leadership and Continued Good Government in EL PASO

The de Wetter campaign brochure cover

Peter asked the Reverend B. M. G. Williams of St. Clement's Episcopal Church to hold the Bible at his swearing-in ceremony. Mr. Williams, beloved by so many, had been important in our lives for many years. Indeed, he had married us in 1943. As I remember, in those days religion was allowed to have a prominent part in civic affairs.



The Rev. B. M. G. Williams held the Bible during the swearing-in ceremony.

Although the city faced many problems, Peter saw the opportunity of connecting with the citizens by holding a continuing series of open forums in six areas of the city. This allowed people, without excessive effort, to express their concerns and ask for help with a variety of problems. Thus, Peter and the aldermen used their slogan of "responsible and responsive government" to work at whatever problems seemed imminent, so that more citizens could become involved. This must have been part of the reason that during his term of office, El Paso was declared the All American City. This was the first time that it received such an honor. In 2011 it received the honor for the second time.

The city received another honor when the United States Navy named a ship the SS El Paso (LKA 117). The Charleston class amphibious cargo ship served until 1994 when it was retired to the Philadelphia Naval Yard. Peter went to Norfolk, Virginia for its commissioning and received a handsome plaque for the city.



The Commissioning of the SS El Paso



The SS El Paso

Yet the city had a swarm of problems. Peter felt that El Paso required a balanced budget and achieved that goal. One of the things most needed was a residential manpower center that he arranged to have opened in 1970 to provide vocational training on a continuing basis for a thousand youths. During these years work proceeded on the North-South Freeway, the Border Highway, and the modernization of the airport. Interstate 10 opened. The Mt. Franklin Wilderness Park planning work was completed. Housing, as it pertained to low-income families, remained a challenge, as did air pollution. The city worked with the Texas Air Control Board while a decided effort was made for bi-national help to overcome mounting pollution problems.

Peter called on his best friends to help with the city's challenges. Robert Hoy and Clinton Wolf were already on the City Council. Peter had always been considered a part of the "establishment," but his ideas and viewpoint were not common among his friends. Some were tapped to deal with specific problems.

Zoning for housing was one such problem in El Paso, and to deal with it he appointed Walter Driver to be Chairman of the Housing Commission. The difficulty about zoning was created by the encroachment of industry, especially in South El Paso. The city council decided unanimously in favor of new zoning laws. Citizens became irate and resolute. The Bowie High School gymnasium was the setting of one meeting between the Board of the Housing Commission and the people of El Paso whom it served. Such a meeting had not happened before, and everyone was nervous. It came off well, however, because this was the beginning of communication. I sat in the audience in the middle of 750 people. Long-haired, vehement boys carried intimidating signs, but the innate natural courtesy of the Mexican people prevailed, although a large group of belligerent young men came up on the stage and told the members of Walter Driver's Commission to get off and sit down.

At that point, a policeman came to the stage to speak to Peter. "Cesar Chavez has come to town and is on the way to this meeting." This created a potential problem, but when Chavez finally arrived at the back of the auditorium, Peter left the stage, walked down to greet him with an *abrazo*, and asked him to come to the stage, to speak and to lead a prayer. Chavez was dressed in worker's clothes; his face, a gentle face, pained as a saint's, but serene and dignified. When he smiled, a faint smile, there was a momentary flash of gold. His manner was unassuming, humble. He gave his speech in Spanish, briefly, a Latinized version of "We shall overcome." His presence produced an electric atmosphere.

Peter and I were the last two people to leave Bowie, accompanied by two plain-clothes policemen who walked us to our car. The next day Cesar Chavez came to City Hall and had a long visit with Peter. At the end of the visit, Chavez gave him a *Time Magazine*, with his picture on the cover, autographed to the mayor.

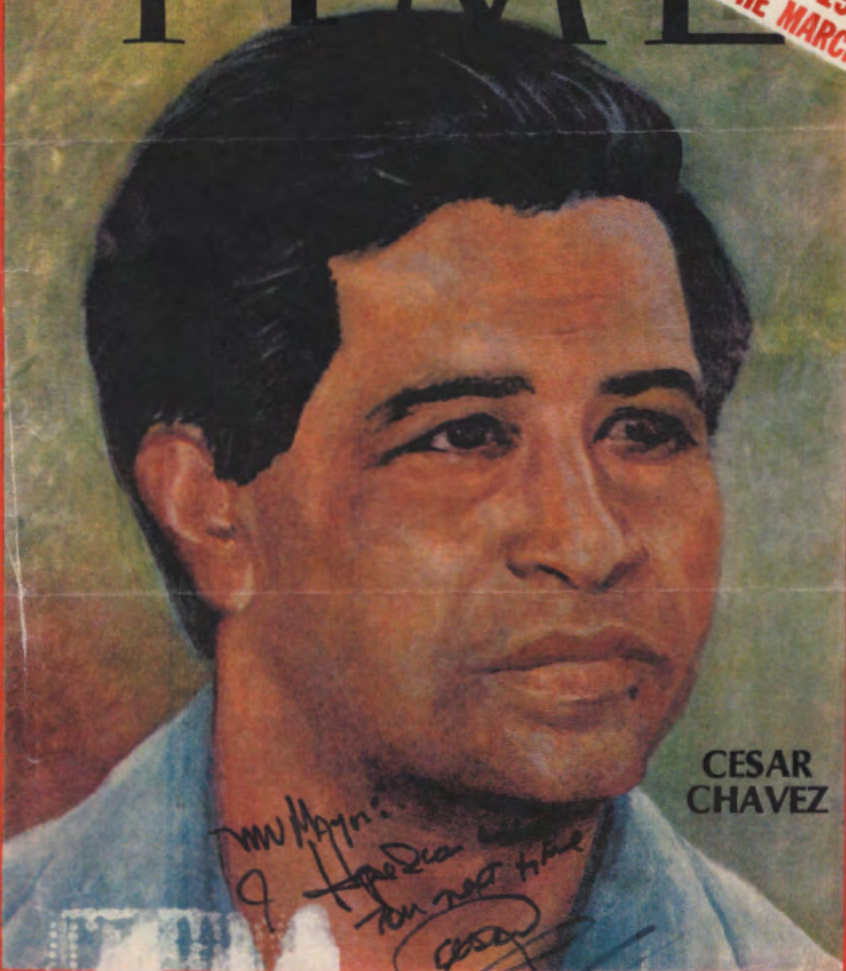
In another month or so Peter, the Council, and the Department heads again met with the people of South El Paso at Bowie to discuss housing. Many people came and many stayed away. The Brown Berets marched in together, young, vital, rebellious

FIFTY CENTS *

JULY 4, 1969

TIME

THE GRAPES OF WRATH, 1969
MEXICAN-AMERICANS ON THE MARCH



Cesar Chavez dedicated this cover of Time to Mayor de Wetter.

and proud of the symbol of their revolt. They sat together along one wall on bleachers. Peter began the meeting with a short talk in English and I, with pounding heart, translated it to the crowd. From then on, the meeting was in Spanish. Nestor Valencia of the City Planning Department asked for questions about the housing code so that the people could understand. Some of the questions pained us. One man asked, "Are you proud to be mayor of such a poor city?"

My fears of speaking in Spanish disintegrated. It was not Border Spanish, but college Spanish learned at the University of Mexico and it flowed because Spanish is such a lovely language, melodious and soft. One can't be harsh in Spanish.

Many efforts for the betterment of the city were made during this time. Travis White, city attorney, recommended that Walter Driver remain as Chairman of the Housing Commission because he knew all of the builders who had proposals to make. Instead, Peter appointed Walter to be Chairman of the Urban Coalition which was designed to bring people of different interests together.

These years, '69 and '70 were filled with endless banquets and teas, and also the anger over Vietnam. In May 1970, one afternoon after the Kent State Massacre, the college students at UTEP marched on City Hall. Peter asked the police to pass out paper cups of water because it was a hot day and the walk had been long; then he talked to the students... "Come on back to campus with me and let's talk this through." Thus, riot averted.

There were special delightful times interspersed among the struggle. Previous to this experience, Peter and I made a brief "getaway" trip to Spain, but knowing that we would be in Madrid, we hoped to call on the mayor of the city. In due course it was all arranged. No one can be more ceremonious, more formal, more conscious of the niceties of protocol than the Spanish. As mayor of a great American city in which the influence of Spain was felt long before that of any other nation, Peter brought two items with him to Madrid. One was a beautifully bound copy of the Kress Collection of Art; the other was the heavy copper key to the city. It was this key that Peter presented to Mayor Arrias. His office was in old Madrid where streets are narrow and twisted and a small plaza is surrounded by city offices, the *ayuntamiento*. This building, too, was beautiful, for it had about it the atmosphere of city hall. Señor Alcalde Arrias was a charming gentleman with the leisurely manner of a host, receiving guests, though we knew him

to be a hard working and effective mayor. We chatted about the universal problems of cities. Madrid's major problem is traffic, a nearly insoluble challenge.

The key to El Paso, very heavy and a copy of an antique Spanish one, was inscribed in Spanish: "La llave de la ciudad de El Paso." Señor Arrias accepted it most graciously and replied, "I cannot give you a key to Madrid for it is open to you. But I want to present a medal of the heroes of Madrid." On one side were the portraits of Madrid's great builders and on the other its famous landmarks. The portraits included Carlos III, Felipe I and



Mayor Arrias of Madrid with Mayor de Wetter

the II, Alfonso VI and XI, and finally Murillo. The reverse side bore the famous heraldic symbol of Madrid, "el Oso y el Madroño," or in English, "the bear and the strawberry tree," from the thirteenth century. On this day a thread of friendship was woven between our cities.

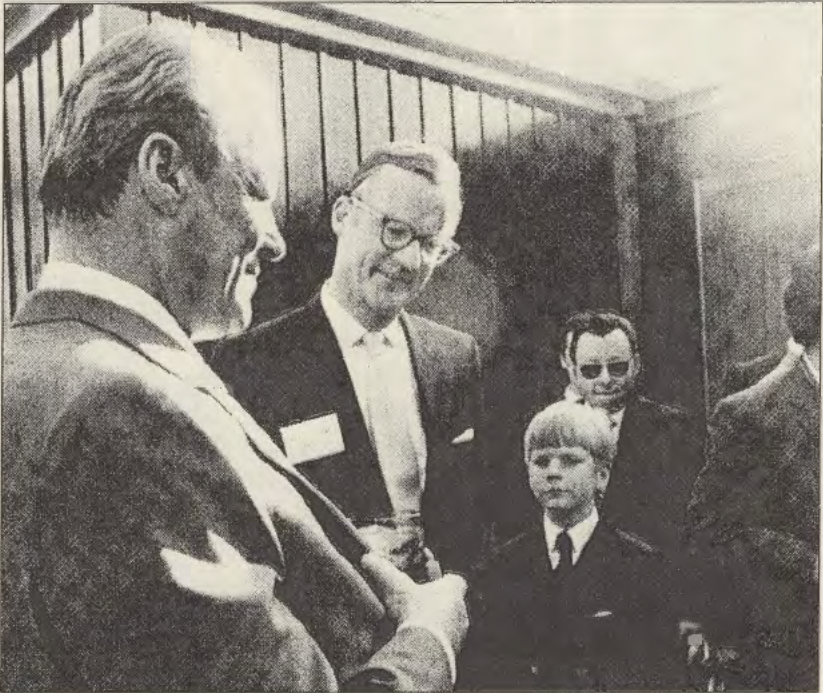
Fort Bliss had always been such an important part of El Paso. In fact, Peter had come to El Paso for the first time when he was a 22 year old Cavalry lieutenant in 1942. He was overwhelmed by the majesty of the mountains and the distance offered by the deserts. A New Englander, schooled there and in Europe, he had never known the Southwest. During Peter's term of office, Fort Bliss held not only American troops, but many from other countries. French, Japanese, Canadian, and German troops abounded.

Word came to El Paso that Chancellor Willy Brandt of Germany would be landing in El Paso on Saturday, April 4 (1970). Accompanying him was a press corps of at least 17 men. We had been hard at work at some new construction in the old house in which I had grown up and it was not ready for a party, but Peter decided that this was a great opportunity to invite the German Press Corps for a party in an American home. With considerable effort we got the house in order as the mayor's staff made preparations for the party. They invited people from the three local TV stations and the two newspapers. Peter's assistant, Oliver Goodman, had name tags made for the press and citizenship awards for each of them. My mother and my housekeeper, Aida, and I worked at the catering, combining Mexican and French cuisine. All seemed to be coming together when a telephone call advised the mayor that the Chancellor would like to be included in this party for the Press.

Now it became a different story. The police cordoned off the Rim Road neighborhood we lived in so that the neighborhood children remained the only spectators. Young Curlins and Gaddys and Belks sat on the curbs, expectantly. The doorman was replaced with a detective sergeant with a walkie-talkie and a guest list. Police would cover our alley and our driveway. Secret Service paid us a call. When four o'clock came, Peter, our two young boys, David and Robert, and I formed a "receiving line" in front of the fireplace in the living room. Our oldest son, Charles, had gone off to college that year, and so missed the event. David, at 14, had been given a supply of sheet music, Viennese waltzes and Hayden's German National Anthem.

The weather provided a beautiful, sunny day and as the guests arrived, two bar tenders dispensed much gin, some Scotch and beer. This began our friendship with Pilo Tejada who managed it all. The house, the terrace and the guest house were made bright with yellow flowers and when the Chancellor arrived, the police escort, the military MPs, the sheriff's men, and the Secret Service also arrived. The Chancellor's car flew the German and American flags. When Peter and I went out to greet him, the neighborhood children watched, entranced.

Peter gave a brief speech of welcome in *Berliner Deutsch*. Two of the reporters told me that it was flawless, without an accent. He had learned it as a child when he was sent to school at Salem, Kurt Hahn's school near the Lake of Constance. Afterwards the reporters were given their El Paso citizenship awards. David, following his orders, went to the piano and played "The Eyes of Texas", (called "I've Been Working on the Railroad" in his music book.) He followed this by Hayden's anthem once called "*Deutschland Uber Alles*." It was a dramatic moment when the Chancellor walked over to him, smiled, shook his hand, and thanked him warmly.



Chancellor Willie Brandt, accompanied by security, meeting with Mayor de Wetter and his young son, Robert de Wetter

Among the guests was a handsome young man, bearded with a fair beard, an editor of *Der Spiegel*. His name card read Hagen Graf Lambsdorff and I asked if the Graf were not his tie, which, of course, it was. He asked about our name. "Dutch?" queried he. "No," I said. "Do you know who the Balts are?" He looked quizzical and I hurried on with the story of the Balts, in Estonia. "Estlandt," I said. "The Ritterschaft," said I: "von Wetter-Rosenthal."

Finally, he smiled and answered me. "Ah, your husband and I are cousins. There is no doubt about it. The von Wetter-Rosenthal family name is sprinkled through my Baltic family tree." In later years, when Peter had been given the three-volume genealogy of the Baltic Nobility, I found Graf Lambsdorff. His family was indeed part of the Baltic nobility.

Finally, amid sirens, flashing lights, photographers and Secret Service the Chancellor left.

General Hanns Heise, commander of the German troops, and his wife, Inge, had invited us all for dinner at their house. The invitation had read, "Very Informal." I'll wear my black suit," said Peter, knowledgeable as he was. The table was MOST formal with cut crystal wine goblets and champagne. General and Mrs. Cassidy represented the U.S. Army. It was a congenial, worldly evening. Peter gave the Chancellor a mounted copper key to the city and a set of Tom Lea prints of the Southwest. The Chancellor presented Peter with a silver box engraved with his signature. As Peter fumbled when opening his gift, he said, "Have you ever tried to open a package with a head of state watching?" It was the perfect touch.

After dinner, word came of the assassination of the German Ambassador, Count Karl von Spreti, in Guatemala. The Chancellor walked out alone into the garden to face this terrible blow. Later he withdrew all the Embassy personnel from Guatemala.

The next morning the Chancellor was to leave at 6:30 so Peter decided to get up even earlier and pay a call on the garbage workers at 5. That was Peter: the garbage collectors at 5, the Chancellor at 6.

On May Day in 1970 the twentieth annual Charro Convention was held in Juárez. Black-suited, silver buttoned, the tall and comely *charros* arrived from all over Mexico. Peter and I were invited to the opening ceremony and, as Peter had cultivated his relationship with Mayor Norzagaray of Juárez, we were delighted to accept. Scheduled for seven o'clock, we arrived at seven o'clock to

find an empty hall. Seven meant eight in Juárez. We sat through the welcoming speeches, an estudiantina song, and beautiful mariachi music. It felt like Mexico, and we, as the sole Anglos there, felt great pride and honor. Our red, white and blue blood turned red, white, and green.

In El Paso a group called the Pan American Round Table had struggled over many years to create friendship between women in Juárez and El Paso. It met regularly, but especially it celebrated Pan American Day. The photo that I have portrays one of those occasions when Señora Norzagaray was present with some members of the Round Table.



Señor Norzagaray, Sugar Goodman and Margaret de Wetter

As we are aware of the threatening problems in Mexico today (2011) it is difficult to remember the freedom which the two countries enjoyed. We went with frequency to Juárez and accepted every invitation. When it came time for the famous Grito de Dolores de Hidalgo, proclaimed just before midnight on September 15, we were honored to stand on the balcony in Juárez with Mayor Norzagaray as he issued the annual proclamation, before the bells rang.

This remarkable shared friendship helped both cities with their problems.

Not all the weeks during this term of office were as pleasant as some of those described. We never had an unlisted telephone number so that at any hour of the day or night we could be in touch with our fellow El Pasoans. One night about 11:30 the phone rang. I answered it and a man's voice said, "I want to speak with Mr. de Wetter." I told him that Mr. de Wetter was out of town, but I would take a message.

"Mrs. Petry said he is in town. One of you is lying. Is it you?"

"No," I replied, "Mayor de Wetter is indeed out of town."

"Then I'll call Mrs. Petry, and tell her you called her a liar."

So it went; some calls were gracious and authentic. Other calls only thickened our skin and made us aware of the difficulties of political life. It was hard to suffer the hatred heaped upon our heads because of zoning. People protected their rice paddies as though they were castles and federal housing, pig sties.

South El Paso tended to become a tinderbox where cries of police brutality caused a group at Campbell and Seventh Street to hurl bottles and missiles at the police, as the crowd threatened to march on city hall.

Yet there were many rewards. As Mayor, Peter went to the airport to greet the famous athlete, Jesse Owens. For Peter this was a special moment because, as a teenage boy he had been a spectator at the Berlin Olympics in 1936 when Jesse Owens won four gold medals. Hitler had stormed out of the stadium, but the German athletes embraced Owens and he became a hero. Jesse Owens had remained a hero to Peter and now he had the privilege of welcoming him to the city. He also welcomed Mayor Carl Stokes, the first black mayor of any large American city. As Cleveland's mayor, his term in office coincided with Peter's.

Fort Bliss often focused our thoughts. We went to see a mounted review of the Seventh Battalion of the Eight Armored Regiment. A cloudless, southwestern day provided the backdrop for the camouflaged Hawk-bearing tanks and for the American flag.

It was the flag that focused my thoughts, the same flag that I saw pictured this week sewn to the seat of a young man's pants. Emotional patriotism is not difficult to feel when the martial music forms the setting and the heart beats loudly and the breath comes short. But beyond the response is an intellectual fact that I want to share. That flag means the American dream, greater than our founders thought, the privilege of freedom to run for office, to vote, to work out our problems, to house the poor, educate the unin-



Mayor Carl Stokes of Cleveland is welcomed.

formed, train the trainable. It is this freedom to criticize that our militants enjoy and freedom to protest that our pacifists exercise in dropping out of it all, but that rectangle of colored cotton fiber remains honored, and that is why men run for office and serve their city and their country.

Finally, in 1971, Peter decided to accept an offer of a position as CEO of a great corporation. This required that he leave El Paso and move to California. It was a formidable wrench for all of us, but Peter could not afford to run for Mayor for a second term, forsaking his own business.

So, one autumn afternoon we decided to go for a drive around the city. We could have gone to see the new Coronado Country Club area, or the beautiful upper valley. However, we found ourselves driving once more through the Segundo Barrio where we had spent so much time and Peter had used so much of his talent. El Paso, all of it, had enfolded us in its problems and its heart. It would never let us go.

Lecturas:

*Articles and Dissertations on El Paso and the Southwest
recently published in other journals*

- Susannah Aquilina (2011): Common Ground: Iranian Student Opposition to the Shah on the U.S./Mexico Border, *Journal of Intercultural Studies*, 32:4, 321-334. **To link to this article:** <http://dx.doi.org/10.1080/07256868.2011.584612>
- Bob Blair. *William Henry Jackson, "The Pioneer Photographer"* (Santa Fe: Museum of New Mexico Press) 2011.
- Ernesto Chavez. " 'Ramon is not one of these': Race and Sexuality in the Making of Silent Screen Actor Ramón Novarro's Star Image." *The Journal of the History of Sexuality*, Vol. 20, no 3 (2011): 520-544.
- Fray Angélico Chávez. *Origins of New Mexico Families, A Genealogy of the Spanish Colonial Period* (Santa Fe: Museum of New Mexico Press E-Book) 2011.
- Robin Cobos. *A Dictionary of New Mexico & Southern Colorado Spanish* (Santa Fe: Museum of New Mexico Press E-Book) 2011.
- Clinton F. Cross. "Joseph A. Calamia, A Champion of Early Civil Rights." *El Paso Bar Journal* (June 2011) 11.
- Chris Enos. *285 Broken Dreams, Photographing Southeast New Mexico to Texas* (Santa Fe: Museum of New Mexico Press) 2011.
- Greg Mac Gregor and Siegfried Halus. *In Search of Dominguez & Escalante, Photographing the 1776 Spanish Expedition Through the Southwest* (Santa Fe: Museum of New Mexico Press) 2011.
- Michael Mackedon with photographs by Peter Goin. *Bombast* (Reno: Black Rock Institute Press) 2011.
- Diana F. Pardue with Norman L. Sandfield. *Native American Bolo Ties* (Santa Fe: Museum of New Mexico Press in association with the Heard Museum) 2011.
- Chuck Parsons. *Captain John R. Hughes, Lone Star Ranger*. (Denton, Texas: University of North Texas Press) 2011.

- Mark Santiago. *The Jar of Severed Hands; Spanish Deportation of Apache Prisoners of War, 1770-1810* (Norman: University of Oklahoma Press) 2011.
- Ballard Coldwell Shapleigh, "How Civilization Came to El Paso, Viva Los Licenciados! El Paso Lawyers in the Sagebrush and Chaparral Days of the Mexican Revolution." Part V. *El Paso Bar Journal* (June 2011) 13-18.
- Shelly J. Tisdale, ed. *Spider Woman's Gift, Nineteenth Century Diné Textiles* (Santa Fe: Museum of New Mexico Press in association with the New Mexico Museum of Indian Arts & Culture) 2011
- Joseph Traugott. *Sole Mates, Cowboy Boots and Art* (Santa Fe: Museum of New Mexico Press) 2011.
- David Turner with essay by Barbara Haskell. *Georgia O'Keefe, Works on Paper* (Santa Fe: Museum of New Mexico Press) 2011.
- William Wroth and Robert Farwell Gavin. *Converging Streams, Art of the Hispanic and Native American Southwest from Preconquest Times to the Twentieth Century* (Santa Fe: Museum of Spanish Colonial Art) 2011.



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• EVENTS •

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The Executive Committee meets at the call of the President.

General meetings (*open to the public*) are held in February, May, August and October.

Election of officers and directors is held at the October meeting. Exact dates, times, places and other pertinent information concerning all activities are announced in our newsletter, *El Conquistador*, which is published approximately fourteen days prior to each general meeting.

Other activities:

- Hall of Honor Banquet
- Frank W. Gorman Memorial Historical Essay Contest
- Karl P. and Helen P. Goodman Memorial Awards
- Dolly Dingle's Tea Party
- Antiques Appraisal Fair



San Jacinto Plaza through the Early Years



at left: The 1859 Mills map of El Paso with San Jacinto Plaza in the same location as today.

below: In the earliest days, there was a hitching post, very little vegetation, and no trees.



Francis Parker photographed the July 4, 1882 celebration in San Jacinto Plaza. Note the Arcade Beer Hall, the gazebo for the band, and the train coming into town on the far right.



above: El Paso in the late 1880s. San Jacinto Plaza is to the center right.



at left: The McGinty Band performed at the gazebo in San Jacinto Plaza.

below: Cannon were displayed in the plaza which is shown on a snowy day.



above: The alligators were very popular with the public. They were moved to the zoo when the public started abusing them.

at right: San Jacinto Plaza from the air looking east. The railroad is visible.





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ORGANIZED MARCH 18, 1954

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The purpose of the society shall be to study the history of the city and county of El Paso and of the surrounding territory; to conduct and to foster research in the history of the area; to acquire and preserve documents, papers and other objects of historical interest and value pertaining to this area; to make such material available for the information of the community; to publish and encourage the publication of historical writing pertaining to this area; to develop public consciousness of the rich heritage of our historical background; and to engage in such activities which would contribute to the restoration and maintenance of the Richard F. Burges House, home of the Society.

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