



Annette Stewart

January 1, 1928 - August 28, 2020

Texas lost a legendary legal mind and popular jurist when Justice Annette Stewart, 92, passed away on August 28, 2020 at Belmont Senior Living Residence. Judge Stewart rose from a career as a high school teacher, counselor, and court reporter to become a beloved long-serving trial and appellate judge.

Such a storied judicial career did not seem likely for a young girl who grew up in South Texas early in the last century. Though born in Paris, Texas on New Year's Day 1928, Judge Stewart's formative years were spent in San Benito, a small town in the Rio Grande Valley.

She was the daughter of Ray Bryan Stewart and Mary (Plummer) Stewart. Her father was a well-known banker and President of Los Fresnos State Bank. Her mother gave up a promising future as an actress, choosing to marry, and subsequently stay home to raise Annette and her brother, Ray Jr.

Judge Stewart obtained an associate degree from Brownsville Junior College, now Texas Southmost College. She continued her education at the University of Texas from which she received her B.A. in English in 1949. Judge Stewart graduated as a member of Phi Beta Kappa. After two years of teaching, she returned to the University of Texas, earning a M.Ed. in Education in 1952. Judge Stewart returned to South Texas where she spent a year as a high school counselor. At the suggestion of one of her college friends, Judge Stewart then enrolled in court reporting school, a decision that started a rewarding legal journey.

At various times, Judge Stewart was urged to consider going to law school. She first tried to audit some upper-level classes at Southern Methodist University School of Law (now SMU Dedman School of Law) because she was so curious about what she was observing as she worked for Judge Beth Wright in Domestic Relations Court No 1. After SMU denied her request, she ultimately decided to enroll at the law school, where she graduated Summa Cum Laude in 1966. Even though Judge Stewart worked full-time as a court

reporter and went to law school in the evenings, she graduated with the highest grade-point average of any previous SMU law student. Judge Stewart passed the Texas State Bar in 1966. Upon graduation, Judge Stewart engaged in the practice of law for about fifteen months, and then she returned to the courtroom as a court reporter with Judge Wright.

When Judge Wright decided to retire, Judge Stewart made the next significant move in her legal career. In 1974, Judge Stewart ran to serve as the incoming judge of Domestic Relations Court No. 1 (now 301st District Court of Dallas County). When she won the November 1974 election, Judge Stewart became the first woman in Dallas County to become a district judge initially by election, rather than appointment. She was the presiding judge of the 301st District Court from January 1, 1975 until March 1983, when Governor Mark White appointed Judge Stewart to the Fifth District Court of Appeals, where she served until December 31, 1984. At the time of her appointment, Judge Stewart became the first woman to serve on this appellate court. In January 1985, Judge Stewart returned to the trial courts and became presiding judge of the 305th District Court, a court dedicated to hearing juvenile matters. She served in this capacity until January 1986, when Governor Mark White reappointed her to the Fifth District Court of Appeals. Judge Stewart remained at the Fifth Court until her retirement December 31, 1992. After retirement, Judge Stewart continued to serve for a number of years in the trial and appellate courts.

Judge Stewart's professional memberships and honors include Fellow, Texas Bar Foundation; Member, State Bar Texas; Texas Bar Foundation; Dallas Bar Association; P.E.O. Sisterhood (Philanthropic Educational Organization); and Phi Beta Kappa at University of Texas. She was also a significant contributor to the Texas Family Codes Forms and Practice Guide (now the Texas Family Practice Manual) published by the State Bar of Texas. She was Past Chairman of the Dallas County Juvenile Board, a group of district judges, which oversaw the operation of the Dallas County Juvenile Department. Judge Stewart was particularly proud of her development and establishment of a Dallas county work-release program for parents who were jailed for non-payment of child support. Before the implementation of this program, parents remained in jail without the ability to work, which did nothing to help get child support to the minor children. Judge Stewart was also recognized as a reputable judge by Marquis Who's Who.

Judge Stewart earned the respect and admiration of the attorneys who came before her. She was repeatedly praised for her judicial qualities of fairness, impartiality, knowledge and correct application of the law, proper judicial temperament, demeanor, and hard work. One of the best descriptions occurred in 1981, when an attorney told D Magazine, "If all

judges were light bulbs, Judge Annette Stewart would be a floodlight – 200 watts.” “She’s probably 20 I.Q. points above the other judges,” said another, who also stated, “She runs a tight court, and she’s very fair.” Judge Stewart’s conduct and reputation contributed to her consistently being ranked one of the highest rated judges in the Dallas Bar Association Judicial Evaluation Polls. As an appellate judge, she wrote numerous opinions that are a part of the jurisprudence that Texas judges and attorneys still rely upon.

In addition to the accolades previously mentioned, Judge Stewart also received two rare and exceptional honors. The first occurred in 1984, when Judge Stewart was awarded the “Jurist of the Year Award” by the Dallas Chapter of American Board of Trial Advocates. ABOTA is a national association of experienced trial lawyers who are dedicated to the preservation and promotion of the right to civil jury. The Association further is committed to preserving the independence of the judiciary. Even though this award is seldom presented to appellate judges, ABOTA recognized Judge Stewart’s commitment to their mission and purpose. At the time of this award, she was one of the first women to be recognized by ABOTA.

Additionally, after Judge Stewart’s retirement, a group of family law attorneys established in her honor, the Dallas-based Annette Stewart American Inn of Court. This is a membership organization of family law attorneys and judges created for the purpose of fostering excellence in professionalism, ethics, civility, and legal skills. In naming this in her honor, the attorneys felt that Judge Stewart best represented the standards that the Dallas family law bar sought to achieve.

Judge Stewart was interviewed in 2007 as a part of the Dallas Bar Association’s Oral History Project. The project focuses on the compilation and preservation of the history of the Dallas Bar Association through interviews of prominent Dallas Bar members. This interview can be viewed online at dallasbar.org Oral History Project.

Some of Judge Stewart’s particularly poignant comments, had to do with her transition from the role of a court reporter to that of a judge. “I just walked across the aisle, really,” Judge Stewart said in interview. Judge Stewart’s appreciation for the help she received along the way, is also demonstrated, by her statement, “Every step of the way, I have had someone influential in my career to guide me along,” Stewart said. “Guardian angels, I call ‘em.”

Among her mentors were Judge Jim Allred, whose brother Ben was a court reporter in Dallas; and Judge Royce Stout of Waxahachie, who encouraged her to go to law school. She worked for him, editing his notes for State Bar publications. Judge Stout encouraged

her to work in Dallas in Judge Beth Wright's court. She explained that she "had a lot of mentoring about being a judge from working as a court reporter," especially during the seventeen years with Judge Wright.

"That's how I got the job," she said. "Somebody would just kind of step up and bring me forward in my career." "As a court reporter, you're quiet and listening to the lawyers and judges," she said. "I was just absorbing what everybody else did. Without having to speak, you learn a lot. I wanted to know what all that arguing was about."

Judge Stewart was a fan of the courtroom atmosphere and thought about writing a novel. She explained, "As a court reporter and judge, when we had a big trial, it was just a drama," she said. "The judges, the lawyers, everybody had their role to play, and then it goes to the jury."

In retirement, Stewart became a caregiver for several of her friends later in life, a role she said she found personally fulfilling.

Survivors: She is survived by her brother Ray Bryan Stewart Jr. and cousin Susan Merrigan Slot. Beloved extended family and friends; Arthur and Janet Wright, Alan Wright and John Withers Jr. Betty Meza, (caregiver for 14 years), Dee Hinkle, (personal assistant), Pricilla Grant, (caregiver), and faithful pet and companion Chrissey.

Predecessors: She was predeceased by mentor Judge Beth Wright; Mary Cummins, friend and companion for over 27 years; John H. Withers, Sr., who helped her manage her business affairs and financial decisions; and Mike Merrigan, her cousin.

Memorial: The memorial service will be celebrated at Restland Funeral Home Memorial Chapel, 13005 Greenville Ave., Dallas, TX, 75243, on Thursday September 10th at 2:00 PM. Due to Covid-19, attendees are requested to wear facemasks and follow social distancing guidelines. For those unable to attend in person, the service will be live streamed at <http://webcast.funeralvue.com/events/viewer/36114>

Charitable Contributions: In lieu of flowers, Justice Stewart asked for donations to Philanthropic Educational Organization Foundation (P.E.O. Foundation), 3700 Grand Ave., Des Moines, IA 50312. Please specify that the gift is for the Annette Stewart-Cottey College Scholarship Fund, which will apply gifts in honor of Annette for scholarships for Texas women who want to attend Cottey College.

<https://vimeo.com/showcase/6038919?page=3>

Comments



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