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VERTERANS!

**WEAR YOUR SERVICE CAP
 TO THIS WEEK'S MEETING!**

ROTARYgrams

Photo by Steve Buser

A Publication of the Rotary Club of Beaumont, Texas - Club 72

Vol. 95 No. 14, November 9, 2005

VETERANS DAY

TSFC Alfonso Smith and SSG Adrian Woodson of the 644th Transportation Company will talk about their experiences while serving in Iraq.



HEAD TABLE



INVOCATION
HARLAND MERRIAM



PLEDGE
JOHN QUIGLEY

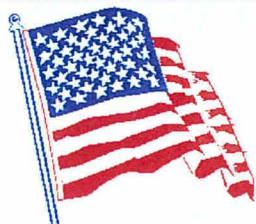


4-WAY TEST
RANDY FLUKE

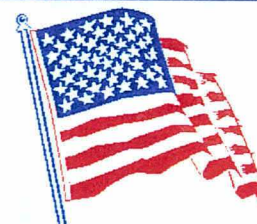


SPEAKER INTRODUCTION
MARVIN BRAILSFORD

Chicken Tarragon & Cabbage Rolls



PLEASE JOIN US AS WE SALUTE OUR VETERANS!



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Future Programs

November

16th D5890 PDG George Yeiter

23rd Thanksgiving - no meeting

30th Cynthia Tauss

Make-ups

Monday:

No. Port ArthurHoliday Inn Hwy 69

Vidor.....Hibernia National Bank

Tuesday:

Spindletop.....Holiday Inn 11th St.

Orange.....Sunset Grove

Port Neches.....Pompano Club

Wednesday:

Groves.....Pompano Club

Thursday:

Port Arthur.....Holiday Inn Hwy 69

Friday:

Nederland.....Sanderson's

On-line: www.rotaryclubone.org

(limit 3 times in each quarter)

REVIEW

Our speaker last week, Justice Hollis Horton of the Texas 9th Court of Appeals, made a very strong case for the importance of the right to appeal.

He pointed out that in baseball, there is no right to appeal and at times we see that the call was wrong. In professional football we have instant replay and, though limited to certain circumstances, an error can be corrected and we are happier knowing that it was the right call and that the game is being played by the rules. He stated that he was not arguing whether baseball or football is the better sport, but that appellate judges are the court's equivalent to replay officials looking for evidence to overturn or affirm the calls made in the court system. With respect to the court system it is important that we make sure the calls are made under the rules of law.

To understand the importance of the right to appeal, we need to understand the function of the judges on the Court of Appeals. It is their job to review and approve or disapprove of the decisions made in the trial courts. An appeals court does not make a decision on a contested matter in the first instance. They are not the fact finders, and for the most part, their role is limited to reviewing for legal errors. The court cannot directly correct a jury's decision to give credibility to the testimony of a witness, when the jury did not, or discount the credibility of a witness, when the jury did not. The role of the court has limits. They are not empowered to make a case come out as they would have liked had they been the jurors. The function of an appeals court is best described by an inscription in stone in the courthouse "let Liberty Be Regulated by Law".

There are eight district courts in Jefferson County, three county courts at law, and one county court. The 9th Court of appeals has jurisdiction over and hears appeals from those courts, and their sister courts in Hardin, Jasper, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto and Tyler Counties.

The 9th Court of Appeals is one of 14 District Courts of Appeals, and 80 intermediate courts of appeal, there are 9 justices on the Texas Supreme Court, and 9 justices on the Court of Criminal Appeals.

The Court of Appeals must hear all appeals and has no discretion to refuse to review a

complaint asserting that a trial court committed error, whereas review by the Texas Supreme Court or the Texas Court of Criminal Appeals, the appeals courts that review the decisions of the Appeals Courts, is discretionary. The Texas Supreme Court and the Court of Criminal Appeals do not review all cases and do not have to review a case if they choose not to do so. Only a small number of the cases heard by the 9th District Court of Appeals are heard by the highest courts in our state, therefore they serve as the court of last resort for the majority of trials in the ten counties they cover.

Justice Horton explained that it is important that there be oversight of the results of the lower courts. Approximately 600 cases appeal to the 9th District Court each year. In representing clients as a lawyer in private practice, his clients certainly believed that trial courts should be made to follow the law. Statistics are another measure of importance. In the last fiscal year, his court reversed trial courts in 15% of the civil cases that they heard, and 3% of the criminal cases that they heard. In his experience as a trial attorney, the threat that the court of appeals would reverse the trial court served as a deterrent to the trial court making an error of law. Without the threat of a review on appeal, in his opinion, the error rate in the trial courts would be higher.

Justice Horton made an excellent case as whether or not appeals are important? He stated, "The rule of law is one of the indispensable institutions of Western civilization." When it is observed it guarantees that our representative democracy will be permanent. Appeals courts guarantee the application of the rule of law in trial courts. Thank you, **Ron Clark**, for arranging the program and **David Gaultney** for introducing the speaker.

MILESTONES

Congratulations

Sharon and **Roger McCabe** welcomed a new granddaughter on October 31st. Heidi Grace McCabe was born to their son and daughter-in-law, Jonathan and Rene'. You may remember that Rene' was instrumental in developing our "Books for Africa" program.

Condolences

We extend our sympathy to **Jimmy Simmons** and his family for the loss of his mother in early October.

**Wathen,
DeShong
& Juncker,**

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Birthdays

We will be playing "catch up" with the birthdays for the next few weeks.

October



5th Ron Baumer (94)
President,
Beaumont Travel Consultants
Born in St. Joseph, Missouri,
he is a graduate of University
of Michigan and Akron Univer-
sity. He and his wife Pauline
are the parents of Andrew, Michael, Megan,
Eric and Nicki. He enjoys photography.



5th Milt Prewitt (93)
Owner/President,
J.M. Prewitt Company
Born in Lufkin, he is a graduate
of Texas A&M University. He
and his wife Connie are the
parents of Douglas, Lucy and Angela. He
enjoys participating in outdoor activities,
sports and spending time with his family.
Milt is a Paul Harris Fellow.



8th Donna Birdwell (03)
Director of University Honors
Program, Lamar University
Born in San Angelo, she is a
graduate of Southern Method-
ist University. She is the
mother of Brendan and Re-
becca. She enjoys crafts, reading and
travel.



9th Bill DeMore (94)
President/Partner, Cornerstone
Media
Born in Kansas City, Missouri,
he is a graduate of Eastern
New Mexico University. He is
the father of Jarred and Christopher. He
enjoys skiing.



10th Wyatt Snider (04)
Partner, The Snider Law Firm
Born in Fort Worth, he is a
graduate of the University of
Houston and Baylor Law
School. He and his wife Scar-
lett are the parents of Walker, and are mem-
bers of Calder Baptist Church.



11th Ron Reed (99)
President/CEO, Lamar Bank
Born in Portales, New Mexico,
he is a graduate of St. Ed-
wards University. He is the
father of Lori and Wesley. He
enjoys playing tennis and scuba diving.



12th Sina Nejad (95)
President, Sigma Engineers
Born in Tehran, Iran, he is a
graduate of Lamar University.
He and his wife Soheila are
the parents of Amir and Layla.
He enjoys parachuting and taking violin
lessons with his son.



13th Ted Moor III (93)
Executive Vice President,
Talon Insurance
Born in Lake Charles, Louisi-
ana, he is a graduate of
Texas Tech and the Univer-
sity of Texas. He and his wife Barbara are
the parents of Kelly, Kristen, Sarah and
Rachel. He enjoys snow skiing, water ski-
ing and playing golf. Ted is a Paul Harris
Fellow.



13th Alan Sampson (98)
Partner,
Benckenstein & Oxford
Born in Beaumont, he is a
graduate of Lamar University
and the University of Texas
School of Law. He and his wife Norma are
the parents of Sarah, Micah and Benjamin,
and are members of Temple Emanuel. He
enjoys playing golf. Alan is a Paul Harris
Fellow.



14th Laurie Ritche (04)
Associate Athletic Director,
Lamar University
Born in Beaumont, she is a
graduate of Lamar University.
She and her husband Mark
are the parents of Katie Kiker, and are
members of Calder Baptist Church. She
enjoys reading and traveling to the Carib-
bean and Mexico.



November
7th Lulu Smith (89)
Retired
Born in Louisiana, she is a
graduate of the University of
Texas Medical Branch. She
and her husband Wesley en-
joy gardening and skiing. Lulu is a Paul
Harris Fellow.



8th Chuck Mason, Jr. (82)
President,
Mason Construction
Born in Nacogdoches, he
attended Southwestern Uni-
versity and is a graduate of
Lamar University. He and his wife **Becky**

are the parents of Chad and Kristin, and are
members of First Christian Church. He en-
joys basketball, diving, and choir singing.
Chuck is a Paul Harris Fellow.



8th Jeff Noble (00)
Advertising Director,
Beaumont Enterprise
Born in Lubbock, he is a gradu-
ate of Wayland Baptist Univer-
sity. He and his wife K'Lin are
the parents of Parker and Tyson, and are
members of First Baptist Church. He enjoys
hunting, fishing, music and playing golf, bas-
ketball and softball.



9th Tom Barras (93)
Owner, Barras Insurance
Born in Port Arthur, he is a
graduate of Lamar University.
He and his wife Janice are the
parents of Jim, and are mem-
bers of Wesley United Methodist Church.
He enjoys hunting, fishing, and playing golf.



9th Robert Thompson (84)
President,
Interior Development Concepts
Born in Beaumont, he is a
graduate of Lamar University.
He and his wife Joyce are the
parents of Jeff, Kevin, and Greg. He enjoys
sailing scuba diving and traveling. Robert is
a Paul Harris Fellow.



13th Joe Domino (05)
President/CEO, Entergy Texas
Born in New Orleans, Louisi-
ana, he is a graduate of Louisi-
ana State University and
Lamar University. He and his
wife Linda are the parents of Frank and Jen-
nifer, and are members of St. Anthony Ca-
thedral. He enjoys very active in various
professional and civic organizations.



15th Elias Sarkis (03)
President, Tri-Con
Born in Lebanon, he is a
graduate of Lamar University.
He is a member of St. Mi-
chael's Greek Orthodox
Church. He enjoys running, fishing and pho-
tography.



15th Brad Tutunjian (05)
District Manager, Centerpoint
Born in Bloomington, Minne-
sota, he is a graduate of Texas
Tech University. He and his
wife Robbie enjoy hunting,
fishing, cooking and grilling.

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