



# EL PASO BAR JOURNAL

*An Update of Events and Information*

December 2014 / January 2015

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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  
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 Excellence in Special Publications – 2008

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## PRESIDENT'S PAGE



In line with my theme, “Hire an El Paso lawyer,” I’d like to highlight the work of the civil litigators. The El Paso Chapter of the American Board of Trial Advocates (ABOTA) is an organization that promotes the art of advocacy, the efficient administration of justice and works to preserve the jury system. It was organized in El Paso in 1986; its first President was Schulyer B. Marshall III. Past Presidents of this organization include United States District Judge Sam Sparks and former United States District Judge W. Royal Furgeson, Jr.

This month I highlight the ABOTA El Paso Chapter members, including George P. Andritsos, Salena K. Ayoub, Link E. Beck, Ray Benavides, Richard A. Bonner, Paul M. Bracken, Eric M. Brittain, Carlos E. Cardenas, Enrique Chavez, Jr., Ken Coffman, Milton C. Colia, Jim Darnell, John M. Dickey, David M. Driscoll, Humberto S. Enriquez, Laura Enriquez, Randolph H. Grambling, Carl H. Green, Joseph L. Hood, David M. Hughes, J. L. Jay, Christopher R. Johnston, James B. Kennedy, Ben H. Langford, John B. Luscombe, Jr., Antonio Martinez, James A. Martinez, Michael G. McLean, Enrique Moreno, Keith H. Myers, Kurt G. Paxson, David Pierce, Victor F. Poulos, Dennis L. Richard, Ruben S. Robles, Robert A. Skipworth, Darryl S. Vereen, Mark C. Walker, Wayne E. Windle, Jr. and Richard M. Zamora.

The ABOTA Code of Professionalism states that we should always remember that the practice of law is first and foremost a profession. It also encourages respect for the law, the courts, and the right to trial by jury. Finally, the ABOTA Code of Professionalism states to always remember that my word is my bond and to honor the responsibilities to serve as an officer of the court and protector of individual rights.

Led by President Carlos E. Cardenas, ABOTA has created a scholarship program through UTEP for students seeking to become lawyers.

I am very proud to belong to ABOTA because of its purpose and mission. The noble mission of the organization exemplified by the great lawyers I listed above is one all lawyers should support. So I say again, “Hire an El Paso lawyer.”

LAURA ENRIQUEZ,

President



# Texas Court of Criminal Appeals to Hear Cases in El Paso

**O**n February 5, 2015, the Texas Court of Criminal Appeals will hear argument in two cases at the University of Texas at El Paso in the Geology Building Reading Room.

This is a historic event because this will be the first time the Court of Criminal Appeals will hear cases in El Paso. It is a unique opportunity for our community to see their legal system at work as well as to showcase UTEP and El Paso's well known hospitality.

As you might imagine, it is expensive to host such an event. The El Paso Bar Association has been asked to coordinate donations to provide lodging for the Court and its support staff, and a private reception for the Court, our judiciary and our legal community. The UTEP Alumni Association has agreed to sponsor a separate reception at President Natalicio's home on the evening of February 4, 2015.

The El Paso Bar Association is requesting

your support to raise the funds to pay for these expenses. It is our hope that the Court of Criminal Appeals will regularly visit El Paso in the future to hear cases. Please consider making a financial contribution in support of this historic first visit.

You may make your check payable to the El Paso Bar Association with an annotation that it is designated for the Court of Criminal Appeals' visit.

## EL PASO BAR ASSOCIATION **December Bar Luncheon** Tuesday, December 9, 2014

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

*Guest Speaker will be*  
**Wayne Windle**  
*We will also honor our*  
*50-year attorneys*

**Door prizes will be given out**

Please make your reservations  
by Monday, December 8, 2014 at 1:00 p.m.  
at [nancy@elpasobar.com](mailto:nancy@elpasobar.com) or [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)

**Please make sure you RSVP.**

## EL PASO BAR ASSOCIATION **January Bar Luncheon** Tuesday, January 13, 2015

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

*Guest Speaker will be*  
**Sheriff Richard Wiles**

**Door prizes will be given out**

Please make your reservation by at [nancy@elpasobar.com](mailto:nancy@elpasobar.com) or [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)

**Please make sure you RSVP.**

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.

# CALENDAR OF EVENTS

DECEMBER, 2014

JANUARY, 2015

**Tuesday, December 2**  
EPBA BOD Meeting

**Thursday, December 4**  
Joint Bar Association  
Holiday Party

**Tuesday, December 9**  
EPBA Monthly Luncheon  
Guest Speaker: Wayne  
Windle  
Honor our 50-year Attorneys

**Thursday, December 18**  
EPPA Monthly Luncheon

**Wednesday, December 24**  
Christmas Eve –  
EPBA Office Closed

**Thursday, December 25**  
Christmas Day –  
EPBA Office Closed

**Friday, December 26**  
Day After Christmas –  
EPBA Office Closed

**Wednesday, December 31**  
New Year's Eve –  
EPBA Office Closed

**Thursday, January 1**  
New Year's Day – EPBA Office  
Closed

**Friday, January 2**  
Day after New Year's – EPBA  
Office Closed

**Tuesday, January 6**  
EPBA BOD Meeting

**Tuesday, January 13**  
EPBA Monthly Luncheon

Guest Speaker: Sheriff Richard  
Wiles

**Thursday, January 15**  
EPPA Monthly Luncheon

**Monday, January 19**  
Martin Luther King Day – EPBA  
Office Closed

## UPCOMING EVENTS:

**Thursday, February 12-14, 2015**  
19th Annual Civil Trial Practice Seminar  
Mirage Hotel and Casino, Las Vegas, Nevada

## We All Serve

BY CHRISTOPHER A. ANTCLIFF

A couple of months ago I was attending a meeting of the El Paso Bar Association Board of Directors when Clinton Cross spoke to the Board. As many of you know, Clinton has been compiling, writing and editing articles for the El Paso Bar Journal for several years. As a direct result of his efforts, and those of our Executive Director Nancy Gallego, the Journal of the El Paso Bar Association has won numerous State awards. It is truly an outstanding publication and a significant benefit to members of the El Paso legal community. In any event, Clinton informed the Board that the El Paso Bar Journal was in danger of dying for, among other things, a lack of contributions of articles. That evening, I promised to make a plea to the legal community for articles, stories, community histories and any other articles that lawyers might wish to publish. Please consider this to be my request for articles for the El Paso Bar Journal.

Clinton Cross has been serving the El Paso Bar Association and the legal community in our town for more years than I can count. And, he's not the only one. George Andritsos has organized the El Paso Access to Justice Fair for the last several years. Don Williams has organized the

El Paso Lawyers for Patriots Clinic for many years. The list goes on and on.

All lawyers serve. That's what we do. Think back to the moment when you decided that you wanted to be a lawyer. Consider the idealism that caused each of you to sign up for three tough years of post-graduate school, and two and a half days of pure hell called the Bar Exam. Almost universally, we entered our profession to help others. We wanted to make our living protecting those who could not protect themselves. I'm not sure that I can imagine any higher honor than speaking for another person in a court of law. In the final analysis, we all had a desire to serve – our fellow man, our community, and our country.

However, in the day to day grind of doing our jobs, we often lose sight of what really matters. The urgent overwhelms the important, and we become overly concerned with discovery, motions practice, and winning. Our representation of others becomes more about position, leverage, and appearance and less about truth, justice, and service.

Martin Luther King said "you don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You

only need a heart full of grace. A soul generated by love." In other words, anybody can serve. The waiter who brings your meal. The mechanic who repairs your car. The person who picks up your garbage. The lawyer representing a client. The writer contributing an article to the El Paso Bar Journal. They all serve.

Mahatma Ghandi once said "the best way to find yourself is to lose yourself in the service of others." We are all busy. We are all involved in our community. We all spend our days in the service of our families, clients and friends. Like each of you, I am proud to be a lawyer. I'm honored to help and represent others. But I can do more, and so can you. The next time you hear the call for help at a legal clinic, please consider sharing some of your time, treasure and/or talent. And, in response to this request, please consider writing an article for publication in the Bar Journal. What you do has value to us all, and we want to hear about it.

**CHRISTOPHER A. ANTCLIFF** is a private practitioner focusing on alternative dispute resolution. He is a former District Judge and a former Associate Justice of the El Paso Court of Appeals.

## EL PASO LAWYERS FOR PATRIOTS LEGAL CLINIC *Thank You*

We would like to give thanks to everyone who volunteered for the El Paso Lawyers for Patriots Legal Clinic held on Saturday, November 15, 2014 at the Transmountain Campus of El Paso Community College. A special thanks goes out to Donald Williams who chaired the clinic. We would also like to give thanks to all the attorneys who volunteered their time to give legal consultations. They are:

Melissa Baeza	Myer Lipson
Jennifer Bowersox	George Mansouraty
Clinton Cross	Philip Mullin
Ouisa Davis	Russell Murray
David Ferrell	Luz Sandoval-Walker
John Granberg	Jose Troche
Maria Elena Grasheim	Donald Williams
Dan Jordan	Michael Zimprich
Jessica Kludt	

We would also like to thank the Paralegal Association and the UTEP LSPI who helped with the Intake and Evaluations

## ACCESS TO JUSTICE LEGAL CLINIC *Thank You*

We would like to give thanks to everyone who volunteered for the Access to Justice Legal Clinic held on Saturday, October 25, 2014 at the Valle Verde Campus of El Paso Community College. A special thanks goes to George Andritsos who chaired the clinic and who provided t-shirts to all the volunteers. We would also like to thank all the attorneys who volunteered their time to give legal consultations. They are:

George Andritsos	Aldo Lopez
Chris Antcliff	Rosemary Marin
Mark Briggs	Beto Mesta
Carlos Cardenas	Enrique Moreno
Oscar Carmona	Philip Mullin
Jennifer Coulter	Daniel Ordonez
Clinton Cross	Danny Razo
Ouisa Davis	Jaime Sanchez
Humberto Enriquez	Maxey Scherr
Laura Enriquez	Stuart Schwartz
Milad Farah	Charles Skinner
Daniel Hernandez	Luz Sandoval-Walker
Josh Herrera	Jennifer Vandenbosch
Jessica Kludt	Donald Williams
Myer Lipson	Michael Zimprich

## Joint Bar Association Holiday Party

Thursday, December 4, 2014, 5:30 – 7:30 p.m.

El Paso Community Foundation,  
333 N. Oregon, 1st Floor

*Join us for Food, Drinks, Laughter, Music, a  
Silent Auction and Holiday Cheer!!!*

For more information or if you would like to donate to the Silent Auction, contact Nancy at [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)

**The Silent Auction benefits the El Paso Bar Foundation.**

## Welcome to our new Attorneys

We would like to welcome the following newly licensed attorneys who were sworn in on Wednesday, November 12, 2014 at the 8th Court of Appeals. They are

Jonathan Baeza	Raquel Lopez
Bradley Bartlett	Brenda Lyon
Anelisa Benavides	Karla Munoz
Mike Groves	

## Upcoming Holidays

*Christmas Eve –*  
Wednesday, December 24, 2014  
*Christmas Day –*  
Thursday, December 25, 2014  
*Day After Christmas –*  
Friday, December 26, 2014  
*New Year's Eve –*

Wednesday, December 31, 2014  
*New Year's Day –*  
Thursday, January 1, 2015  
*Day After New Year's Day –*  
Friday, January 2, 2015  
*Martin Luther King Day –*  
Monday, January 19, 2015





# UNT Dallas College of Law: The El Paso Connection

BY DEAN ROYAL FURGESON

When I accepted the position of Dean at UNT Dallas College of Law, I hoped that a few of our students entering our inaugural August 2014 class would be from El Paso. It is the City where I learned to practice law and where so many of my friends remain. One of the first things I did was to contact Lisa Soto and visit her outstanding pre-law program at U.T. El Paso. She was very supportive and put out an encouraging message to her students and the word spread.

Our law school has a unique vision and I wanted to share it with the four corners of Texas, starting with El Paso, my special home for 24 years. First, we are striving to be affordable. Our yearly tuition for our first year class is \$12,500, compared to \$23,000 for the average yearly tuition at public law schools across America. By keeping tuition at a manageable level, our goal is to keep law school debt as low as possible. At present, the average law school graduate from a public law school has a total debt of almost \$80,000. We hope to reduce that debt for our graduates.

Second, we are striving to open access to a legal education to underrepresented groups. This not only includes minorities, it also includes older students. So far, our efforts are producing optimistic demographics. The average age of our students is 33 years. Forty eight percent are minorities. Fifty two percent are women. Older students are especially attracted to our night program which has 64 students. We have 89 students in our day program.

Finally, we are striving to put in place a different instructional model. Instead of the single examination at the end of the semester, our students are being tested every two weeks. They have all recently completed a mid-term



*El Paso students who are attending UNT Dallas College of Law. Front Row, left to right: Emery Martinez, Alysia Castillo, Alexandra Huitron and Jacqueline Perez. Back Row: Philip Mijares, Jon Hoseph Huerta, Royal Furgeson, Raul Mijares and Carlos Hernandez.*

examination, with all grades in all classes being published on one day, two weeks after the completion of the tests. It is hard work on the part of the faculty and the students, but, it is worth it. And in more ways than one. Research of educational scholars has shown, for example, that regular assessments enhance learning and retention. We have other innovations in instruction, but this one is our centerpiece.

In addition to hearing from me, I wanted the El Paso Bar Association to hear from our El Paso students. I also wanted a photograph of us all, and it is included. Almost to a person, our El Paso students desire to return home. Please read what they have to say. Keep up

with them. Bring them back in the summer for clerkships. Pay close attention to them. They are outstanding in every way and will, I predict, be remarkable practitioners who will enrich the legal profession in El Paso in every way in so many years to come.

**ROYAL FURGESON** is Dean of the UNT Dallas College of Law. Prior to being appointed dean, Furgeson was for 24 years with Kemp, Smith, Hammond, and Duncan, where he headed the commercial litigation section, and then for 19 years served as a U.S. District Judge in the Western District of Texas. He was appointed dean of the UNT Dallas College of Law effective April, 2013.

## Comments of El Paso students in UNT Dallas College of Law

“The feeling I get by being able to make an immediate impact through our community engagement program at UNT Dallas College of Law, is priceless. As a first year law student I am able to gain experience and make a positive impact in the community from day one.”

**Raul Mijares**

“I’m so grateful to be a part of such an innovative law school and to be able to share this experience with fellow El Pasoans. I hope that we can all use our future skills to make a positive impact in our hometown.”

**Carlos Hernandez**

“ I felt an immediate sense of camaraderie with fellow members of the inaugural class, which has endured throughout our first semester. The UNT Dallas College of Law offers a high quality legal education to a diverse group of individuals of all ages, races, orientations, and experiences. I was impressed with the law school’s world-class facilities, first-rate faculty members, and dedication to the principle of empowering underrepresented communities by reducing the legal justice gap.”

**Adam Greenup**

“ I was born and raised in El Paso and I am a graduate of Eastwood High School. I attended University of North Texas where I double majored in Radio/Television/Film, and History. After UNT I began work with the Delgado, Acosta Law Firm in El Paso, TX, and worked with the taxing entities of El Paso in collecting delinquent property taxes. Working at Delgado, Acosta inspired me to apply to law school so that I may one day help my community.

My experiences at the UNT Dallas College of Law have been great. Law school is as challenging as I expected it to be. Thankfully I feel like I have a whole school system behind me; rooting for me to do well in all of my classes. The professors at UNT Dallas College of Law really want their students to succeed. Frequently, I will see Dean Ferguson in the school’s hallways giving us words of encouragement.

UNT Dallas College of Law is a very welcoming learning environment. Every Friday I meet with my mentor through the Louis A. Bedford Jr. Mentorship Program. It’s nice to be able to talk to someone about how we’re doing in law school and what we can expect when we graduate and begin to practice.

It is a pleasure to go school at UNT Dallas College of Law. UNT Dallas College of Law not only wants its law students to be skilled attorneys, but they also want us to go out and change our communities for the better. I hope to take everything I learn from UNT Dallas College of Law and go back to help the El Paso community.”

**-Jacqueline Perez**

“ UNT Dallas College of Law is providing me a legal education that is unmatched. UNT Law has a leadership team that is fully committed to the student’s academic and career success.

I am a graduate of Cathedral High School, UTEP College of Business, and the University of Phoenix, El Paso, MBA. El Paso is my home I look forward to the day I return to the Sun City as a practicing attorney. UNTD law is preparing me for that day.

At UNTD Law my courses are taught by some of the best legal professors in the nation. My two favorite classes are Contracts and Torts. David Epstein and Ellen Pryor keep me on the edge of my seat, ready for every word they have to offer. I am forever grateful to Dean Royal Furgeson and his leadership team for all the tireless work they are contributing to ensure UNT Dallas College of Law is a success.

I welcome anybody interested in applying to UNTD Law to contact me. I am eager explain in detail why our law school is a great place to learn. 915-274-2576 – PhilipMijares@Mylaw.untDallas.edu”

**-Philip Mijares**

“ I was born and raised in El Paso and graduated in 2004 from El Paso High School. I attended the University of Texas at Austin and graduated with a Bachelor of Arts in English. I then attended the University of North Texas, in Denton, and completed a second degree in Home Furnishings Merchandising. Attending law school has been a personal goal of mine since I was a young girl.”

“I chose to attend The University of North Texas Dallas College of Law because of the hands-on practical approach they are utilizing in their course instruction. The goal of the school is to graduate students who are prepared to enter the legal profession with practical experience ready to begin their legal career. This approach appealed to me as I had heard from many of my friends who are practicing law that they were not prepared from a practical standpoint for their first legal position.

Another aspect that I felt was important in my decision to attend UNT Dallas College of Law was the community service requirement of the law school. First year students are assigned a community engagement and are required to volunteer five hours a month. Having previously volunteered with the Junior League of Dallas, Inc., I understand the importance and the need for volunteers in the Dallas community.

The affordable cost of tuition was also a factor in my decision to attend UNT Dallas College of Law. I wanted to make sure that I could manage the cost of tuition without having to take out large student loans.”

**-Emory Martinez**

“ During my tour of UNT Dallas College of Law, I took notice of the vibrant Main Street District (the law school is located in the Main Street District) and the law schools proximity to the courthouses in Downtown Dallas.

I had the pleasure of meeting the entire staff along with Associate Dean for Academic Affairs Ellen Pryor and Dean Royal Furgeson. I was honored Dean Furgeson was eager to speak to me. We sat down in his office and talked about my desire to enroll in law school and what I expect out of the experience. During my other law school visits – ten to be specific – I met with only one other Dean. From the very beginning, I was welcomed and treated like a human being. Law schools tend to have a stigma of treating their students merely as a number. That has never been an issue during my three months at UNT Dallas College of Law.

My three months in law school have been challenging and rewarding. I have been placed in the Dallas Public Defenders Office and I am getting real-world experience while in law school. I have had the opportunity to review motions and participate in the intake process of clients. UNT Dallas College of Law has made this possible and I am grateful to be part of the inaugural class.”

**-Jon Joseph Huerta**



“From the very beginning, I knew that UNT Dallas College of Law is the best place to start my journey towards helping people. I believe in their vision of tomorrow’s lawyers, lawyers that are diverse and have walked different paths. Becoming a law student at UNT has been an amazing experience. UNT is teaching me how to think critically, this is important because I want to be the best attorney for the people I will be representing. I dream of one day returning to serve El Paso, the community that has given me so much.

Life has taught me how important it is to be there for one another. I am confident that UNT Dallas College of Law is teaching me how to give a voice to those in need.”

-Alexandra Huitron

“When I left El Paso for college I moved to the DFW area but I had always had dreams of attending law school. Having 7 other siblings and the reality of their needs to attend college, I knew my parents would not be able to help me pay for law school, just as they were hardly able to help put me through my undergraduate studies. The decision between massive loans or finding a new career path was a very real issue for me until a professor suggested I meet with a Dean from a brand new law school opening in Dallas: UNT Dallas College of Law.

Seven months later, I am very proud to be in law school and be part of the inaugural class of UNTD College of Law. My professors have taken the time to learn my name and always stop me in the hall to ask if I need any help. I have been blessed to attend a school that focuses on developing me as a person through community engagement activities and mentoring group programs. Attending UNTD College of Law has, so far, has been an experience I am fully appreciating. “

-Alysia Castillo

## Texas Legal Protection Plan Changes Name to Texas Legal

Texas Legal, founded by the State Bar of Texas and the Texas Legislature in 1972, offers comprehensive legal coverage for every stage in life such as adoptions, divorces and estate planning. The company was formerly known as “Texas Legal Protection Plan.” Membership covers legal expenses much like health insurance covers medical expenses. A low monthly fee gives members access to a network of attorneys throughout the state.

“Texas Legal provides Texans an affordable way to pay for most legal issues,” James “Jim” Buck, president of Texas Legal, said. “Hiring an attorney or having funds readily available when an attorney is needed is a challenging task for most consumers. We help Texans get the legal help they need and make the process easy for them.”

According to a study conducted by the Research Intelligence Group, 58 million Americans sought an attorney during 2012, and 110 million have sought legal counsel at least once in their lives. This underscores the importance of having a legal plan in place to help consumers remove the uncertainty about seeking legal services.

Texas Legal provides legal insurance for



companies, groups and individuals throughout the state. It is the only nonprofit legal insurance company in Texas that offers plans for individuals who are not part of a group plan.

The policy for one year for a family costs about the same as one hour of an attorney’s time and can be used for a wide variety of legal issues, including estate planning, adoptions, divorce, foreclosure, identity theft, traffic tickets, bankruptcy and more. The member can choose his/her attorney from a network of attorneys across the state and can use different attorneys depending on the issue they

### *Company Provides Legal Insurance for Routine Needs to Unexpected Events*

are facing. Texas Legal members also have unlimited access to a free legal hotline.

To learn more about Texas Legal or to become a member, please visit [www.texaslegal.org](http://www.texaslegal.org).

#### **About Texas Legal**

Formerly known as Texas Legal Protection Plan, Texas Legal is a statewide, nonprofit legal insurance plan that was founded by the State Bar of Texas and the Texas Legislature in 1972 as an effort to better serve the legal needs of Texans. Texas Legal is the preferred provider of the State Bar of Texas. The nonprofit offers plans for companies, group and individuals. For more information, please visit [www.texaslegal.org](http://www.texaslegal.org).

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## Microsoft Office 365 for Your Smart Phone or Tablet

BY DAVID J. FERRELL

Besides the “OS” (operating system, ie. Windows/Apple iOS, etc.) probably the most important application that a computer provides to a lawyer is the word processor that generates most of what we produce.

WordPerfect won the early war in Windows and many years ago even the Fifth Circuit (et al) required copies of briefs be submitted in WordPerfect on a floppy disk (what is a floppy disk?).

Now it is the ubiquitous Microsoft Word that dominates the legal landscape. My office still uses WordPerfect Office and I don’t plan to change.

I do have a Microsoft Office Suite clone backup so that I can change my material to the Microsoft format for delivery as the receiver desires/needs.

In any case, the topic of this article is the acquisition of Microsoft Office 365 for your smart phone or tablet.

If you go to the Microsoft Office 365 website you will see five links that will direct you to the appropriate place to download the software with instructions on how to install it on your smart phone/tablet, etc. Microsoft is providing the phone and tablet versions FREE.

### WEBSITE LINKS<sup>1</sup>

Use Office 365 on your Android Phone

Use Office 365 on your BlackBerry® device

Use Office 365 on your iPhone or iPad

Use Office 365 on your Nokia (Symbian OS) phone

Use Office 365 on your Windows Phone

I thought that it was ironic that Microsoft put the Office 365 link to Microsoft’s smart phone in position number five (5) on their webpage. Maybe they are in alphabetical order.

Windows smart phone users are accustomed to being treated as stepchildren, even in their own home by their own biological parents. Microsoft has been fighting for THIRD place in this market, but they will never catch up to Android and Apple. Microsoft has abandoned its “first and best on Windows” strategy in favor of cross-platform applications that are nearly

always better on Android and iOS than their Windows tablet and phone counterparts. Office 365 is the latest proof of a continuing trend that’s leaving Microsoft’s Windows customers out in the cold.

I am still stinging from the Windows 8 and 8.1 (OS) debacle which I feel abandoned Windows OS desktop users for a grab at the huge smart phone/tablet market. Microsoft is so embarrassed at this fiasco that they are releasing the new Windows OS as Windows 10, skipping Windows 9 altogether. As I have read, Windows 10 will be Windows 7 (which was FIVE) with some touchscreen enhancements. So, someone is going backwards to go forwards, and THIS ISN’T HOCKEY.

Microsoft shipped Office 365 for iPad earlier this year, way ahead of a touch-optimized Windows release. Microsoft then followed up with a better version for the iPhone in early November.

The initial Office for iPhone application allowed basic editing like its Windows Phone counterpart, but, the new iOS application goes way above and beyond the functionality Microsoft ships on its own Windows Phone. Comparing the two is another Microsoft embarrassment. Microsoft, however, is working on new touch-optimized versions of Office for Windows tablets and phones, but the company won’t deliver them until Windows 10 is ready next year. Here we are in another period of waiting for Windows smart phone/tablet relevance.

### PostScript

If you are concerned about a government recall regarding miscellaneous consumer items, the federal government has set up a website to search. Go to <http://recalls.gov>.

### Link Footnote

1 <http://office.microsoft.com/en-in/support/set-up-and-use-office-365-on-your-phone-or-tablet-HA102818686.aspx>

**DAVID FERRELL** is an El Paso attorney specializing in probate and criminal law. He also assists law firms in development of their computer trial and law office technology. He serves on the WEB Services Committee of the State Bar of Texas



# El Paso Hosts National Conference Highlighting Legal Practice on the U.S.–Mexico Border

BY KRISTIN M. KIMMELMAN

**E**l Paso will host a first-of-its-kind, national Border Law Conference on January 30 and 31, 2015. The Conference will give El Paso lawyers a chance to show off our city and to hear and meet attorneys and officials from around the country. Best of all, those who attend the Conference will be able to earn nearly an entire year's Texas CLE and ethics credit by the beginning of the year.

Practicing in a true border city, El Paso attorneys know firsthand the impact of the international border on their clients' financial and family matters. Clients own businesses on both sides of the border, rely and profit from cross-border trade, employ Mexican citizens, and have family members in Mexico—some who can legally cross and others who cannot.<sup>1</sup>

The proximity to the border also affects the makeup of attorneys' legal practice and the cases in our court system. The voluminous work of El Paso County judges includes criminal, civil, and family law cases often including an international aspect such as a non-U.S. citizen defendant, international trafficking, or family members living in Mexico. El Paso immigration courts serve not only the El Paso area but also the entire state of New Mexico, with a bursting docket of over 7,000 pending cases handled by six judges.<sup>2</sup>

The El Paso Division of the Western District of Texas carries 40% of the criminal case load for the district,<sup>3</sup> which is consistently one of the busiest in the nation. Of the 8,291 criminal cases filed in Western District of Texas during fiscal year 2013, 56% of were immigration offenses, 23% were drug offenses, and 9% were



fraud offenses.<sup>4</sup>

The Border Law Conference will highlight the unique aspects of border and international legal practice and cement El Paso's position at the forefront of these issues. The Border Law Conference offers experiences only available in El Paso: an opportunity for a 90-minute tour of a port of entry, a welcome reception near the borders of two U.S. states and two countries with mariachi entertainment, a dinner overlooking the lights of Ciudad Juarez, and invaluable networking opportunities with attorneys, judges, and government officials interested in border issues.

In this setting, binational speakers will explore the myriad of issues that arise in criminal, civil, immigration, and family law cases that are of particular interest to practitioners who deal with binational issues. The Conference will also address immigration and border security policy, as these issues affect El Pasoans daily and shape much of El Paso legal practice.

National organizations such as the Criminal Law, Immigration Law, Federal Litigation, and International Law Sections of the Federal Bar Association are co-sponsoring the Conference and advertising it nationwide, bringing El Paso

the recognition it deserves as a legal market at the gateway to Mexico.

As El Pasoans, we know that El Paso is a vibrant, safe community with a collegiate bar willing to mentor and guide new attorneys and promote professional excellence. We also know that our location on the U.S.-Mexico border offers unique cultural experiences and economic opportunities. The first national Border Law Conference is an opportunity for the El Paso legal community to share with visiting lawyers, judges, and business and government officials the realities of legal practice on the border while highlighting our unparalleled hospitality.

I encourage you to register early to secure a discounted Conference fee and reserve a spot on a port-of-entry tour. The agenda and registration is available on the El Paso Chapter of the FBA website, <http://www.fedbar.org/Chapters/El-Paso-Chapter.aspx>, or by emailing [CLEelpasoFBA@gmail.com](mailto:CLEelpasoFBA@gmail.com).

**KRISTIN M. KIMMELMAN** is President of the El Paso Chapter of the Federal Bar Association and a Research and Writing Specialist for the Office of the Federal Public Defender. She is the immediate past President of the El Paso Chapter of the Federal Bar Association.

1. For example, in 2013, nearly 1.5 million vehicles crossed into the United States via the Stanton bridge, and over 2.5 million pedestrians used the Santa Fe Street bridge. The City of El Paso, International Bridges, Traffic Volumes, Downtown Bridges and Pedestrian Volumes for 2013, <http://home.elpasotexas.gov/bridges/traffic-volume.php> (last visited Nov. 16, 2014). El Paso is also a gateway to trade with Mexico, boasting \$91.4 billion in trade in 2013. The Borderplex Alliance, North American Borderplex Regional Profile 6 (Mar. 2014), [http://www.borderplexalliance.org/files/NAB%20Profile\(1\).pdf](http://www.borderplexalliance.org/files/NAB%20Profile(1).pdf).

2. As of August 2014, El Paso immigration courts had 7,564 pending cases. TRACImmigration, Immigration Court Backlog Tool, [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/) (last visited Nov. 16, 2014).

3. Chief Judge Fred Biery, Western District of Texas, Fiscal Year 2014: District Court Statistics 3 (2014), [http://www.txwd.uscourts.gov/General/Statistics/pub\\_txwd\\_fy2014.pdf](http://www.txwd.uscourts.gov/General/Statistics/pub_txwd_fy2014.pdf).

4. U.S. Courts, Statistical Tables – U.S. District Courts – Criminal, Table D-9 at 4-5 (2013), <http://www.uscourts.gov/uscourts/Statistics/JudicialBusiness/2013/appendices/D09Sep13.pdf>.

## SPOTLIGHT ON AN EL PASO LAWYER:

## DAVID McCLURE

BY CLINTON F. CROSS

**CROSS: Tell me about your childhood.**

**McCLURE:** I was born in a small town in the Texas Panhandle, Memphis, Texas. When I was about three, my family moved to Midland. My father and his brother owned a Humble gasoline station. When I reached nine or ten, my father got me a job washing cars for 25 cents an hour.

I went to high school at Robert E. Lee High School. I played basketball in high school. We played in the most competitive league in that district. I was six feet two inches, the tallest man on the team, and a "postman." For obvious reasons, we never won a district championship while I was there.

I then went to college at Texas Tech and received a BBA in Finance. After graduation, I went to Texas Tech Law School.

**Cross: Why did you do move to El Paso?**

**McCLURE:** When I was in high school, El Paso schools would hold basketball tournaments. I came here for the tournaments and I really liked the town. When I graduated, I decided to look for a job here. I interviewed with Schwartz and Earp. I liked them, and quit interviewing.

**CROSS: What happened next?**

**McCLURE:** Fortunately, they hired me. I practiced with them from 1975 to 1991 when the firm dissolved. I then went into practice with my wife, Ann McClure. We practiced together until she got elected to the El Paso Court of Appeals. At that point, I was on my own.

**CROSS: Tell me about your law practice.**

**McCLURE:** I specialize in family law. I became certified in 1981. I do a lot of custody work, a lot of divorces, modifications, child support. In the beginning, I loved the courtroom experience. I also liked getting good outcomes.

**CROSS: Any cases that you remember as being particularly rewarding?**

**McCLURE:** I am rewarded when I help my clients achieve what I believe to be the



*David McClure and his wife Chief Justice Ann McClure*

correct result and when my clients appreciate what I did for them. For instance, several years ago, I represented maternal grandparents in a custody case. We were fighting over a little eight or nine year old boy. The mother wanted the child placed with her parents. The father, of course, disagreed. He wanted the child to be placed with him or his parents. The jury awarded custody to my clients. I kept up with them and the little boy. When the boy grew up and graduated from law school he sent me a card telling me about his graduation and how grateful he was for being able to live with his grandparents. He also said he looked forward to being a lawyer, but probably not a family lawyer.

**CROSS: In addition to your practice, any service to the profession?**

**McCLURE:** In the early 1980's I worked with the Family Law Section of the State Bar to draft the Texas Family Practice Manual. I met

with about twenty other lawyers every other weekend in cities across the state to complete this project. The manual is revised every year or two, and is still the primary form book for lawyers who practiced family law.

I served in all the officer positions with the Family Law Council of the Family Law Section of the State Bar. I also worked on developing the family law pattern jury charges that are published by the State Bar.

**CROSS: Any advice for your lawyers who want to practice law?**

**McCLURE:** As your practice grows, it is important to be selective about who you represent. Don't try to represent everyone who walks in the door. If you represent someone that you like or respect, you will enjoy your practice and your life a lot more.

**CLINTON CROSS** is an Assistant El Paso County Attorney assigned to the Criminal Unit.



## SENIOR LAWYER INTERVIEW

## RICHARD MESA

BY CLINTON F. CROSS

**CROSS: Tell me about your childhood.**

**MESA:** I was born in El Paso. My mother was also born in El Paso. My father was born in Torreon, Coahuila, Mexico. I grew up in Bassett center area, Tejas adition. I attended Hughey Elementary, Ross Middle School and Burges High School, graduating in 1965, then UTEP, graduating in 1969, getting a degree in political science.

**CROSS: Was there any one particular teacher who stands out as being particularly influential in your life?**

**MESA:** There were, of course, many people who contributed to my growth and development. Perhaps the most important was Jacqueline Brown, my high school English teacher. She believed in me more than my other teachers.

**CROSS: Where did you go to law school?**

**MESA:** I went to Georgetown Law School, graduating in 1973. I had never been away from home before, which made my experience more stressful. On the other hand, Georgetown had a great clinical program which gave me some very rewarding experiences. I actually tried landlord-tenant cases, and learned a lot about how to introduce and present evidence.

**CROSS: After law school, what did you do?**

**MESA:** From '73 to '76, I went to work for Pennsylvania Attorney General's office, Philadelphia Regional office. I met you (Clinton Cross) at a National Attorney Generals (NAG) conference. I wanted to come home. You wanted to "move on" and resigned. I came home and worked for the Texas Attorney General in the Consumer Protection Division, El Paso Regional Office until '78. When I left, David Ferrell took my place.

**CROSS: Where did you go?**

**MESA:** I went to work for the U.S. Attorney's office. As a prosecutor for the federal government, I tried about 25 jury cases my first year. The majority of these cases involved alien smuggling and illegal drugs.



Richard Mesa

**CROSS: You did not make it a career. What did you do next?**

**MESA:** I opened my own private practice in April 1981. In January 1995, I took another turn.

**CROSS: Doing what?**

**MESA:** In January, 1995, I was appointed a U. S. Magistrate Judge. I remained in that job until I retired on December 31, 2012

**CROSS: How feel about your different careers?**

**MESA:** When I was in law school, Ralph Nader spoke as our speaker at orientation. He said, "Don't let them make you sharp by making you narrow." I remember that comment, and I feel I have benefited from representing both sides of the docket.

The variety of experience I had before I became a judge benefited me as a judge, enabling me to see issues from varying points of view.

**CROSS: Which job did you find the most satisfying?**

**MESA:** I liked my role as a judge. It gave me personal satisfaction, accomplishing my dream.

**CROSS: Tell me about your family.**

**MESA:** My wife Linda and I met at UTEP in 1969. We have been married 43 years. We have worked together in many ways. When

I was in private practice, she worked as my secretary. We have two children, Olivia, who is a paralegal with Trans-Oceans Oil Company. Our son Richie and his wife Victoria are campus ministers at the University of Arizona. Their first child, our first grandchild, was born on the 16th of September, 2014.

**CROSS: How has the practice of law changed since you started?**

**MESA:** There have been changes in procedure, especially in civil discovery and in criminal sentencing procedures.

As a magistrate judge, I often had to preside over discovery disputes referred to me by the District Judges. In the eighteen years I presided over these hearings, I rarely had to decide a legal dispute; most of the problems involved baseless form objections and personality conflicts.

We have had sentencing guidelines for over 30 years. Many judges opposed the guidelines because they deprived judges of the right to exercise discretion. As a magistrate judge, the guidelines rarely applied to the cases that came before me.

Technology has dramatically impacted on the practice law. I don't think we had FAX machines when I started. We did not have SKYPE. Today, we have those things, and more, such as electronic filing and electronic legal research,

**CROSS: What has remained the same?**

**MESA:** Human nature never changes. As a result, we have some lawyers who practice with courtesy and integrity; others who do not.

As a retired lawyer and judge, I appreciate more and more the phrase "the more things change, the more they stay the same."

**CROSS: Any advice for young lawyers?**

**MESA:** You should always think in terms of your "the long range" goals. It is unwise to seek a temporary win or advantage which at the same time risks your reputation for competence and integrity, which will hurt you in the long run.

**CLINTON CROSS** is an Assistant El Paso County Attorney assigned to the Criminal Unit.

## SENIOR LAWYER INTERVIEW

## JULIAN BERNAT

BY CLINTON F. CROSS

**I**nterviewed Julian Bernat for the *El Paso Bar Bulletin* in January 2005. He passed away on September 23, 2014, at the age of 97.

*Julian began practicing in El Paso in 1944 and became one of the most highly respected lawyers in our legal community. When he retired in 2011 he was the oldest practicing lawyer in El Paso.*

*In his memory, we re-publish here with some edits the interview I had with him nine years ago.*

**CROSS: Where did you go to law school?**

**BERNAT:** I attended the University of Chicago Law School for one year, then transferred to the University of Texas School of Law and graduated in 1941.

**CROSS: What did you do after graduation?**

**BERNAT:** I joined the army and served as an enlisted man. I taught math to many servicemen. Unfortunately, I also suffered from asthma attacks.

**CROSS: How did you end up in El Paso?**

**BERNAT:** I came to El Paso in December 1944 because of the dry climate.

**CROSS: Briefly summarize your career.**

**BERNAT:** I went to work for Potash and Cameron in 1944, and remained with that firm until 2001. Of course the firm names changed a few times, eventually becoming Bernat and Bernat, P.C. I joined Krafur, Gordon and Mott, P.C., of counsel, in August, 2001.

**CROSS: Tell me about your law practice.**

**BERNAT:** I had an office practice, primarily in the business arena, in tax work, real estate,

estate planning, probate and corporate work.

My practice brought me into contact with many prominent members of the El Paso community and with it the opportunity to contribute to the growth and development of numerous community projects. Since you ask, I'd like to tell you about some of these projects.

**CROSS: Please do.**

**BERNAT:** I was President of the Board of Directors of the Jewish Community Center in El Paso. When I began my service, there was no Community Center. I'm proud to say that today—with the continued hard work of many people who have come after me—the Center remains a vibrant part of the El Paso community.

Shortly after serving as President of the Jewish Community Center Board, I was elected an officer of the Board of Directors of the Jewish Welfare Board. The Jewish Welfare Board is an international organization which supports local Jewish community centers in North America. As a result, my wife and I were able to attend numerous board meetings in Israel, Canada and the USA.

I also served as Chairman of the Board that established the Public Broadcasting television station in El Paso (KCOS).

I still serve on the Board of Directors for Chai Manor Housing for the Elderly, a low cost housing project about which we are very proud, constructed under my watch many years ago.

Mayor Jonathan Rogers appointed me to a committee to organize the 911 emergency calling systems for El Paso. I served as Chairman and Vice Chairman of the committee and made many friends with others who joined me in that effort. It is an excellent system for this community.

A solid education is essential to many careers, and UTEP fills this need for El Paso. I served for many years on UTEP's Development Board. For a few years, I served

as its Chairman. During that period of time I co-chaired a committee to raise endowment funds for UTEP, and the campaign raised more than sixty million dollars.

My wife and I also established a scholarship for the University.

As you might have gathered from my early interest in pursuing a career as a sports-writer, I am a sports fan. I have attended many football and basketball games. I attended the 1966 NCAA Championship basketball game in Kentucky.

**CROSS: Any other hobbies?**

**BERNAT:** I used to play a lot of golf at the El Paso Country Club. I still try to play twice a week.

I value my relationships with other people and the time I have spent with them. I remember with particular fondness going to the McNeil River State Game Sanctuary for grizzly bears in Alaska with UTEP President Diana Natalicio. My wife and I celebrated our seventy-fifth birthdays in Alaska with our three children, and seven grandchildren. Altogether, we have been to the McNeil River State Game Sanctuary eight times.

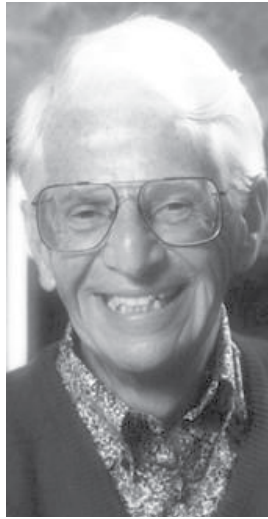
**CROSS: What aspect of your career was the most satisfying?**

**BERNAT:** From my vantage point, it's family and friends that make life enjoyable. It's helping people that makes the practice of law worthwhile. In my early years of practice, I enjoyed many friendships with other attorneys, many of whom are unfortunately no longer alive. Some of my clients have been with me for more than fifty years. They are also my friends.

**CROSS: How has the practice of law changed since you began to practice?**

**BERNAT:** Many of the attorneys of my generation had pleasant relations with each other. I am told that this culture may be changing. I hope that is not true.

**CROSS: How do you think the practice**



*Julian Bernat*



**will change in the next twenty years?**

**BERNAT:** The practice will become more and more specialized. Attorneys will have to deal with “burnout” issues several times in their careers.

**CROSS: What are the most important qualities of a good lawyer?**

**BERNAT:** Of course, lawyers must be knowledgeable and trustworthy. I put a lot of

stock in developing personal relationships with my clients. My clients are more than problems to be solved and then discarded. They are human beings with connections to me, with each other and with their community. I try to help them solve their problems, and also connect to them as human beings.

**CROSS: You have an opportunity to advise a young lawyer about to begin**

**practice in El Paso. What do you say to him or her?**

**BERNAT:** If possible, a young lawyer should join a firm. Much can be learned from the experience of others.

**CLINTON CROSS** is an Assistant El Paso County Attorney assigned to the Criminal Unit.

*May the peace  
and blessings  
of Christmas  
be yours;  
And may the  
coming year  
be filled with  
happiness.*




EL PASO BAR ASSOCIATION

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A PROFESSIONAL CORPORATION  
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**CONGRATULATES STEVEN L. HUGHES**

ON HIS APPOINTMENT TO THE  
EIGHTH COURT OF APPEALS



STEVEN L. HUGHES, a state-wide recognized appellate lawyer, our fellow shareholder and friend, received one of the highest compliments when he was appointed to the Eighth Court of Appeals in El Paso by Governor Rick Perry on October 10, 2014.

Steve is originally from Big Spring, Texas and earned his Juris Doctor degree from the University of Texas School of Law. Steve is replacing Justice Guadalupe Rivera who recently retired.

The firm has had the pleasure of working with Steve on legal matters to bring about optimal solutions for all the clients involved.

The entire firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., congratulate Steve on his judicial appointment. We are confident Steve's extensive command of the law, unwavering professionalism, and commitment to fairness and to justice will stand him in good stead as he begins this new chapter.

*From the entire firm, congratulations Steve!*

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**Save the Date**  
for  
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**EXTRAVAGANZA**

Wednesday, December 10, 2014  
12 o'clock noon - The El Paso Club

Angel Tree Gifts  
Chinese Auction  
Shopping Spree  
(all proceeds benefit CPS)

*Door prizes \* Auction \* Shopping Spree*

RSVP with Carol Gutierrez at:  
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Co-sponsored by the FBA Criminal Law, Federal Litigation,  
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**What:** An exceptional national conference offering over 14 hours CLE credits (Texas), a luncheon, and a keynote dinner. The course addresses the unique practice of business, criminal, family, labor, employment, and immigration law on the southern border.

**Who:** Legal experts from around the country including United States and Mexican officials, experienced attorneys, and federal judges from border districts.

**Where:** Tomás Rivera Conference Center at the University of Texas at El Paso

**When:** Friday & Saturday, January 30 & 31, 2015

**Cost:** **Early bird** (on or before January 2nd)

FBA Members*	\$300	Non-Members	\$400
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**Regular** (after January 2nd)

FBA Members*	\$375	Non-Members	\$475
<b>Non-Attorneys</b> (e.g., students, paralegals)			\$200

**Contact:** For more information, visit the El Paso Chapter's website, [www.fedbar.org/Chapters/El-Paso-Chapter](http://www.fedbar.org/Chapters/El-Paso-Chapter) or contact Kristin Kimmelman at [CLEelpasoFBA@gmail.com](mailto:CLEelpasoFBA@gmail.com) or (915) 534-6525.

\* Includes members of the NM State Bar Immigration Section

Federal Bar Association - El Paso Chapter ■ 525 Magoffin Avenue, Room 651, El Paso, Texas 79901  
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**EL PASO BAR ASSOCIATION** *presents*  
**19th Annual Civil Trial Practice Seminar**  
**February 12, 13 & 14, 2015**

Mirage Hotel Resort and Casino, Las Vegas, Nevada

Approved for 14.0 hours of MCLE, including 2.5 hours of Ethics by the State Bar of Texas\*\*, Approved for 12.0 hours of CLE including 2.5 hours of Ethics by the Nevada Board of Continuing Legal Education and Pending Approval by State Bar of New Mexico

Myer Lipson, *Moderator*

Daniel Hernandez, *Seminar Course Director*

*Join us for a Weekend of Fun & Education but mostly FUN!!*

**Schedule** (please note the schedule may change)

**Thursday, February 12, 2015**

6:00 – 8:00 p.m. Legal Legends, Live Interview by Charles Ruhmann  
 Chief Justice Ann McClure and William Hardie, Jr.  
 (Cocktails and Hors d'oeuvres)

**Friday, February 13, 2015**

8:00 – 8:45 a.m. Registration  
 8:45 – 9:00 a.m. Welcome Myer Lipson, Lipson & Dallas P.C., President  
 Elect of El Paso Bar Association  
 9:00 – 10:00 a.m. Personal Injury Liens  
 Ben H. Langford, Attorney at Law, El Paso  
 10:00-10:45 a.m. iPad in Action  
 Daniel H. Hernandez, Ray, McChristian & Jeans, P.C.  
 and Brock Benjamin, El Paso  
 10:45-11:00 a.m. Morning Break  
 11:00-12:00 p.m. Cross Examination of Expert Witnesses  
 David Jeans, Ray, McChristian & Jeans, P.C., El Paso  
 12:00-1:00 p.m. Luncheon Presentation  
 The Anniversary of the Magna Carta  
 Prof. Joshua C. Tate, Southern Methodist  
 University, Dallas  
 1:00 – 2:30 p.m. Supreme Court Update  
 Justice Steven Hughes and Jeff Alley, 8th Court  
 of Appeals, El Paso  
 2:30 – 2:45 p.m. Afternoon Break  
 2:45 – 3:30 p.m. Medical Torts Update  
 Keith Myers, Mounce, Green, Myers, Safi, Paxson  
 & Galatzan, P.C., El Paso

3:30 – 4:15 p.m. Anti-SLAPP Litigation  
 Mark Walker, Cox Smith, El Paso  
 4:15 – 5:15 p.m. Judge's Panel: Effective Motion Practice, Amended  
 Rules of Civil Procedure and Best Practices  
 Hon. Philip Martinez and Hon. Miguel Torres, El Paso  
 5:30 – 6:30 p.m. Sponsorship Happy Hour

**Saturday, February 14, 2015**

7:30 – 8:30 a.m. Breakfast  
 8:30 – 9:30 a.m. Immigration Law  
 Danny Razo and Michelle Martinez, El Paso  
 9:30 – 10:30 a.m. Criminal Law Every Civil Lawyer Should Know  
 James Darnell and Joe Spencer, El Paso  
 10:30-10:45 a.m. Morning Break  
 10:45-11:30 a.m. Transportation/Trucking Law  
 Carl Green, Mounce, Green, Myers, Safi, Paxson  
 & Galatzan, P.C., El Paso  
 11:30-12:15 p.m. Family Law  
 Hon. Laura Strathman, 388th District Court, El Paso  
 12:15-1:00 p.m. Probate Law  
 Karin Carson, Hobson, Stribling & Carson, LLP, El Paso

\*\* If you do not attend the Thursday evening presentation  
 you will only get 12.0 hours of MCLE from the State Bar of Texas

**Door Prizes will be given throughout the seminar**

**Course Materials will be in the form of a flash drive**

\$375 – Members of EPBA ~ \$475 – Nonmembers ~ \$175 – LA/Paralegals

**To book your room at the Mirage Hotel Resort and Casino, go to our  
 website, [www.elpasobar.com](http://www.elpasobar.com) and get our rates of \$96 for Thursday,  
 2/12; \$166 for Friday, 2/13 and \$186 for Saturday, 2/14.**

**REGISTRATION FORM**

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You can also pay by credit card by going to our website, please add \$5.00 transaction fee:  
[https://elpasobar.com/make\\_a\\_payment](https://elpasobar.com/make_a_payment)

If you have any questions, comments or would like to be a sponsor, please contact the Bar Association Office at (915)  
 532-7052, (915) 532-7067 - FAX or go to our website, [www.elpasobar.com](http://www.elpasobar.com) or send an email to [nancy@elpasobar.com](mailto:nancy@elpasobar.com)

**Send your registration  
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 El Paso Bar Association  
 500 E. San Antonio, L-112  
 El Paso, Texas 79901**

**\$375 – EPBA Members  
 \$475 - Nonmembers  
 \$175 – Legal Assistant/  
 Paralegals**

# Advance Sheet, 1201 A.D.

BY CHARLES GAUNCE

## Pleas at Launceston in the Third Year of the Reign of King John Hundred of Eastwivelshire

“William Burnell and Luke of the Well are suspected of the burglary at the house of Richard Palmer by the jurors of the hundred, and by the four neighboring townships, which are sworn. Let them purge themselves by water under the Assize.”

Several years ago, while engaged in the practice of being a reference librarian, a student approached me for assistance. She placed before me a copy of the Norton Anthology that I immediately recognized because I had used the same tome years ago in my freshman composition course. She then asked if the library had an English translation of the book. Being somewhat confused, I picked up the book and briefly looked through it, satisfying myself that it was, indeed, the Norton Anthology. I looked at the student and remarked, “I don’t understand the question. This book is in

English.” Her immediate response was, “It is not! It’s in British!” So I asked her what, specifically she was having difficulty with. She opened the book to a particular passage and showed it to me. I commented, “Well, heck. Nobody understands Beowulf!”

I am frequently reminded of this exchange when I read passages of old English cases, in that much of the case only makes sense upon translation into modern English.

Our present case is rather mundane. Bill and Luke are believed to be burglars, and the community is of the united opinion that they are. The court ruled that the two of them could purge this charge through the water – a superstitious determination of guilt or innocence that is, thankfully, no longer employed regularly.

What captured my interest is: What, exactly, is a hundred?

English courts derived their authority from the crown. But the English king, barons, and minor lords discovered that their adoring masses were a quarrelsome lot, and spent a substantial amount of time bickering with them

over what can only graciously be called local matters. After all, if it wasn’t the castle or lord’s manor being burgled, what did he really care? So the system developed that, in order to keep a semblance of the peace, if enough people in the local community agreed that someone was a troublemaker, then someone should accuse him of an offense and let the local lord deal with it. Courts were established that heard local grievances by members of the local community. A hundred is just such a local administrative district. It may have originally referred to a hundred homesteads, or it may have referred to an area that was obligated to provide a hundred men under arms for the king’s adventures. But as populations changed, it became known as the smaller administrative district. Other administrative districts were wapentakes, and townships. I find it helpful to analogize it to jurisdiction by census tract.

**CHARLES GAUNCE** is the Legal Reference Librarian at the University of Texas at El Paso



## William Hardie

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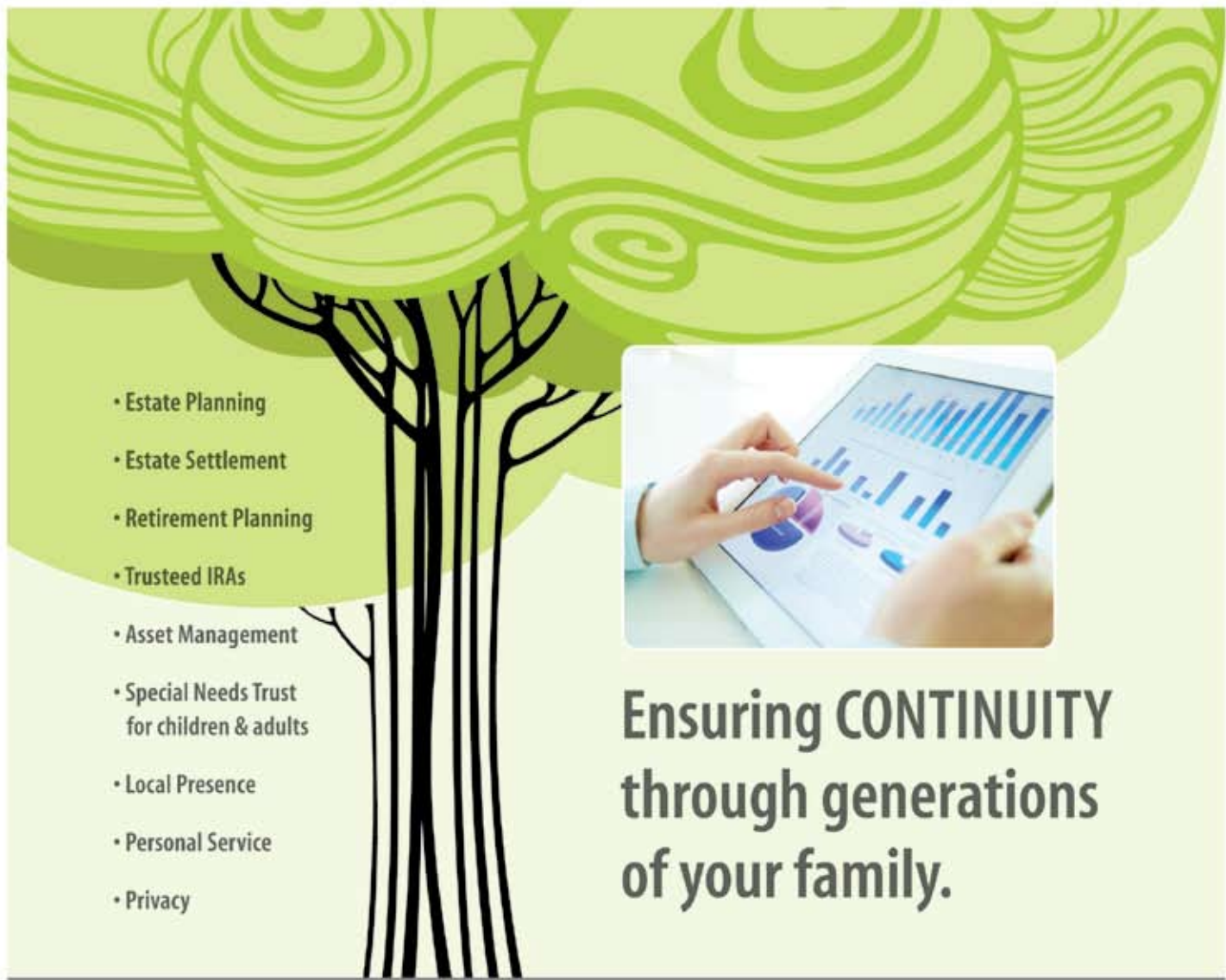
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