Memories

"In a lawyer's legal life, there are people who you are so very blessed to have the opportunity to practice with. As a young lawyer, I was blessed to practice in Judge Fostel's District Court. I tried my first case there, argued my first motions there, won there, lost there.

"More importantly, he and his wife took care of me and helped me develop as a lawyer, the right way. I am glad I got to tell him that before he passed. When you look back at people who crafted how you do things, he was one of the top two. I will miss him very much. Godspeed."

– County Attorney James Stainton

"Judge Fostel was a great boss who let you do the job he appointed you for and stood behind the decisions you made. Wise County was fortunate to have him as district judge. He will be missed."

– County Auditor Ann McCuiston

"John Fostel was larger than life, and words are not adequate to express his significance to the community. Professionally, there is no better jurist. He was an accomplished lawyer and then a district judge. He was brilliant, compassionate and fair. Everyone who entered his court was treated with respect.

"Politically, he served 22 years on the bench and never had an opponent from either political party. It is unheard of in modern politics to be unopposed for so long. I think no one ever challenged him because everyone felt too much respect for him and the job he was doing in court.

"Most importantly, John would want to be remembered not for the law, but for his devotion to his family. Personally, he was a wonderful husband, father, grandfather, friend and mentor. Wise County has suffered a great loss. I am so very thankful that God placed him in our lives. I join the thousands of others who are praying for his family and many friends."

– Attorney Allen Williamson

"Judge Fostel was a humble, wise and fair man. I first met the judge while I was the local Texas Ranger. On several occasions during the early morning hours, the judge welcomed me into his Lake Bridgeport home.

"I was generally there to present a search warrant to the 271st District judge. In his bath robe and with his black Lab at his feet, he carefully read my affidavits. Even at 3 a.m. or so, he remained engaged and gracious. I knew a search warrant signed by Judge Fostel was a lawful document that was capable of crossing county lines.

"I have leaned on Judge Fostel many times. From Texas Ranger to Wise County sheriff, I valued his opinion and recognized his wisdom. Even now, I miss our conversations and his sideways grins. As I climb those old pink granite steps, my thoughts will be of Judge John Fostel, a true public servant."

– Sheriff Lane Akin

"In his first criminal trial as judge, I was the prosecutor. I lost, as I should have because it was a horrible case. (The cops had gone into the VFW bar in Chico looking for people who were intoxicated.) "Afterwards, he consoled me by writing a country song about the incident. I remember the first line, 'I was standing against the wall at the VFW Hall.' At that point, I knew we would get along just fine.

"He's ruled against me. He's ruled for me. He's chewed me out, and he's praised me. And I almost always knew what was coming. That's the hallmark of a good judge: Predictability.

"He had a calming effect and never took himself too seriously. After many a docket call, I had clients turn to me and say, 'he seems like a good guy.' Judge Fostel knew he could run an efficient, fair and just court without being a tyrant.

"In the end, I will miss him dearly. And even if you've never entered the Wise County Courthouse or his courtroom, you should, too."

– Attorney Barry Green

"Judge Fostel is going to be hard to replace. Not only did he have the knowledge to be a great judge, he also had the humor and temperament to be a fair judge. That makes him one of a kind in my book. He always had a positive story to tell and was always very, very upbeat as well."

– Commissioners Attorney Thomas Aaberg

"I think you couldn't ask for a more fair-minded judge – on both sides. He was concerned about the state and enforcement of laws but also extremely sensitive to rights of the defendants. It didn't matter who you were or what side of the issue you were on in a case, he was always going to be fair and even-minded.

"He had a great sense of humor and a real upbeat personality. We always appreciated that about him."

– County Court-at-Law No. 1 Judge Melton Cude

"The position of district judge has such prestige ... but you never would have known that because he was so down to earth and didn't consider himself better than anyone in this courthouse or community. Difficult situations came through his courtroom, and he handled everything with good heart and good intention. I think he tried to do right by people.

"In terms of type of work, we didn't intersect a lot on that, but I will miss him very much as a colleague in the courthouse. He always seemed positive, always had a good story."

– County Judge J.D. Clark



the Fair judge

Fostel remembered for humor, firmness on bench

BY KRISTEN TRIBE
ktribe@wcmessenger.com

Two months ago old law partners John Fostel, Stephen Wren and Mike Simpson sat huddled around a table for a long overdue lunch with their mentor, 92-year-old W.B. Woodruff.

Woodruff hired the trio, all fresh from law school in the early '70s, building what would become the storied Woodruff, Fostel, Wren and Simpson firm.

Wren planned the luncheon, demanded it in fact, according to Simpson, as a reunion of sorts.

"We just told stories and laughed ... and reflecting back, I'm so glad," Simpson said. "That was done out of concern for W.B. We never even dreamed it would be because of John."

Fostel, who served as judge of the 271st Judicial District since 1995, died unexpectedly Friday in a Fort Worth hospital. His sudden illness and death stunned friends and family and left the Wise County Courthouse in solemn silence.

JURIST FROM THE START

Simpson said Fostel, 69, was called to be a judge.

"He was a natural," he said. "He had what they call 'judicial temperament.' In other words, he could sit and listen to things and not get mad and not take sides until the whole story was told. And then he would be very compassionate and nice. I never saw him with a grudge or anything like that."

Fostel grew up in Irving and received his undergraduate degree from Texas Christian University. He went to law school at Texas Tech, and after earning his license in 1973, he joined Woodruff's law firm, later becoming a partner.

"He was a gifted trial lawyer," Simpson said. "I don't think anyone would argue with that who had ever tried a case against him or with him."

Simpson said he and Fostel tried hundreds of cases together over the course of 18 years, including multiple personal injury cases, worker's compensation, oil and gas disputes and divorces, among others — "whatever the community needed us to do."

Simpson said one day he and Fostel were arguing on their way to the courthouse.

"We disagreed about something, and we were arguing the whole way there about how we were going to do something," he said.

He remembers their then-legal assistant Carol Ann Carson, who is now a local attorney, said with a laugh, "are y'all going to be able to try the case?"

To which Fostel replied: "We're just getting tuned up just imagine what we're going to do to the other side."

Simpson said Fostel had a keen sense of humor, and he was known to offer a witty quip or pull a funny stunt in the courtroom if the time was right.

He recalled trying a case with Fostel one summer in front of a judge who had a dress code. Everyone was required to wear a shirt, coat and tie in the courtroom.

Despite the oppressive heat, Simpson complied, but Fostel had other ideas.

"John went to the bathroom and got paper towels, took his pen and made some marks on it, creating a 'tie' that he taped to the front of his shirt," Simpson explained. "He walked into the courtroom, and the judge just lost it, died laughing.

"It was always really, really fun. John made it that way, and that was a talent of his," Simpson said. "It's easy to love what you're doing when you're brought into it in a way that's so much fun."

FAIR, FIRM, JUST

Wren echoed Simpson's sentiments. He and Fostel not only practiced law together, but they were also neighbors for 16 years, raised kids together and served side-by-side in civic organizations.

"He was a person who enjoyed life, a person who if you were feeling down, he always had an uncanny ability to say the right thing to help take your mind off what's making you feel sad or depressed," Wren said. "All of a sudden he would come up with one of his puns, and you either laughed or groaned.

"But it made you feel better."

Wren said the public may not realize Fostel was a talented actor in community theater, and one of his favorite memories was performing with him in "The Odd Couple."

"I'll let you guess who was Oscar and who was Felix," he said with a laugh. "Just like representing his clients, he took it seriously and wanted to do the best job he could but at the same time he felt like it was necessary to have a little bit of levity and be able to laugh at yourself.

"As an actor, he sure did that, and he probably played Oscar Madison as well as Walter Matthau did."

Wren said some of his most cherished memories of Fostel are when they lived side-by-side on property just south of town.

"We lived only four miles from the office, and every other week, we'd switch vehicles and ride together. I'm not sure why," he said. "I guess to save those four miles. But we'd always have the kids with us and take them to school on our way to the office.

"I wouldn't trade those times, those conversations with John, and with the kids for anything."

Wren said Fostel was a "people person," who took an interest in the lives of others and routinely showed extraordinary compassion — qualities that not only served him well in his personal life, but also on the bench.

See Fostel on page 5



JOE DUTY/WCMESSENGER archive photo

BIG HEART — District Judge John Fostel invites Kinli Trotman behind his desk to try out his gavel during her adoption in November. "If you've never been in the courtroom when John does an adoption, he makes it so neat," said close friend and former law partner Mike Simpson. "There's not a dry eye in the house. Other lawyers in the courthouse would hear he was doing adoptions and come in just to sit in the audience."



JOE DUTY/WCMESSENGER archive photo

BETWEEN FRIENDS — District Judge John Fostel swears County Court-at-Law No. 2 Judge Stephen Wren into office. Wren and Fostel were longtime friends and former law partners.



JOE DUTY/WCMESSENGER archive photo

MIXING WORK AND PLAY — From left, County Court-at-Law No. 1 Judge Melton Cude, District Judge John Fostel and County Judge J.D. Clark judge the annual courthouse Christmas cookie contest. "It's a fundraiser for WARM," Clark said. "After we judged everything, Fostel would send Cathy down with a check to get whatever he liked best."

From Facebook

Devon Eric Wayne: Praying for his family! I have a lot of respect for that man! Tough behind the bench but genuine in his approach. Rest easy, my friend.

Ryan Garrison Brown: Such a sad thing to hear. What a great man. Prayers for the whole family. He will be missed!

Glenn Walker: I, as many others, will always remember Judge Fostel – the kind of man Texas legends are made of.

Amanda Harrington Kennedy: Prayers for his family! I fondly remember eating pie at the Yellow Rose Cafe in Bridgeport across the the table from Judge Fostel, which was a big honor for a young paralegal. He was a fair and kind man.

Renee Barlow: Praying for the Fostel family and his many friends! He was a great man.

Tara McEntire: I only met him once, and that was when Ivy's adoption was final. The last words I heard him speak were, "Congratulations. You are now a family." One of the best days of my life.

Jane Jones: So sad, great man. To his family, thank you for his service in our community!!

Randy Potter: From the time I was 3 years old, I can remember John at the Lions Club where my grandmother cooked for many years. I would hide under the serving line table, and John and Stephen Wren would aggravate me, passing a pocketknife back and forth as I peeked from under the table! John would tease me and say, 'you better get back under that table, boy, before we cut them ears off!' LOL. As I became older, John coached our little league baseball team. He was such a good man, and the world lost a wonderful example of a good, fair man! Prayers for his family! Thank you, John, for all the good memories and grammaw Potter will have your chocolate and lemon pie waiting for you on the other side of those gates!! RIP John. You will be forever missed!

Theodore Anderson III: He cast a long shadow across the North Texas legal community. He was a just and honorable man.

Cindy Kissner: John Fostel gave me my first office job out of high school. I was his secretary when he was the assistant district attorney. Then when he went back to the law firm of Woodruff, Fostel and Wren he took me there. I owe my career to John Fostel and W.B. Woodruff. This is very sad news, and my heart goes out to his family and loved ones. I pray that God comforts you in your time of need.

Carla Smith Pannell Johnson: Loved him! He was the judge at our adoption! Was so wonderful with us! Prayers for his family and friends!

Robert Shadburn: Just a huge loss. He had such a huge impact on my life. Very loving man. Thoughts and prayers are with the family and all of Decatur as they mourn the loss.

Teresa Abbott Boucher: Sending prayers. He was a very kind kind man and a very sweet one. You will be missed judge.

Paty Fernandez: Wow. Prayers for his family. Sweet man. He was supposed to marry my husband and I back in 1998, and he was late to the ceremony. LOL He was very apologetic and funny about it. We invited him to stay for the dinner, and he did. Nice guy. RIP Judge Fostel.

Ed Beckley: Judge was on the stage at the Bridgeport City Park many times helping run the program at the Wise County Toy Run. I worked with him many times. He was a good man. RIP Judge Fostel.

Melinda Stutt Stover: We are going to miss seeing him at the courthouse every day! Such a kind and gentle man!

Amanda Smith: Prayers ... such a good man that understood parenting and divorce and made things fair.

Brandon Evans: Fostel was a great man and a great judge. As a former reporter at the *Messenger* who covered court trials for about seven years, I was always inspired and moved by his closing statements on trials, even when it was the jury's decision. His ability to apply thoughtfulness and objective reviews to all cases and all those involved was something we should all try to achieve.

Dorothy Watson: Thoughts and prayers for strength at this time for all the loved ones. We appreciate his service to our justice system and the community. He will be missed!

Connie Redwine: Prayers for his family. He was a good man and a friend to many.

Read more Facebook comments online at my-wise.com

BOYD

Passing the torch

VFD holds ceremony to celebrate new engine

BY DAVID TALLEY
dtalley@wcmessenger.com

Two hundred hands collectively pushed and, with a little input from its driver, Boyd Volunteer Fire Department's new engine rolled backward into its new home at the Boyd Fire Station.

The department held a wash down/push in ceremony Sunday to celebrate the purchase of the new truck.

"It's this big, heavy truck, so somebody's driving and backing it up, but everyone puts a hand on it and pushes it in," Chief Chris Caster said. "It just gets the community involved, because the way I feel about it is, that's their truck. They pay for it, we're just getting to use it. It's their apparatus so anything we can do to get the public in here to see what we do and educate them on how we do things and get them involved is a win-win for us."

In the ceremony, firefighters sprayed down the new truck using the old engine's hose before filling its tank with five gallons from the older vehicle. Community members and firefighters joined together to dry off the truck with provided towels.

"It's kind of a passing of the torch from the old apparatus to the new apparatus," Caster said. "It's a tradition with some of the bigger departments up north. I'm big on tradition."

Sunday's big turnout — about 200 by Caster's estimation — was an incredible show of support for the department, he said. As chief, he's watched the group of volunteer firefighters work hard to improve the department while handling a swelling volume of emergency calls in an area that's been labeled as one of the county's fastest growing.

"Since 2013, our call volume has increased over 100 calls per year," Caster said. "Last year we went over 1,000 calls per year for the first time. This year we're on pace to go over 1,200.

"Seeing 200 people come out Sunday kind of validated the work we've been doing over the past years and made us feel pretty special."

The new engine is a key component in managing those calls, he said. Despite sharing a name, the new truck is outfitted differently than the outgoing engine.

The older truck's cab was intended for commercial use, meaning firefighters had to modify it to fit additional seats and room for radios. The cramped fit also meant they couldn't stand up properly when exiting the vehicle.

"When you're trying to put four to five big people in this, plus all our gear, and trying to get a pack on there's not much room," Caster said. "This is what [the new truck] is made for. This is a custom cab built just for what we do."

Caster said the new truck's pump pushes out 1,750 gallons per minute, opposed to the old truck's 1,250 gallon per minute pump. The new truck has a compressed air foam system, which makes the water more effective by adhering to the object on fire and suppressing the blaze. Gear and tool storage is also improved on the new truck. Those upgraded features will translate into a better ISO rating and lower insurance rates for area residents in the longterm, he added.

"We built it not just for today, but we had the future in mind as we grow," he said.



WELCOME ENGINE 112 — Boyd firefighters spray down their new fire engine as part of a celebration of the department's purchase Sunday. Firefighters used water from the truck the vehicle will be replacing.





WASH DOWN — Above left, Judson Arnold, 3, of Boyd helps wipe off the new truck. Above, right, community members take part in the ceremony, which dates back to horse-drawn fire engines.

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Fostel: Judge known for fairness

Continued from page 2

"Even though people had made bad decisions, and that's what he was dealing with, someone who had made a bad decision, he could empathize with them," Wren said. "We're human, and we do make mistakes. When asked if someone deserved another chance, John's attitude almost always was 'yes.'"

District Attorney Greg Lowery, with the 271st Judicial District, said Fostel always sought justice.

"He didn't do things from the bench for political purposes," he said.

He described Fostel as fair, but firm.

"He was a fun guy to work with. He'd be laughing and joking a lot, but when he wanted to be firm, you knew quickly. You'd get a 'move along, counsel,'" he said. "But no matter what, he was always looking out for what he believed justice to be."

In 2014, Fostel was named recipient of the Charles J. Murray Outstanding Jurist Award by the Tarrant County Trial Lawyers Association (TCTLA). He was the first judge outside Tarrant County to receive the award.

"They could've picked a judge from Denton, Parker or any of the other surrounding counties, but they picked our very own judge in Wise County," Simpson told the *Messenger* at that time.

He emphasized the significance of that award again this week because it spoke of Fostel's reputation outside the county as being fair and just.

"Every lawyer who ever left that courtroom felt like they got a fair shot at justice," he said. "I'd be shocked that too many people would say they did not get justice in John H. Fostel's courtroom."

■

Fostel will be remembered at a memorial service 10 a.m. today at the Decatur Civic Center. To read his obituary, see page 7.

Although a timeline was not available by press time Tuesday, Gov. Greg Abbott will appoint someone to the 271st Judicial District Court to replace the late judge.



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OFFERING SUPPORT — District Judge John Fostel shakes hands with County Judge J.D. Clark in 2014 after swearing him into office. Clark said Fostel told him: "I looked like you when I got started."

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NOTICE OF FINDING OF NO SIGNFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

June 7, 2017
City of Newark
209 Hudson Street (physical)
P. O. Box 156 (mailing)
Newark, TX 76071
(817) 489-2201

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Newark.

REQUEST FOR RELEASE OF FUNDS

On or about June 23, 2017, the City of Newark will submit a request to the Texas Department of Agriculture (TDA) for the release of Texas Community Development Block Grant funds under Section 104(f) of Title I of the Housing and Community Development Act of 1974 as amended, to undertake a project known as TxCDBG #7216048 for the purpose of constructing a building for use as a Community Center that will promote community engagement. Contractor shall construct an approximately seven thousand seven hundred fifty square foot (7,750 sq. ft.) facility to include HVAC, electrical, plumbing, roofing, restrooms, interior and exterior finishes and all related appurtenances. Construction shall take place at 209 Hudson, Newark, Texas. These activities shall benefit eight hundred ninety-nine (899) persons, of which seven hundred thirty-eight (738) or eighty-two percent (82%) are of low-to moderate income. The project will be completed using TxCDBG funds of $500,000, with a local contribution of $354,790, for a total anticipated project cost of $854,790.

FINDING OF NO SIGNIFICANT IMPACT

The City of Newark has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the City Hall, 209 Hudson Street, Newark, TX and may be examined or copied weekdays 10A.M to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Newark. All comments received by June 22, 2017 will be considered by the City prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City of Newark certifies to TDA that Gary Van Wagner in his capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

TDA will accept objections to its release of fund and the City's certification until July 10, 2017, or for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Newark; (b) the City has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by TDA; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to David Brown, Environmental Specialist, Texas Department of Agriculture, at P. O. Box 12847, Austin, TX 78711. Potential objectors should contact TDA to verify the actual last day of the objection period.

Gary Van Wagner, Mayor