

Hurricanes are keeping S. Texas in viselike rainy grip

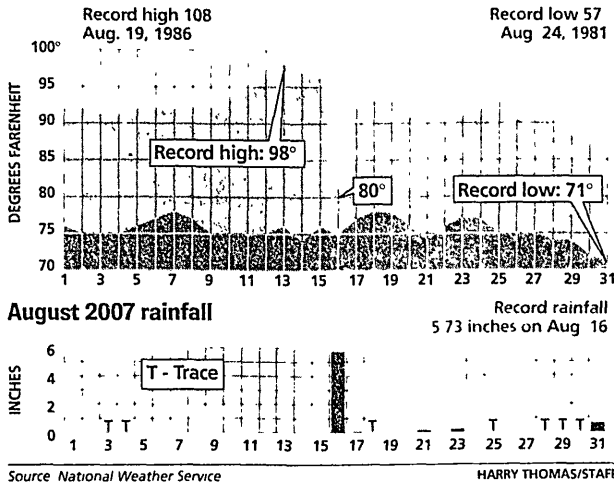
44.61 inches marks wettest 8 months in record-keeping history.

BY CINDY TUMIEL
EXPRESS NEWS STAFF WRITER

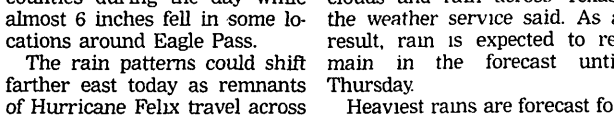
Clouds from a Pacific Ocean hurricane streamed across the state on Tuesday, touching off widespread rains, gloomy skies, and flood watches and warnings around South and Central Texas. The weather service keeps you ahead of wild and woolly changes.

tropical moisture streams, supplemented by low-level moisture from the Gulf of Mexico. Widespread rains dropped about a quarter-inch of rain or less in most locations around San Antonio, but heavier rains fell to the south and west, the National Weather Service said. Flash flood warnings were issued in Maverick and Kinney

August 2007 temperatures



August 2007 rainfall



Source: National Weather Service

HARRY THOMAS/STAFF



HELEN L. MONTOYA/STAFF

A San Antonio College student without an umbrella does his best to stay dry as he slogs through the rain at San Pedro Park on his way to campus Tuesday

counties during the day while almost 6 inches fell in some locations around Eagle Pass. The rain patterns could shift farther east today as remnants of Hurricane Felix travel across Mexico. The hurricane made landfall in Central America on Tuesday morning, and as it disintegrates it will bring more

clouds and rain across Texas, the weather service said. As a result, rain is expected to remain in the forecast until Thursday. Heaviest rains are forecast for an area from north of Del Rio to San Antonio to LaGrange, the weather service said. The rain was a soggy contin-

uation of a weather trend that began in mid-August. Statistics for the month show 6.77 inches of rain fell at San Antonio International Airport, the city's official collection station. Virtually all of this fell in the second half

of the month, 5.73 inches fell on Aug. 16 as the remnants of Tropical Storm Erin brought flooding to the region. San Antonio has had 44.61 inches of rain since Jan. 1, making this the wettest eight-month

period in weather record-keeping that began in 1871. The forecast calls for a 40 percent chance of rain today, decreasing to 20 percent tonight, according to the weather service

SAWS approves \$635,000 settlement of race discrimination case

Head auditor had alleged he was denied promotions, harassed.

BY JERRY NEEDHAM
EXPRESS NEWS STAFF WRITER

Trustees of the San Antonio Water System on Tuesday approved a \$635,000 settlement of a lawsuit filed by the utility's chief auditor after a federal agency

ruled that he was discriminated against because of his race. Under the mediated settlement, Director of Internal Audit Rufus Odem, who is African American, would withdraw his charges of age and race discrimination and the U.S. Equal Employment Opportunity Commission would wipe out its finding that the race discrimination complaint was founded, said Frank Stenger-Castro, the utility's general counsel. He said the lawsuit was set-

tled "because of the risks of litigation and the costs of litigation. So far, the costs of this litigation were \$205,000, and we haven't even got into discovery." Odem, a 21-year employee of SAWS, has been on paid administrative leave since January, after making an internal complaint alleging retaliation, which investigators determined to be unfounded. Under the agreement, he will remain on paid leave until retiring in November after reaching age 60, Stenger-

Castro said. The SAWS attorney said the utility disputed the EEOC determination made last year because no SAWS representatives were interviewed before its conclusions were reached. The federal agency earlier this year agreed to rescind it and reinvestigate, but then reinstated it without another investigation, he said. "We don't know whether that EEOC finding would have been admitted at trial or not admitted

at trial," Stenger-Castro said. "Nonetheless, it was going to take a lot of litigation to find all that out. In the meantime, there was a lot of turmoil and chaos and costs being incurred at SAWS leading to potential trial, and it is a really important function — internal audit — and we need to get on with the business of the day." Alex Katzman, attorney for Odem, said neither he nor his client had any comment on the mediated agreement.

Odem, who supervised three employees, alleged in his August 2005 EEOC complaint that he was denied promotions and that he was harassed by SAWS President and Chief Executive Officer David Chardavoyne because his work was overly scrutinized and often criticized. "There's no admission of liability," Stenger-Castro said of the settlement, in which each side will pay its own attorney fees. jneedham@express-news.net

Watts defends letter linking contributions to judges

CONTINUED FROM 1B

Opposing counsel, he noted, typically will say, "it doesn't matter what a jury is going to do because we've got nine angry Republicans on the Texas Supreme Court who will take away whatever a jury does."

Watts said he was only trying to point out that if he won at the appeals court level, it would be unlikely that the Supreme Court would accept the case on further appeal.

In the election cycles surrounding the 2001 letter, Watts and his law firm donated a total of \$82,500 to five of the six justices sitting on the 13th Court of Appeals.

Watts has put \$3.8 million of his own money into the primary campaign and pledged another \$6.8 million if he gets to take on incumbent Republican John Cornyn in the general election.

Watts and his law firm have donated more than \$2.6 million to candidates and political committees in Texas since 2000, according to the Texas Ethics Commission campaign finance database.

The perception that campaign contributions influence judges has been widespread in Texas and led to the 1995 passage of the Judicial Campaign Fairness Act, which limits the timing and amounts of judicial donations.

McDonald noted that a 1999 poll conducted for the Texas Supreme Court found that 79 percent of the state's lawyers and 48 percent of its judges believe cam-

aign contributions influence judicial decisions.

Watts' 2001 letter to Corpus Christi lawyer G Don Schauer was written with the intention that Schauer pass it along to American Electric Power headquarters in Ohio. AEP owned Corpus Christi's Central Power & Light.

Schauer said he considered the letter to be "puffery" by a trial lawyer.

"Nobody needed to tell me Mikal Watts' reputation as a trial lawyer," Schauer said. "The letter played no role in my recommendation on a settlement to American Electric Power."

What made the letter unusual was the linking of campaign contributions to sitting justices and the potential of an appeal.

The letter noted that if the case went to appeal, it would go to the 13th Court of Appeals in Corpus Christi.

"This court is comprised of six justices, all of whom are good Democrats," Watts wrote. "The Chief Justice, Hon. Rogelio Valdez, was recently elected with our firm's heavy support, and is a man who believes in the sanctity of jury verdicts."

The letter goes on to name Justices Errinda Castillo, Nelda Rodriguez, Federico Hinojosa and Linda Yanez and says Watts' firm has supported them as well.

"Justice Bonner Dorsey is more conservative than the others, but has been a friend of mine and the sanctity of jury verdicts

for many years," Watts wrote.

Watts and his law firm in 1999 donated \$5,000 to Valdez, \$2,500 to Rodriguez; in 2000, \$15,000 to Hinojosa; and in January 2001, \$10,000 to Castillo. The law firm donated \$50,000 to Yanez in 2002.

Hinojosa, Castillo and Dorsey are no longer on the court.

Yanez said Watts never received any preferential treatment from the appeals court. She said the court hears cases by drawing lots and considers the lawyers in-

involved only at the beginning to see if the judges have any conflict of interest.

The other justices could not be reached for comment.

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