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EL PASO BAR JOURNAL

An Update of Events and Information

April - May 2014

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Star of Achievement
Outstanding Partnership Award
Outstanding Newsletter
Publication Achievement Award
NABE LexisNexis Awards
Community & Education Outreach Award -2007, 2010 & 2012
Excellence in Web Design – 2007
Excellence in Special Publications – 2008

The El Paso Bar Journal is a bi-monthly publication of the El Paso Bar Association. Articles, notices, suggestions and/or comments should be sent to the attention of Nancy Gallego. All submissions must be received by the Bar office on or before the 10th day of the month preceding publication. Calendar listings, classified ads, display ads, and feature articles should not be considered an endorsement of any service, product, program, seminar or event. Please contact the Bar office for ad rates. Articles published in the Bar Journal do not necessarily reflect the opinions of the El Paso Bar Association, its Officers, or the Board of Directors. The El Paso Bar Association does not endorse candidates for political office. An article in the Bar Journal is not, and should never be construed to be, an endorsement of a person for political office.

President's Page

Honoring our past and building for the future

The El Paso Bar Association will celebrate Law Day this year on May 10. The annual Law Day banquet will be held at the El Paso Country Club with the special guest speaker to be Rene Lara.

Law Day underscores how law and the legal process contribute to the freedoms that all Americans share. Each year the El Paso Bar Association and the State Bar of Texas celebrate Law Day to honor the rule of law.

This year's Statewide Law Day theme is "American Democracy and the Rule of Law: Why Every Vote Matters." As recognized by the State Bar of Texas, this year's theme calls on every American to reflect on the significance of a citizen's right to vote and the challenges we still face to ensure that all Americans have an opportunity to participate in our democracy. The right to vote is the very foundation of our government by the people and is one of the most powerful duties we hold as citizens.

We all should remember that thousands of people have given their lives so that you and I could have that right.

I look forward to seeing you on May 10th at the Law Day Banquet as we celebrate Law Day and the Rule of Law.

This past February, the El Paso Bar Association held its 18th Annual Civil Trial Practice Seminar in San Diego. Under the guidance and planning of Dan Hernandez and his committee the seminar was a success. I would like to thank all attorneys who attended and participated in the seminar.

The El Paso Bar Association had the honor of hosting the two candidates running for President of the State Bar of Texas at its March monthly luncheon. Both Beverly Godrey and Allan DuBois made fine presentations on their own behalf.

On behalf of the El Paso Bar Association I invite all members to join us for our special Law Day Banquet. As part of our annual Law Day celebration, the El Paso Bar Association will also host a chess tournament.

I encourage all members of the El Paso Bar Association to join us at our Law Day Banquet. I also encourage all members of the El Paso Bar Association to join us for our monthly luncheons on the second Tuesday of every month at the El Paso Club.

Randolph Grambling,
President

Cover: Picture of Ainsa, Spain

El Paso Bar Association

April Bar Luncheon

Tuesday, April 8, 2014

El Paso Club • 201 E. Main, 18th Floor, Chase Bank - cost $20 per person, time 12:00 Noon

*Guest Speaker will be **Tana Petrich** of CourtCall, LLC who will talk about Remote Court Appearances*

Door prizes will be given out

Please make your reservations by Monday, April 7, 2014 at 1:00 p.m. at nancy@elpasobar.com or ngallego.epba@sbcglobal.net

Please make sure you RSVP.

El Paso Bar Association

May Bar Luncheon

Tuesday, May 13, 2014

El Paso Club • 201 E. Main, 18th Floor, Chase Bank - cost $20 per person, time 12:00 Noon

Guest Speaker to be announced

Door prizes will be given out

Please make your reservations by Monday, May 12, 2014 at 1:00 p.m. at nancy@elpasobar.com or ngallego.epba@sbcglobal.net

Please make sure you RSVP.

CALENDAR OF EVENTS

April, 2014

Tuesday, April 1
EPBA BOD Meeting
Tuesday, April 8
EPBA Monthly Luncheon
Tana Petrich ~ CourtCall, LLC
Thursday, April 17
EPPA Monthly Luncheon
Friday, April 18
Good Friday
EPBA Office Closed
Thursday, April 24
Labor & Employment Law Seminar
Saturday, April 26
EPPA's 4th Annual Golf Tournament

May, 2014

Tuesday, May 6
EPBA BOD Meeting
Saturday, May 10
Law Day Dinner & Awards Presentation
El Paso Country Club
Friday, May 9
3rd Annual DWI Intervention & Treatment ProgramClassic Golf Tournament
Tuesday, May 13
EPBA Monthly Luncheon
Thursday, May 15
EPPA Monthly Luncheon
Monday, May 26
Memorial Day
EPBA Office Closed

State Bar of Texas

ARE YOU A LAWYER WHO NEEDS HEALTH INSURANCE?

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Upcoming Holidays

The El Paso Bar Association office and the El Paso County Courthouse will be closed on the following holidays:

Friday, April 18, 2014
Good Friday
Monday, May 26, 2014
Memorial Day

3rd Annual DWI Intervention & Treatment Program
Classic Golf Tournament

Benefiting the Mountain Star Rehabilitation Foundation Inc. (Supporting CCR2's DWI Intervention & Treatment Program & its Participants)

Friday, May 9, 2014
Registration at 11:00 a.m. with a 12:30 p.m. Shotgun Start
Painted Dunes Golf Course

4 person Scramble
$80 per player (make checks payable to MSRF INC.)
Mail to MSRF, 1002 Magoffin Ave, El Paso, Texas 79901

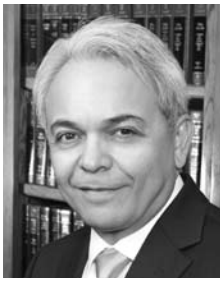
Green Fees, Carts, Drinks, Breakfast & Lunch included
Hole Sponsorships - **$100**
Tournament Sponsorships - **$1,000**

Lots of prizes to be awarded!!!

Pre-register by April 30, 2014
Call Jenaro Welsh at 546-2600 for additional information.

Meet Your Board Leaders

Each issue the Journal will feature several members of the Bar's Board of Directors so that members will know their leaders and representatives.



Rene Ordonez

Rene Ordonez has been practicing law for almost 27 years. He was born and raised in El Paso, graduated from Bel Air High School, the University of Texas at El Paso and Drake University, School of Law, where he received a full tuition scholarship. Previously, Mr. Ordonez served as general counsel for the El Paso International Airport, as Assistant City Attorney for the City of El Paso, and as Assistant United States Attorney in the Western District of Texas. He left government service and joined the law firm of Delgado, Acosta, Braden & Jones, P.C. ("DABJ") as a shareholder in 1998, where he served as a trial lawyer in the litigation department for nearly ten years. In 2007, he joined his current partners to found the law firm of Blanco Ordoñez Mata & Wallace, P.C., where he serves as the Firm's managing partner since inception. The firm provides a wide range of legal services to a diverse group of clients, including government entities, individuals, private entities and many national, international and foreign companies, but Mr. Ordonez practic´s includes primarily commercial, estate, and fiduciary litigation.

In his second year on the Board, Mr. Ordonez states that his service is important because "[o]ur profession faces a multitude of challenges which must be addressed in a cohesive and direct manner. Bar Associations, including our own, have taken on the role of addressing those challenges. To advance our profession, we must continue in our efforts to ensure accessibility of legal services to the public, while ensuring that the quality of all legal services are at a very high standard." His goals this year are to increase bar membership, to encourage participation in all bar functions, and to participate in all *pro bono* events.

Mr. Ordonez has been married to Annamarie for 18 years; they have three sons, Aaron, Markanthony, and Daniel. The family also includes a West Highland terrier named Chaka, saltwater fish and turtles. In his free time, Mr. Ordonez restores classic cars and practices martial arts. He holds two second degree black belts in Chinese-based kenpo karate systems and is a candidate for a third degree black belt with a focus on weapons.

Charles Ruhmann

Charles Ruhmann, licensed in Arizona, New Mexico and Texas, is the owner of his own personal injury firm with offices in El Paso and Las Cruces. Prior to owning his firm, he was an associate with the Lovett Law Firm and clerked and worked for several different law firms in San Antonio, Texas during and after law school. Mr. Ruhmann received a B.A. in history at Baylor University before graduating from St. Mary's School of Law.

Mr. Ruhmann has served on various El Paso Bar committees that "give back to the community and the profession of law." This year he has joined the Board to complete the last year of an expiring term. As part of the curriculum committee, Mr. Ruhmann has "conducted several interviews, on behalf of the El Paso Bar Association and Board, of local attorneys that have helped pave the way for the current and future lawyers of this area. Their shared knowledge, experience and wisdom from these videoed interviews will forever be etched in time with the EPBA archives." He adds, "I hope that these interviews of local legends continue long after my run on the Board has ended." In addition to continuing his personal involvement and work on various Bar efforts, Mr. Ruhmann seeks to recruit more lawyers to be "involved with the local bar and committees to give back and help a community that truly needs them."

Mr. Ruhmann and his wife, Elizabeth Melby Ruhmann, who is an attorney for the City of El Paso, have two sons, Charlie and John, a dog, Haldor, and one cat, Eli. Mr. Ruhmann is an active member of the Texas Trial Lawyers Association, New Mexico Trial Lawyers Association, and American Association for Justice. He has served as President (2009, 2013, 2014) and on the Board of Directors of the El Paso County Trial Lawyers Association (2006-present).

Sean White

Sean White is serving his first year on the Board of Directors. Having clerked for Kemp Smith LLP during his third year of law school, he received his first offer of employment right after graduation and has been with the firm for 11 years. He is a partner in the Litigation department handling insurance defense cases, insurance-related matters and commercial litigation cases for both plaintiffs and defendants. Mr. White is a graduate of Coronado High School, UTEP and Texas Tech University School of Law, where he received a Presidential Scholarship each year.

Mr. White says his service on the Board is "an opportunity to get involved in a legal community of which I am proud to be a member." As a new board member, his first goal is to learn about the Bar's policies and procedures so that he can better support the Bar's service to the legal and larger El Paso community.

Mr. White and his wife Isabel have two sons, Bryce (12) and Caden (9), as well as four large dogs. He enjoys playing tennis, a sport his whole family plays. He says, "I have started CrossFit and have hopes of returning to age-group triathlon racing when I find more hours in the day."

Playing Well With Others: Simple Professional Courtesies

(Conclusion)

Chief Justice Ann Crawford McClure
Eighth Court of Appeals

In the last issue, Chief Justice McClure reviewed the Standards of Appellate Conduct adopted by the Texas Supreme Court and the Court of Criminal Appeals. In this issue, she continues her discussion, focusing on standards set for the judiciary. Ed.

Professionalism must start at the top; judges should be role models for attorneys. Judges who berate, belittle and demean lawyers, and those who lose their tempers and yell in a tirade, do little to encourage civility in the courtroom.

THE STANDARDS

Unprofessionalism can exist only to the extent it is tolerated by the court. Because courts grant the right to practice law, they control the manner in which the practice is conducted. The right to practice requires counsel to conduct themselves in a manner compatible with the role of the appellate courts in administering justice. Likewise, no one more surely sets the tone and the pattern for the conduct of appellate lawyers than appellate judges. Judges must practice civility in order to foster professionalism in those appearing before them.

• Inappropriate conduct will not be rewarded; while exemplary conduct will be appreciated.

• The court will take special care not to rewa departures from the record.

• The court will be courteous, respectful, and civil to counsel.

• The court will not disparage the professionaism or integrity of counsel based upon the conduct or reputation of counsel's client or co-counsel.

• The court will endeavor to avoid the injustice that can result from delay after submission of a case.

•The court will abide by the same standards of professionalism that it expects of counsel in its treatment of the facts, the law, and the arguments.

•Members of the court will demonstrate respect for other judges and courts.

Somewhat surprisingly, this section generated significant controversy. It was deleted from the version first approved by the Supreme Court and the Court of Criminal Appeals on October 30, 1997. The reticence was not entirely their own. Input and approval was sought from every Texas appellate judge, state and federal. Some felt the Code of Judicial Conduct sufficiently addressed the issue. Others had liability concerns. Inasmuch as the Texas Lawyer's Creed had not purported to address judicial civility and courtesy, some believed the Standards shouldn't either. On November 5, 1997, the Eighth District Court of Appeals adopted the Standards in their entirety by resolution entered upon the minutes of the court. On February 1, 1999, both the Supreme Court and the Court of Criminal Appeals adopted and promulgated the Standards, including this section.

BEHAVIOR ON THE BENCH

The Standards recognize that not only must attorneys treat the court with respect, but also the judge must be courteous in return. Judges who fail to do so are often sanctioned by the Judicial Conduct Commission. For example, one trial judge drew a public reprimand for his treatment of an assistant district attorney. Calling her "sneaky and surreptitious," "treacherous," and ascribing to her the "compassion of an Auschwitz prison guard," Judge Davis demonstrated a lack of dignity, patience, and courtesy. Moreover, by calling a press conference and involving the media in this conflict, the judge cast public discredit on the judiciary and created reasonable doubt about his capacity to fairly judge criminal cases brought by the district attorney's office.[1]

Another judge received a harsher sentence. Judge Barr was removed from the bench for his inappropriate sexual comments and gestures to female assistant district attorneys.[2] The opinion details the explicit nature of the misconduct. Throughout his tenure on the bench, Judge Barr periodically referred to female assistant district attorneys as "babes"; motioned to one from the bench, by crooking his index finger as if he wanted her to approach, and stating to her, "I just wanted to see if I could make you come with one finger", and told another who sought to return to her office while a jury deliberated that "[Y]ou are so nice to look at, if you leave, all I'll have to look at all afternoon are swinging dicks." He also told an attorney to "go screw himself" in response to an attempt to reset a criminal case.

UNCIVIL APPELLATE OPINIONS

An appellate specialist once opined that a Supreme Court opinion on jury argument actually encourages unprofessional conduct.[3] Some would say that many appellate opinions not only encourage unprofessionalism, they actually demonstrate incivility.

"Justice Delayed is Justice Denied"

The following pages contain various examples of harsh exchanges between appellate justices. My comments are in bold lettering to distinguish them from the actual text of the various opinions. The name of the judge making the comments is also emphasized.

1. *In re Davis*, 82 S.W.3d 140,142 (Tex.Spec.Ct.Rev., 2002).
2. *In re Barr*, 13 S.W.3d 525, 531 (Tex.Rev.Trib.,1998).
3. Roger D. Townsend, *Improper Jury Argument and Professionalism: Rethinking Standard Fire v. Reese*, 67 TEX.BAR J. at 449 (June 2004).

- *In the Interest of L.M.I. and J.A.I.*, 119 S.W.3d 707, 730-31, 754 (Tex. 2003) (**Hecht, J**., dissenting).

"[T]his case," laments the Court, "has taken its excruciatingly slow course through our judicial system." Lamentably, a little more than a third of the excruciation has been in this Court. And just whose fault is that? Whose fault is it that this Court has taken 524 days to decide this case? Why, the parties', of course, says the Court. Who else could be to blame? Not us. We've tried our very best, but "appellate review has been greatly hampered by the shifting, indistinct focus of their complaints". Well, well. The facts here are a bit of a problem. We decided six parental rights termination cases last Term, and took, respectively, 199 days, 361 days, 387 days, 540 days, 584 days, and 646 days to issue an opinion in each. In none of the three cases that the Court took a week, eight weeks, and seventeen weeks longer to decide than it took to decide this case was "appellate review . . . greatly hampered" by poor briefing."

"[W]e still disagree about what the complaints are and whether they were preserved", the Court moans. And here again, the fault for our disagreement must in all fairness be laid squarely at the parties' feet. If only the briefing had been better, the Court's decision would have been prompt and unanimous. But before taking the Court's word for this, the reader may wish to know that the parties have filed about 88 pages of briefs and motions in this Court, the reporter's record of the one-day hearing in the trial court is 328 pages, and the clerk's record is 117 pages. All told, the record and briefs would not take any one of our law clerks more than half a day to master. Truth is, the Court knew what the issues were in this case from the time it was filed. What the Court has disagreed about for more than a year is not what the issues are, but whether these parents' rights in their children can be terminated some technical way without having to address their arguments.

* * * * *

"[T]he evidence is overwhelming that [the father] has lost rights among the most precious guaranteed by law simply because he does not understand English. If [he] could read the Court's opinion, he would no doubt be surprised (and dismayed) to learn that he is not entitled to a decision on the only claim he has ever made because his lawyer in the trial court phrased it differently than his lawyer on appeal. The one benefit of [his] inability to understand English is that he will not be able to read of the injustice that has been done to him. He should at least have a paraphrase of the Court's opinion, however, just as his affidavit was paraphrased for him. I offer the following:

¡Peligro!
Si usted no puede hablar Inglés,
usted puede perder a sus niños."[4]

- *Delaney v. University of Houston*, 835 S.W.2d 56, 64-65 (Tex.. 1992) (**Doggett, J**., concurring).

"The delay in announcing the majority's opinion has been totally unnecessary and unjustified. It cannot be attributed to the complexity of the issues – this cause presents a single question for review – nor by the size of the record – we are asked to review a summary judgment transcript consisting of motions and a single three-page affidavit.

* * * * *

They offer a standard bureaucratic response: (1) it's not really a problem; (2) it's not our fault; (3) it's classified; (4) it's always been that way; (5) take your complaint somewhere else."

- ***Jane Doe Cases***

Nowhere is the incivility of the judiciary better exemplified than in the *Jane Doe* cases. In 1999, the Texas Legislature amended the Texas Family Code to require parental notification for a minor to obtain an abortion. As the minors sought judicial bypass to notification, appeals from the trial courts' denial of applications began to percolate up to the Supreme Court. What follows are just a few highlights of the raw emotion that appears in *Jane Doe 1 (II)*.[5] The comments are attributed to the justice.

Enoch, J.

"Long ago, I learned that the more my emotions influenced my decisions, the less I acted like a judge. A few years ago, Justice Hecht was so passionate about an issue that he branded his colleagues as dishonest. And it is obvious from his strident dissents in all four *Jane Doe* cases that Justice Hecht has, once again, succumbed to passion. For he now brands his colleagues as "activists" and pro-abortionists. He does this, not because there is truth to his charge, but simply because his passion overcomes reasoned discussion.

* * * * *

"When influenced by emotions, a judge loses the judicial perspective, often overstating the case, and at times, resorting to writing that is unbecoming. My colleague's writings in these cases have been inappropriate. Deep convictions do not excuse a judge from respecting his colleagues, the litigants, or the law."[6]

Hecht, J.

"The Court's utter disregard for the legislative history cited by fifty-six legislators in support of their view of the Parental Notification Act is an insult to those legislators personally, to the office they hold, and to the separation of powers between the two branches of the government . . . . The Court adamantly refuses to listen to all reason, and the only plausible explanation is that the Justices who comprise the majority . . . . have resolved to impair the Legislature's purposes in passing the Parental Notification Act . . . .I cannot recall ever having seen a court or its members so abject in apologizing for their decision or so profuse in proclaiming their own integrity as this Court is today.

4. *Id.* at 730-31, 753 (footnotes deleted).
5. *In re Jane Doe*, 19 S.W.3d 348 (Tex. 2000).
6. 19 S.W.3d at 362, 363, 364 (**Enoch, J**., concurring) (footnotes deleted).

* * * * *

> If the Court were construing any other statute, it would by now have conceded that it was wrong. Logic, law, and legislative history cited by the legislators themselves all argue against the Court's construction of the Parental Notification Act. Why would six Justices on this Court ignore fifty-six legislators if they were trying to follow the law rather than their own personal views? This is not merely a rhetorical question; if the Court has an answer, it should give it. Its refusal to do so is answer enough.[7]

- ***It's Contagious***

Criminal cases have not been immune. When the Court of Criminal Appeals first adopted factual sufficiency review, the tension among the judges was palpable.[8]

> "Law-abiding Texans, hold on to your hats. We have another "run-away train" and it is again driven by a reckless, careless, and mischievous driver, Judge Maloney. . . Judge Meyers is disappointed in my dissent because he says it is disrespectful to the Courts of Appeals. Does this guy blow smoke or what?
>
> * * * * *
>
> "In his concurring opinion, Judge Meyers goes to great lengths to cover his fanny in this case, but the Austin Tent and Awning Company does not have a large enough cover in stock. His concurring opinion should be carried in the funny paper section of every newspaper in this State. Judge Meyers suggests that my dissent will "generate hysteria." As I stated in my opening sentence, "Law-abiding Texans, hold on to your hats." The hysteria, if any, of course, will be with the victims of crime and the law-abiding Texans. After this opinion is handed down, the celebration by the dope dealers, robbers, rapists, murderers and Judge Meyers will overshadow that of the Dallas Cowboys' victory in Super Bowl XXX."[9]

The "run-away train" comment refers to a previous opinion by Judge Maloney involving the admissibility of extraneous offense evidence at punishment. Judge White dissented in that case as well:

> "It is difficult to imagine how the Legislature can successfully amend Art. 37.07 § 3(a) in order to convince the aggressive and assertive plurality of this Court that they intend for a jury to be permitted to review relevant unadjudicated criminal actions of a defendant during the assessment of punishment for a non-capital crime. Perhaps they will print the amendatory language in extra-large bold type, not unlike that of a grade school primer. Or perhaps they will, somehow, be able to find more direct language to use, much like a farmer would use a two-by-four across the nose of a recalcitrant mule in order to convince it that it is time to get off its hind quarter and pull the wagon. Whatever method the Legislature selects, it will be interesting, to say the least, to witness how the aggressive and assertive members of this Court rewrites it."[10]

CONCLUSION

There is a natural tendency for lawyers to want to "get even" for what they perceive to be *Rambesque* behavior. A district judge in Amarillo has explained the scenario perfectly. During a hotly contested trial, one attorney announced his intention to call a particular witness. Opposing counsel was quick to object, telling the court that the witness had not been disclosed or designated. Judge Emerson told him that he had a perfectly valid objection and if he pursued it, the judge would have to sustain it. But he cautioned that such tactics often come back to haunt us – what goes around, comes around. The attorney just smiled and said, "I know, Judge. It's coming around right now."

ANN CRAWFORD MCCLURE is Chief Justice of the 8th Court of Appeals.

7. 19 S.W.3d at 366, 367, 368, 373 (**Hecht, J**., dissenting).
8. *Clewis v. State*, 922 S.W.2d 126 (Tex.Crim.App. 1996).
9. *Id.* at 158-59 and n.3
10. *Grunsfeld v. State,* 843 S.W.2d 521, 565 (Tex.Crim.App. 1992) (**White, J**., dissenting).

COUNCIL OF JUDGES ADMINISTRATION
EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO #101
EL PASO, TX 79901
(915) 546-2143 FAX (915) 546-2019

TO: ATTORNEYS
FROM: MIKE IZQUIERDO, EXECUTIVE DIRECTOR
DATE: FEBRUARY 18, 2014
RE: E-MAIL ADDRESS OF ATTORNEYS IN DATA BASE

WITH THE IMPLEMENTATION OF THE COUNTY'S "ODYSSEY" SYSTEM, WE NOW HAVE THE ABILITY OF ADDING AN ATTORNEY'S E-MAIL ADDRESS IN THE ATTORNEYS DATA BASE. THE COUNCIL HAS BEEN UP-DATING AND ADDING NEW ATTORNEYS IN THE SYSTEM IN ORDER TO HAVE EVERYONE'S CORRECT MAILING INFORMATION.

WE NEED YOUR ASSISTANCE IN PROVIDING THIS INFORMATION TO THE COUNCIL, ESPECIALLY WHEN AN ATTORNEY MOVES TO A DIFFERENT LOCATION. SINCE THE E-MAIL PROCESS IS NEW, WE HAVE VERY FEW E-MAILS OF ATTORNEYS IN THE SYSTEM.

PLEASE PROVIDE US YOUR E-MAIL ADDRESS. MORE IMPORTANTLY, PROVIDE US WITH YOUR NEW ADDRESS WHEN YOU MOVE IN ORDER TO UP-DATE YOUR INFORMATION. BELOW IS THE INFORMATION WE NEED IN THE SYSTEM:

NAME (PRINT) _____
BAR # _____
ADDRESS _____ CITY, STATE, ZIP CODE _____
PHONE / FAX _____ E-MAIL ADDRESS _____ BIRTH MONTH _____

YOU CAN EITHER FAX THE ABOVE INFORMATION AT (915) 546-2019 OR E-MAIL IT TO THE COUNCIL
TO MARTHA A. BANALES, OFFICE MANAGER, AT mbanales@epcounty.com.
IF YOU HAVE ANY QUESTIONS YOU CAN CONTACT MS. BANALES AT (915) 546-2143.

The National Center for DWI Courts and the National Highway Traffic Safety Administration to Recognize El Paso County's DWI Drug Court

On March 25, 2014 at 1:00pm, El Paso County's DWI Drug Court Intervention and Treatment Program will receive national recognition as one of only four DWI Academy Courts in the United States, an honor bestowed by the National Center for DWI Courts (NCDC) in partnership with the National Highway Traffic Safety Administration (NHTSA). As an Academy Court, the DWI Drug Court Intervention and Treatment Program will help develop, identify and test national best practices for DWI Courts and provide technical assistance to programs interested in starting a DWI Court. The ceremony will take place at the El Paso County Courthouse, 500 E. San Antonio, El Paso, Texas in the County Commissioners Courtroom, Third floor, Room 301.

"It is a great honor to recognize the El Paso County's DWI Drug Court Intervention and Treatment Program as one of only four Academy Courts throughout the country," said National Center for DWI Courts Senior Director Judge J. Michael Kavanaugh (Ret.). "For several years the El Paso County's DWI Drug Court Intervention and Treatment Program has been a shining example of the best our criminal justice system has to offer."

El Paso County's DWI Drug Court Intervention and Treatment Program was the first DWI Drug Court Program created in the state of Texas in 2004 by the Honorable Robert S. Anchondo. It is a specialized court designated to handle adults convicted of Misdemeanor or Felony Driving While Intoxicated (DWI) offenses. There are now more than 600 DWI Courts nationwide and over 28 in Texas. To date, the El Paso County's DWI Drug Court Intervention and Treatment Program has helped over 270 individuals turn their lives around. The program has proven to be a success and continues to grow each year.

Valuing Gideon's Gold: How Much Justice Can We Afford?

(Conclusion)

By M. Clara García Hernández and Carole J. Powell

First published by the Yale Law Journal in June, 2013 and republished with permission

In the last issue, the authors discussed some of the challenges presented to the El Paso Public Defender's Office in representation of their clients. In this issue, the authors continue that discussion with a focus on the problems faced by attorneys representing the mentally ill. Ed.

IV. GIDEON THROUGH THE LABYRINTH OF MENTAL ILLNESS

How do we deliver *Gideon's* gold to clients who are not only poor, but also lack the intellectual, behavioral, and emotional resources needed to confront the charges? We represent many individuals with a mental illness or an intellectual disability. In our experience, mental illness doubles the work of representation—requiring more time with clients and their families, resolving more collateral issues, and searching for services that do not exist. We established a Mental Health Unit (MHU) in 2005, but insufficient funding has kept us from serving our mentally ill clients as effectively as fundamental fairness demands. Few standards exist to guide us in defending these clients. Yet, standards are not what we most need right now. Our clients need more lawyers, more staff, and more resources. We are dealing not only with the reality of charges being disposed of through the plea process rather than through trial, but also with the frightening reality that this population can only hope to see the best possible disposition of their criminal charges if we do much more than prepare their cases for trial.

Our first priority is pretrial release, because freedom is always a priority and incarceration aggravates mental illness. Insanity occasionally provides a defense at trial. However, more often than not, mental illness simply prevents the client from having his day in court. The emotional stress of incarceration, court proceedings, and long delays in the process is frequently unmanageable for these vulnerable clients. It becomes imperative to seek extralegal remedies to address our clients' underlying mental illness and collateral needs. For them, access to pretrial release depends on access to medication, treatment, and a stable environment. We have also learned that pretrial release is only the beginning. We have often obtained their release on personal recognizance (PR) bonds, but there is no safety net to catch them once they get out. Over 42% of our MHU clients released on PR bonds in 2010 were ultimately returned to jail on arrests for new offenses or upon revocation of their bonds for failing to report or appear in court.[47]

Texas ranks last in the nation on spending for mental health services,[48] but nearly quadrupled its criminal justice spending from 1990 to 2010.[49] In 2010, there were nearly eight seriously mentally ill persons in Texas jails or prisons for every person in a psychiatric hospital,[50] making jails and prisons our largest inpatient mental health care provider—a responsibility for which they are ill-equipped and ill-funded. El Paso is no exception. On any given day in 2010, an average of 2,193 men and women were locked up in our jails, 40% of whom received medication for mental illness.[51] In 2010 alone, the mental health provider at the county jail saw 7,531 inmates for psychiatric problems.[52] By comparison, El Paso only has 209 psychiatric hospital beds: 119 private,[53] 16 military,[54] and 74 other public nonprofit beds.[55]

Outpatient mental health care providers are scarce and difficult to access.[56] Our mental health services delivery "system" is one underfunded provider, Emergence Health Network, funded primarily by the state government, and poorly supported by a few private and charitable providers.[57] Our social workers are essential to helping our clients access this limited patchwork of services, but their efforts can only go so far. The need is so great, resources are so limited, and mental health professionals are so few,[58] that "access" usually means "wait-listed." These factors also

Footnotes

47. EPPD Data, *supra* note 22.
48. Claire Cardona, *Study: Texas Ranks Last in Mental Health Spending*, TEX. TRIB., Nov. 11, 2012, http://www.texastribune.org/2011/11/10/texas-ranks-50th-mental-health-spending.
49. Marc Levin, *Corrections Budget & Prison Operations*, TEX. PUB. POL'Y FOUND. (2011-2012) http://www.texaspolicy.com/sites/default/files/documents/2011-PrisonOperations-CEJ-ml.pdf.
50. Emily Ramshaw, *Mentally Ill End Up in Texas Prisons*, TEX. TRIB., May 12, 2010, http://www.texastribune.org/2010/05/12/mentally-ill-end-up-in-texas-prisons.
51. Data provided by the El Paso County Sheriff's Office (on file with authors).
52. *Id.*
53. *University Behavioral Health of El Paso Details*, U.S. NEWS & WORLD REP., http://health.usnews.com/best-hospitals/area/tx/university-behavioral-health-of-el-paso -6740408/details (last updated Apr. 2012). There are also additional beds that Peak Psychiatric Hospital has in Santa Teresa, New Mexico, a suburb of El Paso, for children and teens. *About Peak Behavioral*, PEAK BEHAV. HEALTH SERVICES, http://www.peakbehavioral.com/index.stml (last visited Apr. 3, 2013).
54. *Inpatient Psychiatry Service* (IPS), WILLIAM BEAUMONT ARMY MED. CENTER, http://www.wbamc.amedd.army.mil/Departments/MentalHealth/InpatientPsychiatryService (last updated Oct. 12, 2012).
55. *El Paso Psychiatric Center,* TEX. DEP'T OF ST. HEALTH SERVICES, http://www.dshs.state.tx.us / mhhospitals/ElPasoPC/default.shtm (last updated Apr. 8, 2011).
56. *See* Lisa Tomaka, Mario Caire & Dennis L. Soden, *Greater El Paso Chamber of Commerce Community Mental Health Survey,* INST. FOR POL'Y & ECON. DEV. 3 (Jan. 1, 2008), http://digitalcommons.utep.edu/cgi/viewcontent.cgi?article=1079&context=iped_techrep (noting that "a number of factors make [mental health] service delivery difficult and overextend existing resources" in El Paso).
57. *See Revenue & Expenditures,* EMERGENCE HEALTH NETWORK, http://emergencehealthnetwork.org /wp-content/uploads/2012/01/revenue-exp.pdf (Jan. 2012).
58. In 2008, thirty-six licensed psychologists in El Paso County served a population of 755,157. Susan Combs, *Texas in Focus: Upper Rio Grande*, WINDOW ON

translate into treatment protocols emphasizing medication over counseling. Sadly, these clients usually often lack the cognitive ability and life skills to adhere to such a treatment plan.

Lack of housing is another barrier to staying out of jail. Many of our clients do not have a home to which they can return. Some were homeless at the time of arrest, others lost housing and benefits during their incarceration, and many are estranged from their families. El Paso has few homeless shelters, and only one of them provides psychiatric visits. Finally, a significant number of mentally ill defendants have co-occurring substance abuse problems,[59] which impede medical and social stability and increase the likelihood of bond and probation violations.

Frustration over failed collaborative community efforts to address these issues has us exploring ways to step in. Currently, the jail releases clients with a paid prescription for a three-day supply of psychotropic medication. The jail clinic is willing to give up to a ten-day prescription, but the county cannot pay for it. We are developing a funding proposal that would allow our office to pay for the extra seven days of medication to provide a safety net while the necessary treatment and services are secured. Funding would also allow us to contract with doctors and counselors for immediate services,[60] pending screening and waiting for services from our state provider. A dedicated mental health PR bond caseworker[61] would facilitate release, and our social workers would provide intensive assistance, daily if necessary, while our clients are on pretrial release. Even if we were to succeed, however, this program barely scratches the surface and is no substitute for a well-funded system of public mental health services.

The greatest hazard for the lawyer defending clients with mental illness or intellectual disability is discouragement and exhaustion. We struggle to communicate with our clients, to work with their families, to find someone willing to stand up for them. We raise competency issues with a heavy heart, knowing this will lengthen substantially our clients' time behind bars. We must always explore the insanity defense, knowing that it is unlikely to be a winning theory.[62] We struggle to bring local agencies together to fight for better mental health care and housing. Representing these clients is like going twelve rounds with a fresh opponent each round. A connection to these clients compels us to fight for them as so many of them have been fighting all their lives. Surely, we can stand by them, considering what they have already gone through. And although standing by them can be the most exhausting and challenging experience, the rewards—when we finally arrive at the right solution—are great.

To be sure, effective assistance of counsel means much more than preparing for trial. It means going outside the confines of statutes and police reports in order to see the client, to understand what went wrong, to develop empathy, and to communicate the client's real story. It means taking upon ourselves the responsibility to build for our clients the community net that they deserve but never had, partnering with the medical and behavioral health communities—social workers, psychologists, and psychiatrists—to share the burden of finding treatment and stabilizing our clients' lives. It means looking beyond the courtroom and visualizing communities that have a place for everyone, including those who need treatment and support. The standards of effectiveness discussed in Strickland, Padilla, Frye, and Lafler have not addressed the needs of this population, although it is clear that we as a society should stop relying on criminal processes and incarceration for those who simply need effective mental health services from the public health sector. Our criminal justice system must mature into a system that is able to substantially return the burden of treating and housing the mentally ill and intellectually disabled to the public health sector instead of imprisoning them.

Perhaps someday there will be a case such as Gideon v. Wainwright that affirms a person's right to mental health care. Until then, we must continue to work in this intersection between two broken delivery systems: one that rations mental health care and one that rations fundamental justice and due process.

CONCLUSION: HOW MUCH JUSTICE CAN WE AFFORD?

Gideon's spirit is drowning in the undertow of the criminalization tide. There is a foundational conflict between our ideals of equal justice, fundamental fairness, and due process, and our actions. Can the wealthy and the poor, the healthy and the mentally ill, ever "stand equal before the law"? Are "equal justice" and "fairness" fundamentally irreconcilable? Can "justice" ever be "equal"? Maybe "fundamental fairness" blunts the sharp edge of "justice." If justice is anything, it must be more than our rations: it must be sufficient to guarantee that the government will be held in check.

If equal justice means that our client gets exactly the same justice as the average individual who does not qualify for a court-appointed lawyer, or it means that our mentally ill client will be treated like every other accused, then we have little use for it. The average individual who pays a lawyer gets only as much justice as he can afford. For the working class, and much of the middle class, this is insufficient to guarantee fundamental fairness, let alone a well-investigated and well-litigated fair trial. Maybe this country can live with this standard,

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ST. GOV'T, http://www.window.state.tx.us/specialrpt/tif/urgrande/healthcare.php (last visited Apr. 3, 2013). In 2008, we had 0.1-6.2 psychiatrists per 100,000 people. *The Crisis in El Paso: Health Care Professional Shortages*, GREATER EL PASO CHAMBER OF COM. 4 (Feb. 2009), http://shapleigh.org/system/reporting_document/file/322/Crisis_in_HC.pdf.

59. Male and female detainees with severe mental disorders have a 72% rate of co-occurring substance use disorders. *The Prevalence of Co-Occurring Mental Illness and Substance Use Disorders in Jails*, SUBSTANCE ABUSE & MENTAL HEALTH SERVICES ADMIN. 2 (Winter 2004), http://gainscenter.samhsa.gov/pdfs/disorders/gainsjailprev.pdf.

60. Even with the money to pay, this will be difficult given the scarcity of mental health professionals in our community.

61. The state probation department has caseworkers who screen individuals for suitability for pretrial release on PR bonds, and supervise them once they are granted these bonds.

62. Here, as in the rest of the state and the rest of the country, the insanity defense is "rarely invoked and seldom successful." Brian D. Shannon, *The Time Is Right To Revise the Texas Insanity Defense*, 39 TEX. TECH L. REV. 67, 69-70 (2007). Since 2005, our office has won only two acquittals by reason of insanity, and has had only two cases dismissed under prosecutorial discretion when doctors for us and for the state agreed on insanity. EPPD Data, *supra* note 22.

The Ainsa Family in El Paso

By Francis S. Ainsa Jr.

The Ainsa family came from the province of Aragon in northern Spain. The town of Ainsa is located in the foothills of the Spanish Pyrenees about 40 miles from the French border. In 711, Spain was invaded by an army composed primarily of Berbers from North Africa under the leadership of an Arab Muslim. This invading army later became known to history as the Moors. The Moors conquered most of the Iberian Peninsula quickly and by 730 had invaded parts of present day France. The invasion route into France used by the Moors included the area where the town of Ainsa was later organized. After the Moors were defeated by Charles Martel at the Battle of Tours in 732, they gradually retreated from France back into Spain. By the beginning of the second millennium, the *"Reconquista,"* led by the Christian kings in northern Spain had begun in earnest. The town of Ainsa was established during the reign of Sancho III, the Eldest of Navarre (1004-1035) and became a Christian fortress from which to battle the Muslims. Even in these times, every other year the townspeople of Ainsa reenact the battle between the Christians and the Muslims that took place in Ainsa during the 11th century.

Frank S. Ainsa and his wife Roselle surrounded by his six children. My father, Francis S. Ainsa, is the infant. The photo was taken in 1917.

Around 1815, two Ainsa brothers arrived in Acapulco. One traveled on to Ecuador and the other remained in present day Mexico. The Ainsa who remained in Mexico eventually settled in the northern frontier town of Hermosillo in the present day state of Sonora.

My great great grandfather, Manuel Ainsa, married Filomena Yslas, the niece of Don Juan Bautista de Anza (1730-1787), a Spanish explorer and a governor of New Mexico. In the middle of the 19th century, Manuel Ainsa emigrated from Hermosillo to San Francisco and continued to pursue his business as a merchant. The San Francisco directory in 1852 contains a listing for Ainsa & Sons, Commercial Merchants, at 64 Sacramento St.

Manuel Ainsa had many children, one of whom was my great grandfather, Manuel Ainsa Jr. He married Eloisa Serna. He moved his family to Umatilla, Oregon to establish a grocery store to serve the miners who were lured to Oregon by the gold rush that started in 1862.

The railroad arrived in Umatilla in 1881. During that same year, the Texas and Pacific Railway Company and the Union Pacific Railroad Company arrived in El Paso. Manuel Jr. and his wife, Eloisa, moved to El Paso because they anticipated that the arrival of the railroad would turn El Paso into a trading center that would be a natural for a Spanish speaking merchant. In 1881, Manuel Ainsa Jr. opened his wholesale grocery business under the name M. Ainsa and Sons. My grandfather, Frank S. Ainsa, was 16 years old when he arrived with his father, Manuel Jr., in 1881. Frank S. Ainsa married Roselle McNamee who had come to El Paso from Kansas with her brother, Alex, to help him recover from tuberculosis. Roselle McNamee was Irish. Her parents had immigrated to the United States from Ireland during the potato famine. Frank S. Ainsa and Roselle Ainsa had six children. My father was the only boy and was 12 years younger than his two older twin sisters.

In the early 1900s, my grandfather, Frank S. Ainsa, took over his father's company and renamed it the F.S. Ainsa Co., Inc. He continued the business as a wholesale grocer and sold his own brands of coffee, flour, and tobacco products. He was a successful businessman and built the fine home for his family at 1011 North Mesa, across the street from St. Patrick Cathedral.

In a cultural sense, my grandfather, Frank S. Ainsa, broke ranks with his family tradition when he married Roselle McNamee. By the time my grandfather moved to El Paso, the Ainsa family had lived in Mexico since the early 1800s and in the United States since the 1850s. As was the custom at that time, the Ainsa family considered themselves to be *criollos* – persons of pure Spanish descent. If he had followed family tradition, Frank S. Ainsa would have married a woman with similar lineage. I never had the chance to ask my grandfather about this issue because he died in 1943, the year I was born. However, his sister (my great

aunt) Carmelita Ainsa Pomeroy lived until 1962. She was the only 100% Hispanic Ainsa alive when I was a young boy. I spent many hours in her home in Sunset Heights listening to her relate the oral history of the family. She patiently and in great detail explained to me that my grandfather decided as a young man that he was going to assimilate into a community that, at the turn of the 20th century, was rapidly becoming dominated in a political, cultural, and demographic sense by non-Hispanic white people. At this time in El Paso's history, the railroads had transformed El Paso from a small border town into a vibrant and fast growing city populated by ever larger numbers of non-Hispanic whites. The Mexican Revolution had not yet occurred and the demographic changes caused by immigration of Mexican nationals to El Paso were years away. My grandfather raised his family in the dominant culture of his day. I knew this first hand because I also spent many hours with my grandmother, Roselle McNamee Ainsa, who also was a prolific talker. Her daughters Patricia, Enid, Marian, Roselle, and Geraldine were all raised in the Anglo society of the day.

Frank S. Ainsa was very active in business circles and civic affairs. He was acutely aware of the benefits of education although that concept did not apply to his daughters. He focused his attentions on my father with a vengeance. First, my grandfather was not at all interested in grooming my father to take over the business of F.S. Ainsa Co. Inc. even though it was extremely successful from a financial standpoint. He considered the work of a merchant to be inferior when compared to the three professions that he held in the highest esteem. He informed my father that he had three (and only three) choices in life: the Catholic priesthood, the legal profession or the military. Even though it may seem unthinkable to young people today, my father regarded his father's decision making authority as sacrosanct and ordered his life accordingly. He opted to become a lawyer. In order to ensure that he had a rigorous education, my grandfather arranged for my father to be admitted into Georgetown University in Washington, D.C. (This was probably not difficult since my father was a good student at Cathedral High School). Upon graduation from Georgetown, my grandfather sent my father to Harvard Law School. When all was said and done, Francis S. Ainsa had the best education available in the 1930s.

My father, Francis S. Ainsa married Evelyn Fraser in 1940. My mother and father had eight children, four boys and four girls, all of whom are still alive. After he returned from service in the United States Army during World War II, in 1946 my father commenced practicing real estate law in the Bassett Tower and had the distinction of being the tenant with the longest tenure when he retired in the late 1980s.

My father never made a great effort to persuade me to become a lawyer. I attended and graduated from Spring Hill College in Mobile, Alabama. Spring Hill was an old Jesuit college in the Deep South. My goal was to escape El Paso after I graduated from Cathedral High School and find out what the rest of the United States was like. Fortunately, Spring Hill's student population hailed from all over the United States and South America and exposed me to many different cultures.

I graduated in 1965 with a degree in political science and a commission as a reserve officer in the United States Army. During my last year in college, I started to focus on the future and whether I would go on active duty with the U.S. Army (the Vietnam War was beginning to rage) or seek a postgraduate degree. My father did not present his version of the three famous (to me, at least) choices but did suggest that I should consider a law career. I had been interested in legal issues in college and wrote a number of papers on legal subjects. My father recommended that I attend the University of Texas School of Law since it was by then a highly ranked law school, which was not the case when he attended law school in the 1930s. I applied to the UT Law School, was admitted and started in the fall of 1965. I soon learned some important lessons of life including these:

•Billy Bob, Joe Bill, and Jim Bob were real names.

•I was once a big fish in a small pond but was now a small fish in a big pond.

•The Jim Bobs of the world could be very smart in spite of their names.

•Studying law and drinking beer were not mutually exclusive.

•The smartest laws students in my class studied less than half of the time I studied and still got better grades.

•Getting good grades and being a good law student did not always go hand in hand.

•Women law students were as rare as hen's teeth.

I graduated from UT Law School in 1968 and, after the bar exam, went on active duty as a First Lieutenant in the US Army. My first and only assignment lasted two years and was to the Berlin Brigade in West Berlin. I felt a twinge of guilt because most of my friends who were then reporting for active duty were being sent to Vietnam. This twinge lasted for only a brief period, since I met and married Barbara von Buxhoeveden in West Berlin in 1969 (if you can't pronounce her last name after two beers, you shouldn't be driving). In 1970, I returned to El Paso to begin the private practice of law.

When I started practicing in El Paso in 1970, the legal landscape had the following characteristics:

•Lawyers could smoke in most courtrooms before, during and after hearings and trials.

•El Paso lawyers were a very conservative but genteel bunch who used a phone call instead of a letter to document an agreement.

•Women lawyers in El Paso were still as rare as hen's teeth.

•Male Hispanic lawyers were as rare as horses' toes.

•The El Paso Bar Association was an all-male institution.

The first big cultural shakeup in El Paso occurred soon after I started practicing when Malcolm McGregor decided to bring Janet Reusch to the annual bar banquet. I am not absolutely certain of this next statement, but I believe that this was the first time a woman lawyer actually attended a bar banquet. Rumors of this dastardly plan spread like wildfire the week before the event. In those days, the El Paso bar banquet drew lawyers from all over west Texas. I arrived early to observe the fireworks. As expected, Malcolm and Janet made their grand entrance. Many of the older members of the bar openly expressed their indignation at this breach of tradition, this break with accepted cultural norms, this unwarranted invasion of a male bastion that had existed, perhaps, from time immemorial. Indignation moved into action as a fair number of the attendees walked out to express their anger. Indignation aside, from that bar banquet forward, the all-male barrier was forever taken down and women lawyers were welcomed to bar banquet.

I practiced with my father until 1979 when Robert Skipworth, Hector Zavaleta, and I

formed the law firm Ainsa, Skipworth and Zavaleta. We later added George Butterworth and firm became known as Ainsa, Skipworth, Zavaleta and Butterworth. In 1979, we moved into the old State National Bank building at 114 E. San Antonio that had been acquired and renovated by Home Mortgage Company. We hoped that the renovation of the old State National Bank building would spark a renaissance in downtown El Paso. It did to an extent because, within several years, the Del Norte Hotel, the Mills Building, and the Cortez Hotel were renovated as well. Unfortunately, the renovation movement was cut short by the real estate/savings and loan crash that occurred in 1985/1986. We enjoyed practicing from this location but were forced to look for other quarters after Home Mortgage Company went out of business.

The firm moved to the Cortez Hotel in 1986, which had just been completely renovated and now included a parking garage. By this time, I had been practicing in El Paso for 16 years and had witnessed a dramatic increase in the number of women lawyers and Hispanic lawyers as well as Hispanic judges. El Paso's political and judicial make up was changing to reflect the demographics of the city. What was formerly a city dominated by Anglos in business, government and the judiciary was becoming a city dominated by Hispanics who now comprised the majority. Looking back, most lawyers regarded this transition as a natural occurrence. It took place with little or no resistance because of the generally high level of respect and congeniality that had existed among El Paso lawyers for many years.

The firm decided to terminate its existence in 1996. In 1998, my brother Mike Ainsa and I formed the firm of Ainsa Partners, LLP and constructed a building at 5809 Acacia Circle. Mike also graduated from UT law school and started his career at the City Attorneys' office after I left in 1972. Thereafter, he became a partner in the Grambling & Mounce law firm and, later, a partner in the Kemp Smith law firm. We felt that our practices were compatible and looked forward to practicing together for the remainder of our careers. By this time, my practice had morphed from a purely transactional practice to construction and business litigation. In 2001, Mike Hutson joined us and the firm was renamed Ainsa Hutson, LLP. Today, the firm is composed of partners Francis S. Ainsa, Jr., Michael F. Ainsa, Michael J. Hutson, and Andrew Ainsa, and associates David Driscoll, Michaela Ainsa Grambling and Michael Hutson, Jr. Dean W. Hester and Chantel Crews are of counsel. We are considering renaming the firm Nepotism, LLP.

My brother Richard L. Ainsa is also an attorney who is the Juvenile Court Referee in El Paso. He also graduated from the UT law school.

Before I make my final comments, I want to recount an incident that made me realize that my grandfather's reach still extends beyond the grave. In 2012, I was hired by the City of El Paso to be an expert witness in a law suit that involved a car accident at the intersection of Cincinnati and Campbell. This intersection is located in Alexander Addition, one of the oldest subdivisions in the City. I was asked to render an opinion regarding whether the tree in the parkway that blocked the view of the intersection was located in street right of way and, if so, whether the street was a public street. Just about everyone thinks that Cincinnati and Campbell are public streets simply because they are used by the public and maintained by the City. I made an exhaustive search and soon learned that there was no plat or other public record that proved that the streets in Alexander Addition had been dedicated to the public. I had already concluded that the streets in Alexander Addition were public streets by prescription since the public had been using them for more than 100 years. On October 15, 2012, as I was preparing for my deposition, it occurred to me that I had some old abstracts prepared for my grandfather, Frank S. Ainsa, that might contain some useful information. (Abstracts are essentially histories of a particular parcel of real property.) I opened my abstract box and immediately found an abstract that had been prepared by El Paso Title Co. over 100 years ago for my grandfather. The abstract covered property that my grandfather, a devout Roman Catholic, intended to convey to the Bishop for the construction of St. Patrick Cathedral. The very first document in the abstract was a synopsis of a Decree rendered by the District Court of El Paso County, Texas, in a case involving numerous individuals who claimed ownership of Alexander Addition and wanted it to be portioned. Lo and behold, the Decree provided that, the Plaintiff and all of the Defendants had dedicated the streets in Alexander Addition to the City of El Paso and that the map was to be filed in the District Clerk's office with the case file. I then found out that case file had been sent to the State Archives in Austin many, many years ago, which explained why no one had ever found the plat of Alexander Addition. My grandfather helped me out that day for which I am eternally grateful.

Law practice in the United States is continuing to rapidly evolve away from the traditional general practitioner model. Law practice is significantly more complicated today than when I started in 1970. In order to be effective, most lawyers conclude that they have to specialize in one or two areas. Commercial and construction litigation has become so expensive that only cases with high dollar values can be tried to a jury. This has created a new industry for the lawyer/mediators who resolve most disputes before ever reaching the court house. Likewise, arbitration used to be fast and cheap. It still is faster and cheaper than full blown litigation but three out-of-town arbitrators from Dallas are certainly not inexpensive in the El Paso sense. I also believe that more and more traditional legal work will be performed by non-lawyers in the future. Part of this movement makes sense and has been brought on by laws that were designed to prevent lay persons from performing legal tasks that do not require special skill and training. However, the line between tasks that can be performed properly by a layperson and tasks that require a lawyer's skill and training is sometimes hard to draw. I often wonder how much chaos is being created by the incessant advertising on television by the businesses that promote self-help methods for individuals starting a business or engaging in estate planning. This points up the stark reality that successful practitioners in the future will be those who have skills and knowledge that laypersons do not possess.

My career has spanned one of the most interesting periods in El Paso's history. I can unqualifiedly say that practicing law has been a fascinating experience. It has not always been enjoyable and is grueling and tedious at times, but, overall, I cannot think of a career that offers more rewarding experiences.

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Social Media Advice that Both Employers and Employees Will 'Like'

By John Collins and Abe Howard-Gonzalez

Introduction

Most employment laws were passed decades prior to the invention and widespread use of social media sites like Facebook, Myspace, LinkedIn, and others. Employers and employees need to be aware of the potential legal ramifications of social media policies and using social media as part of the hiring process. The following outlines some benefits for employers using social media followed by a discussion of the legal protections afforded to employees when they use social media.

The Rights of Employers to Regulate their Employees' Social Media Use

Hiring employees is one of the most important tasks an employer faces: hire the right person, and productivity increases; hire the wrong one, and suffer the consequences. As a result, employers usually run a quick search of potential applicants' use of social media sites. An unprotected Facebook account can provide a wealth of potentially useful information: Does the information on the Facebook profile match what the applicant included on his application? Do the applicant's postings reflect the personality traits the employer is looking for in its employees? Therefore, employers should seek this type of information to avoid a potential negligent hiring lawsuit.

However, employers should only view public profiles. An employer should not try to hack an applicant's account because doing so may violate the Genetic Information Nondiscrimination Act ("GINA"),[1] which prohibits an employer from "requesting" genetic information from applicants or employees. Under GINA, a "request" includes conducting an internet search on an individual that is likely to result in the adquisition of genetic information. However, GINA's prohibition on "requesting" information does not apply to genetic information from a social media platform "which [the employer] was given permission to access by the creator of the profile at issue."[2]

Employers can regulate employees' social media posts to a certain degree. In conjunction with continued monitoring, employers are also encouraged to have in place a policy on social media. Employers should take steps to protect their public image and the information provided to their employees in order to ensure employees do not disclose the employers sensitive or confidential information. A social media policy will provide employees with clear rules that may impact their employment status do to use of social media accounts in their private lives.

A social media policy should cover various topics such as: prohibition of disclosure of confidential information, such as customer lists, financial information, inside information about an upcoming new product, etc: use of social media during work time; prohibitions on using social media to discriminate or harass another employee or customer in violation of the employer's anti-discrimination or anti-harassment policies; prohibitions on obscene, vulgar, threatening, or intimidating language; prohibitions on posting on behalf of the employer; prohibitions on posting false information about the employer, a fellow employee, customer, supplier, or people working on behalf of the employer or a competitor. An employer should also consider a disclaimer stating that policy does not and is not meant to restrict the employee's rights under the National Labor Relations Act ("Act").[3] When drafting a social media policy, it is also important for employers to include limiting language and examples of prohibited online conduct. For example, the National Labor Relations Board ("Board") found the following provision to be lawful:

> [H]arassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers.[4]

By providing "examples of clearly illegal or unprotected conduct,"[5] employers ensure that their social media policies will not be construed as limiting the rights afforded to employees under the Act.

As with all other policies, employers should ensure the written policy is disseminated to employees—preferably with documentation of receipt by the employee. Further, social media policies should be tailored to the particular business.

The Legally Protected Rights of Employees to Use Social Media

If an employer chooses to create a social media policy, it is important that the policy not abridge the rights afforded to employees under the Act. Under Section 7 of the Act, both union and non-union employees are guaranteed the right to "engage in concerted activities" for their "mutual aid and protection."[6] Among the "concerted activities" protected by Section 7 is the right of employees to discuss wages, working conditions, and the terms and conditions of their employment.[7] A "concerted activity" is one in which the employee is "engaged in, with, or on the authority of other employees, and not solely by and on behalf of the employee himself."[8] It also includes "circumstances where individual employees seek to initiate or to induce or to prepare for group action."[9] The Board has held

1. 29 CFR §1635.1 et seq. (2011).
2. *Id*. § 1635.8(b)(ii)(D).
3. 29 U.S.C. §151 et seq. (2006).
4. Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases, at 13 (May 30, 2012).
5. *Id*. at 3.
6. 29 U.S.C. § 157.
7. *New River Indus., Inc. v. NLRB*, 945 F.2d 1290, 1294 (4th Cir. 1991) ("The conditions of employment which employees may seek to improve are sufficiently well identified to include wages, benefits, working hours, the physical environment, dress codes, assignments, responsibilities, and the like.").
8. *Meyers Indus., Inc. (Meyers I)*, 268 NLRB 493, 497 (1984).
9. *Meyers Indus., Inc. (Meyers II)*, 281 NLRB 882, 887 (1986).

that the right of employees to discuss wages, working conditions, and terms and conditions of their employment extends to their use of social media.[10]

When an employee's Section 7 rights have been violated, the employee may seek to hold their employer liable under Section 8(a)(1) of the Act. Under Section 8(a)(1), employers are prohibited from "interfering with, restraining, or coercing employees in the exercise of their Section 7 rights."[11] Employers violate Section 8(a)(1) if their social media policy "would reasonably tend to chill employees in the exercise of their Section 7 rights."[12] Social media policies that explicitly restrict Section 7 protected activities are clearly unlawful.[13] In addition, a policy may violate Section 8(a)(1) if: (1) employees would reasonably construe the language to prohibit Section 7 activity; (2) the rule was promulgated in response to union activity; or (3) the rule has been applied to restrict the exercise of Section 7 rights.[14]

The Board has consistently held employers liable for disciplining employees who engaged in "concerted activity" through social media. Recently, the Board has held that employees have the right to criticize their supervisor or another member of management, criticize the practices of their employer, and voice complaints about working conditions.[15] In one case, an employee made several posts on Facebook complaining that another employee had received a promotion instead of her and criticizing the employer for mismanagement. Three of her co-worker Facebook "friends" responded to the post and also complained about the woman who received the promotion. Shortly thereafter, the employer, upon learning of the Facebook discussion, terminated the employee who made the initial Facebook post and disciplined the coworkers who responded to it. The Board held that the Facebook discussion was "concerted activity" because it related to concerns about the terms and conditions of their employment. Therefore, the employees' social media use was protected.

The Board has also struck down portions of social media policies that are overbroad. Specifically, the Board has stated that "[e] mployer policies should not be so sweeping that they prohibit the kinds of activity protected by federal labor law, such as the discussion of wages or working conditions among employees."[16] For example, the Board has held that generalized language in an employer's policy, such as "[r] eport any unusual or inappropriate internal social media activity," "[t]hink carefully about 'friending' co-workers," "[A]dopt a friendly tone when engaging online. Don't pick fights," and "[do not] release confidential guest, team member or company information," violates the Act.[17] The basis of the Board's ruling in those cases is that overbroad language "would reasonably be interpreted as prohibiting employees from discussing and disclosing information regarding their own conditions of employment," as well as the conditions of other employees.[18]

It is worth noting, however, that "[a]n employee's comments on social media are generally not protected if they are mere gripes not made in relation to group activity among employees." When reviewing social media cases, the Board has tended to focus on whether the employee's co-workers have responded or contributed to the employee's social media posts or whether the employee's social media use is for purely personal reasons. For example, in *Lee Enterprises*[20] *Inc. d/b/a Arizona Daily Star, Case No. 28-CA-23267*, the Board held that a police reporter at The Arizona Daily Star did not engage in "concerted activity" when he lamented in several Twitter posts about the lack of homicides being committed in Tuscon, Arizona. In his Twitter posts, the reporter stated, "What?!?!?! No overnight homicide…You're slacking, Tuscon" and "You stay homicidal, Tuscon."[21] Similarly, in another case, the Board found that an employee's Facebook posts that her Assistant Manager was being a "super mega puta" and statements about the "tyranny" of her employer were not "concerted activity," as they were only individual gripes with a specific supervisor and not intended to induce and incite group activity. [22]

Claim brought under Section 8(a)(1) of the Act can resolve if portions of the employer's social media policy being struck, and reinstallment and back pay if appropriated.[23]

Conclusion

Social media provides a wealth of information for researching employee applicants. On the other hand, employers can be exposed to liability for disciplining employees for their social media use. Consequently, employers should give serious consideration to implementing a social media policy in order to effectively manage the workplace and protect themselves from possible claims under the Act. For employees, it is important to understand the legal protections that are afforded to them under the Act, including the right to engage in work-related conversations on social media. In short, social media has changed and will continue to rapidly change the way employment laws operate, so it is incumbent upon employers, employees, and their attorneys to keep up.

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10. *See generally* Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases (Aug. 18, 2011); Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases (Jan. 24, 2012); Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases (May 30, 2012).
11. 29 U.S.C. § 158(a)(1).
12. *Lafayette Park Hotel,* 326 NLRB 824, 825 (1998).
13. *Lutheran Heritage Village–Livonia,* 343 NLRB 646 (2004).
14. *Id.* at 647.
15. Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases, at 20-22 (Jan. 24, 2012).
16. The NLRB and Social Media, available at http://www.nlrb.gov/news-outreach/news-story/acting-general-counsel-issues-second-social-media-report.
17. Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases (May 30, 2012).
18. *Id.* at 4.
19. The NLRB and Social Media, available at http://www.nlrb.gov/news-outreach/news-story/acting-general-counsel-issues-second-social-media-report.
20. Lee Enterprises Inc. d/b/a Arizona Daily Star, Case No. 28-CA-23267,
21. Memorandum from the Office of the General Counsel of the NLRB, Report of the Acting General Counsel Concerning Social Media Cases, at *12-14 (Aug. 18, 2011).
22. *Id.* at *17-18
23 29 U.S.C. § section 160(c).

A New Look at the El Paso Salt War

By Mark Cioc-Ortega

In celebration of San Elizario´s recent municipal incorporation, Mark Cioc-Ortega revisited here, one of the town´s first property disputes and its bloody consequences. Ed.

The El Paso Salt War of 1877 was a battle between "common" and "individual" property rights. It pitted Mexicans and Mexican-Americans, who were accustomed to the communal property rights of Spain and Mexico, against Anglo Americans, who (as heirs of the British enclosure movement) were more accustomed to individual property rights. The citizens of San Elizario were among its main victims: they lost a communal salt source in 1877 and then lost the county seat in 1883.

The causes and consequences of the war, of course, were much more muddled than that. Anglos were on both sides of the confrontation, as were ethnic Mexicans. United States law recognized communal rights (including those granted by the Spanish and Mexican governments), even if the communal spirit had now largely been reduced to city squares and nature parks. Mexico, meanwhile, was a staunch defender of private property (how else could there have been so many large estates in that country?), even if the Mexican peasantry still enjoyed relatively easy access to the commons. San Elizario, moreover, was not likely to retain the county seat, with or without a war, once the railroads reached El Paso in 1881.

The basic contours of the Salt War are well-known. In the 1860s, salineros ("salt gatherers") from San Elizario opened up a commercial road to the dry salt beds at the base of the Guadalupe Mountanis, some 100 miles northeast of El Paso. Whether or not these particular salt beds had been previously exploited is not entirely clear, but the salineros had every reason to believe that these beds (like others in the surrounding region which had been used for centuries) belonged to the old Spanish and Mexican commons. In 1866, however, the State of Texas passed a new constitution that allowed "the owner of the soil" the right to control "all mines and mineral substances" (Article VII, sec. 39), in contradiction to the notion of communal rights. For the next decade, various Texas entrepreneurs—including a group of El Pasoans known as the "Salt Ring"—attempted to survey and purchase the salt beds, but their efforts ran aground on legal technicalities. Seeing a confrontation coming, Albert Fountain, El Paso's State Senator and a prominent local Republican, introduced a bill in the Texas legislature that would have set aside a portion of the salt beds as "property owned in trust for the area's residents." But his efforts were thwarted by local leaders, including Father Antonio Borrajo and Louis Cardis, who were holding out for a solution that would give them a cut of the salt revenue.

Tensions began to rise in mid-1877 when George Zimpelman, a German-born businessman from Austin, purchased a large portion of the Guadalupe salt beds, and turned it over to his son-in-law, Charles Howard, a prominent El Paso Democrat and former district judge, to oversee. It was Howard, more than anyone else, who propelled events. He posted signs around the salt beds announcing that salineros would now have to obtain permission and pay a fee to mine and transport salt. He secured the pre-emptive arrest of salineros in San Elizario, including José María Juárez and Macedonia Gandara, for allegedly planning to continue to treat the Guadalupe beds as a salt commons. And when these illegal arrests created a backlash in San Elizario, he agreed under duress to leave El Paso County and renounce his claims to the salt beds; but then he resurfaced in El Paso a week later and killed Louis Cardis, whom he suspected (with some justification) of organizing the salineros' resistance.

Two months later, Howard (now under indictment for murder) made a second trip to San Elizario. This time he was accompanied by around twenty Texas Rangers, to try once again to put a halt to the salt trade. A five-day gunfight ensued, which ended in the death of Howard and two of his companions, and with the defeat of the Texas Rangers. Another burst of violence occurred when U.S. Army troops from the 9th Cavalry and a sheriff"s posse from New Mexico (hastily put together and packed with lawless volunteers) converged on San Elizario, leaving more bodies in their wake. Altogether around 12 people were killed and 50 wounded before peace was restored.

The Salt War, far from being an inevitable "ethnic" conflict, was the outcome of a long-simmering civil and legal confrontation that turned violent only because impulsive people made reckless decisions at explosive moments. Louis Cardis would have been better served had he supported Fountain's legislation to bring the salt beds under private ownership held in public trust. Howard would have been wiser to let the courts uphold the legality of his property rights instead of taking the law into his own hands. The various law enforcement agencies—the Texas Rangers, the U.S. Army, the New Mexico posse—should have calmed troubled waters rather than inflamed tensions. And the salineros of San Elizario should have listened less to the hotheads among their numbers. Lives could have been saved had any or all of these groups sought a solution over an escalation.

Though in outward appearance the Salt War was a confrontation between "Mexicans" and "Americans," it is probably best understood as part of the birthing pains of modernity: the forces of "tradition" clashed with the forces of "progress," with communal property as one of the battle fronts. From the perspective of the U.S., the Salt War was a mere blip of history: Zimpelman's claim to the Guadalupe salt beds stood or fell on whether it conformed to Texas' laws and not on whether it conformed to the commons tradition of yesteryear. Congress even investigated the "El Paso Troubles in Texas," but nobody on either side of the confrontation was ever punished. For Mexican peasants, however, it turned out to be a foretaste of things to come, not so much in the U.S. as in Mexico. Even as the Salt War ran its course, Porfirio Díaz was beginning his long reign as dictator of Mexico, which lasted from 1876 to 1911. Hell-bent on rapid industrialization and capitalist development, Díaz privatized, divided, and sold communal land holdings throughout Mexico at an astonishing pace. The result was rapid economic growth that benefited a small number of American and Mexican entrepreneurs in the mining, railroad, cattle-raising, and similar businesses, while dispossessing hundreds of thousands of peasants of their ancestral holdings. This created an unstable social situation that ultimately factored in to the Mexican Revolution (1910-1920).

Neither Charles Howard (on a local scale) nor Porfirio Díaz (on a national one) understood the forces that they were unleashing, and neither was able to contain those forces once they began to spiral out of control. Nothing will trigger a war or a revolution faster than a group of desperate people who feel that they have been unfairly dispossessed of their rightful inheritance.

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Elected officials are elected to be true servants of the people, Not simply pretend servants

by Judge Oscar G. Gabaldon, Jr., CWLS

It is no secret that not all elected officials are necessarily the best qualified individuals for the position they are elected to, though some of them may think they are. Often times, people are elected to an office for reasons other than honorable or virtuous ones. We hear of straight party voting, where sometimes the best qualified person for the position is not chosen because they do not belong to the popular or controlling political party in the community. We hear of people voting only for individuals of a certain gender, or of a certain race or ethnic group, or of certain physical attributes, or some other less than ideal and respectful reasons. Is it ethical or moral to use such ignoble reasons as the basis for choosing the supposedly "best qualified" person for the position being sought by a political candidate?

Honest, reasonable, ethical, and prudent individuals would say "Of course not." They would recognize that public service, in its purest and untainted state is about sincere, dedicated, and humble servitude to the greater good of the people, for pure politics is all about service to our fellowmen. They would accept the premise that truly honest and responsible voting entails researching and studying the candidates' qualifications, their positions on issues, track records and background, political agendas and philosophies, experiences and skills, value systems, work ethic, character and demeanor, integrity, leadership abilities, among many other factors, without necessarily focusing on whether a candidate is a man, a woman, of a certain color, race, or ethnic group, of a certain religion or orientation, or even of a certain political party. These latter factors are not necessarily relevant in determining or assessing whether the person is or is not the best qualified person for the position being sought.

We have an ethical and moral duty to meticulously study political candidates in order to better evaluate whether, in fact, that person is the best person for the position he or she is seeking. Even if we like a certain candidate and voting for that person may mean we will receive some personal gain or benefit, if we honestly believe that he or she is not the best qualified person for the job, we are called to be courageous and principle-based and not cast our vote for that individual.

The elected official, be he or she a commissioner, a judge, a city representative, a mayor or county judge, a school trustee, a legislator or congress person, or some other elected public servant must be, first and foremost, a person of impeccable integrity and good character. Naturally, he or she must be many other things as well. Among those other things, that individual must be of a mentality and belief that public service is about others and not about the self. The committed and honest elected official will not use the elected office for self-benefit, such as personal enrichment, to gain influence or prestige for themselves, or for some other self-serving reasons. The elected official should consistently target the needs of those he or she serves, and should not act on purely political grounds if those political motivations are less than noble or they risk a violation of human ethics and morality. The elected official's political life should mirror his or her personal life. They should not be one way in their personal lives and a different way in their public lives. Consistency of character, personality, adherence to values and principles, and integrity is often considered reflective of the truly sincere and honest elected officials. They do not flip flop in how they act in order to achieve certain self-serving interests or to simply please others to gain their favor. Consistency of character is non-negotiable for the elected official that is sincerely service-focused on the needs of those he or she serves.

In the end, by being a true public servant, the elected official can confidently enjoy a sense of honest and altruistic accomplishment. He or she can look back on his or her legacy and repeat Democrat Hillary Clinton's sentiments: "I feel like I have had the most amazing life in my public service." By the same token, if that public elected official betrays his or her duty as a public servant, then that official is not worthy of the people's trust, or as the founder of the Republic Party, Abraham Lincoln, puts it: "If you once forfeit the confidence of your fellow-citizens, you can never regain their respect and esteem."

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ADVANCE SHEET, *circa 1315 A.D.*

By Charles Gaunce

From Pleas of Hillary Term in the Eighth Year of King Edward the Son of King Edward

> "In an attachment on the prohibition the defendant came into Court and made his law that he had not prosecuted a plea in Court Christian of the detinue of a bullock as a lay chattel against the prohibition of the King, etc.
>
> *Stonor*. Sir, see here a notary who, by the plaintiff's procurement, has come privily to watch this law-making in order that his formal note may at other time be given in evidence of this law-making to our prejudice and in deceit of this Court. We pray, if it please you, that he be arrested.
>
> *Bereford* C.J. Where is he?
>
> *Stonor.* See him here.
>
> *Bereford,* C.J. made him come before him and made him draw up his note, and made him find four mainpernors, who were told that they would be responsible, body for body, to have him ready from day to day to make answer whenever he should be called for by the Justices."

At a bar convention I once listened to Richard "Racehorse" Haynes wax at length about court records. He commented that a surgeon making a mistake would just bury the error, but as an attorney making arguments before a court, he was subject to having a court reporter take down everything he said, and print it out in a book so that other attorneys and future generations could know "Just how stupid I really am." Apparently the justices of early English courts felt the same way.

The procedure at issue here is fairly straight forward: a writ of prohibition is an order issued by a court to restrain proceedings in an inferior court or a court of rival jurisdiction. The justices of the King's courts were, unsurprisingly, appointed by the King. ON the other hand, the justices of the Courts Christian were appointed by the Pope. The uneasy peace that the courts were able to achieve was based on the premise that the Courts Christian dealt with spiritual matters and the King's courts dealt with matters of a temporal nature. The distinction was difficult to maintain, even in rather run-of-the-mill matters. For example, if a person wrongfully took another's property, such as a calf, the ecclesiastical court could, and often did, assert that it had an obligation to obtain justice on behalf of the injured person in order to assure salvation for the person who had committed a wrong against his neighbor. I suppose it had a tangential relationship to fundamental religious doctrine that "Thou shalt not coven thy neighbor's goods," or some such. In any event, writs of prohibition were regularly and routinely ignored and many in the profession just looked upon the events as just good clean fun in the process of forum shopping for a favorable judge. (Really, the practice is nearly ancient in its origins.) Nevertheless, the writ of prohibition was in two different forms: one for was issued to the judges of the Court Christian, advising them that the matter in dispute involved matters belonging to the King, and the judges should refrain from proceeding; the other was issued to the adversary in the proceedings before the Court Christian. Violation of this second form would subject the litigant to attachment of him by the sheriff (what is otherwise colloquially called "an arrest") for presentation to the King's court issuing the writ.

In our case, all of the pertinent procedures, including the arrest part, had been complied with. The defendant before the King's court (undoubtedly the plaintiff before the Court Christian) stated that he is a wronged party, the injustice is clearly evident, it just isn't fair, etc., including that he never made any claim that the justices of the Court Christian could have reasonably construed as being that the plaintiff (the defendant in the Court Christian) had wrongly taken an animal belonging to the party wrongly summoned before your most honorable justices.

At this point one of the judges says, in effect, "Hold on for just a second. It appears as though the plaintiff has hired himself one of those people who take down our words and will later offer those words up

against us for whatever we say here. Such scurrilous reporting of how we decide things should be a punishable offense. This manages to get the attention of the chief justice who says, in effect, "Really? Where is he?" (Clearly a case of blind justice.)

When the scurrilous reporter is pointed out to the chief justice, he is ordered to make a promissory note collectable upon the event of the justices' words being thrown back at them in a future proceeding, and also containing the promises of four sureties.

Personally, I'm gaining new found respect for Shakespeare's comic relief.

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EPPA's 4th Annual Golf Tournament

Saturday, April 26th, 2014

Butterfield Trail Golf Club

1858 Cottonwoods Drive

Sign In:
8:00 a.m. – 8:45 a.m.
Tee Off:
9:00 a.m. (shotgun start)
Format:
Scramble (4 person teams)

PRIZES:
1st, 6th, and last place!
Nearest to the Hole Contest!
Longest Drive Contest!
Hole in one Contest
$10,000. Prize!
Door & Raffle Prizes!

$95.00
Individual
Entry Fee

$380.00
4 Player Teams

Fee includes:
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•Cart fee
•Range balls
•Refreshments
(Water and Beer)
•Continental
Breakfast and Lunch
•Goodie bag

Register and pay online at: http://www.butterfieldtrailgolf.com/
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Visit our website at www.elppa.org for more information and registration forms.

DEADLINE TO REGISTER: April 18th, 2014

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Law Day Chess Tournament

Lawyers and paralegals are invited to participate in the **Annual Law Day Chess Tournament** that again will take place this year as part of the **El Paso Bar Association's Law Day activities**. First and second place trophies are awarded to children in each grade levels. Thereafter, the winners will compete against lawyers and, if again successful, receive a medal that states *"I Beat a Lawyer!"*

The day, time and place of the tournament will be announced later.

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