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An Update of Events and Information

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President's Page

I will never forget when George Andritsos and John Wenke obtained a $30.5 million dollar verdict in the employment case, *Steve Jones v. the Toro Company* in 2001. It seemed that employment litigation became one of the biggest areas of law in El Paso following that verdict or at least, more lawyers began talking about labor and employment claims.

We have the most amazing trial attorneys in El Paso practicing in the labor and employment area. The lawyers defending labor and employment cases are Charlie High, CB Burns, Diana Valdez, Mark Dore, Mike McQueen, Bruce Koehler, Jeff Ray, Rosemary Marin, Bob Blumenfeld, Walker Crowson, Tony Safi, Gerald Howard, Steve Blanco, Chris Borunda, David Pierce, and Gilbert Sanchez. Charlie High has been Board Certified in Labor and Employment by the Texas Board of Legal Specialization since 1980. He has specialized in this area for 35 years. Mark Dore has been Board Certified in Labor and Employment for over 25 years (since 1989). The lawyers representing plaintiffs are George Andritsos, John Wenke, Enrique Moreno, Michael Milligan, Carlos Cardenas, Lynn Coyle, Soraya Hanshew, David Kern, Brett Duke, Liza Elizondo, Ray Martinez, Enrique Chavez, Sam Legate, Oscar Mendes, Roger Davie, Jeff McElroy, and Daniela Labinoti. Michael Milligan has also been Board Certified in Labor and Employment by the Texas Board of Legal Specialization for over 25 years (since 1989).

I cannot discuss employment litigation without highlighting John Mobbs, Plaintiff's appellate counsel in the *Toro* lawsuit. John Mobbs was named Top 50 lawyers in West Texas. Because of the nature of this area of law, generally a person needs the help of an appellate specialist. John Mobbs has handled the majority of the appeals for Plaintiffs in employments cases in El Paso. John Mobbs is intelligent, professional and a great person. He has been an integral part of the labor and employment practice in our town.

Remember that for all of your labor and employment needs, we have the best. There is no need to hire an out-of-town lawyer. Hire an El Paso lawyer.

Laura Enriquez,
President

El Paso Bar Association
February Bar Luncheon
Tuesday, February 10, 2015

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

Coach Shawn Kugler
of UTEP

Door prizes will be given out

Please make your reservations
by Monday, February 9, 2015 at 1:00 p.m.
at nancy@elpasobar.com or ngallego.epba@sbcglobal.net

Please make sure you RSVP.

El Paso Bar Association
March Bar Luncheon
Tuesday, March 10, 2015

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

Guest Speakers will be
the candidates for President-Elect of the State Bar of Texas

Door prizes will be given out

Thank you to Express Records for sponsoring the March Bar Luncheon

Please make your reservation by Monday, March 9, 2015 at nancy@elpasobar.com or ngallego.epba@sbcglobal.net

Please make sure you RSVP.

CALENDAR OF EVENTS

February, 2015

Tuesday, February 3
EPBA BOD Meeting

Tuesday, February 10
EPBA Monthly Luncheon
Guest Speaker: Coach Shawn Kugler
UTEP Football Coach

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

Friday, February 13
19th Annual Civil Trial Practice Seminar
Mirage Hotel and Casino
Las Vegas, Nevada
Saturday, February 14
19th Annual Civil Trial Practice Seminar
Mirage Hotel and Casino
Las Vegas, Nevada

Monday, February 16
President's Day – EPBA Office Closed

Thursday, February 19
EPPA Monthly Luncheon

March, 2015

Tuesday, March 3
EPBA BOD Meeting

Tuesday, March 10
EPBA Monthly Luncheon
Guest Speakers: Candidates for President-Elect
State Bar of Texas

Thursday, March 19
EPPA Monthly Luncheon
Tuesday, March 31
Cesar Chavez Day – EPBA Office Closed

Magna Carta and the Surprising Survival of Jury Trial

Part I

By Joshua Tate

This year marks the 800th anniversary of Magna Carta. The Great Charter of King John is justifiably celebrated as the most important constitutional document in English history. Under pressure from his rebel barons, King John promised in Magna Carta to respect many rights, customs, and privileges. For example, it was Magna Carta that first guaranteed the right of a free man to be tried by a jury of his peers. Nevertheless, it is in the U.S., not in England, that jury trial remains a vital part of our system of justice. Trial by jury for English civil cases disappeared in the mid-twentieth century; grand juries were abolished in England in 1933; and English criminal trial juries have become rare occurrences. In the United States by contrast, trial by jury has survived for both civil and criminal cases, and, despite the large percentage of cases that are resolved by plea bargaining, settlement, or pretrial motions, around 150,000 jury trials are conducted each year in our state and federal courts. It is surprising that an institution that has been cast aside in the country that created it continues to survive across the Atlantic. What explains this?

The short answer to this question is that jury trial survives in the U.S. because it is protected by our Constitution. The Fifth Amendment, providing that "[n]o person shall be... deprived of life, liberty, or property, without due process of law," echoes the ancient language of the Great Charter. Clause 29 of Magna Carta and the Fifth Amendment both begin by stating, in the negative, what cannot be done to a person (or "free man" in Magna Carta) unless due process is followed. Magna Carta defines this as "the legal judgment of his peers, or... the laws of the land." In the Bill of Rights, the Fifth Amendment guarantee of due process is followed by the Sixth Amendment, guaranteeing jury trial in criminal cases, and the Seventh Amendment, guaranteeing jury trial in certain civil cases. Jury trial was seen by the framers of the U.S. Constitution as a valuable part of our heritage of English rights, one worth preserving in the foundational document of the new nation. Were it not for the guarantees of Magna Carta, however, jury trial might have been abandoned long before the settlement of the British colonies in North America.

Justice Oliver Wendell Holmes once famously wrote that "the life of the law is not logic but experience." Unlike some legal systems, the Anglo-American system of justice cannot be explained solely by abstract principles. It is important to understand the history. This point was made by the U.S. Supreme Court in *Dent v. West Virginia, 129 U.S. 114, 32 L. Ed. 623, 9 S. Ct. 231 (1889).* To quote the Supreme Court,

ASSOCIATIONS NEWS

On January 15, 2015, El Paso Paralegal Association held its Annual Meeting of Members at the El Paso Club.

The following members were elected as Directors and Officers for the 2015 year:

President - Priscilla Juarez; President Elect - Olga Burkett;
Vice President of Membership - Marina Hammond;
Vice President of Advertising - Yolanda Garcia;
Vice President of Legal Education -Linda Gonzales;
Vice President of Public Relations - Louise Elorreaga;
Vice President of Publications - Heidi Beginski;
Vice President of Programs - Yolanda Pearson;
Secretary - Amanda Smith; Treasurer - Laura Aguilar; and NALA Liaison - Mariann Porter.

The following members were appointed as Officers for State Bar Paralegal Division Liaison - Olga Burkett; Student Liaison -Deja Hayes and Job Bank Coordinator - Clara Buckland. The newly elected and appointed officers were sworn in by the El Paso Bar Association President, Laura Enriquez.

Upcoming Holidays

President's Day –
Monday, February 16, 2015

Cesar Chavez Day –
Tuesday, March 31, 2015

"it may be difficult, if not impossible, to give to the terms 'due process of law' a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as are forbidden. They come to us from the law of England, from which country our jurisprudence is to a great extent derived; and their requirement was there designed to secure the subject against the arbitrary action of the crown, and place him under the protection of the law. They were deemed to be equivalent to 'the law of the land.'" *Id,* at 124-25.

In order to understand the surprising survival of jury trial in the U.S., therefore, we must first examine why it was perceived as an institution worthy of protection in the English constitutional tradition that began with Magna Carta. In this three-part series, I will explain the origins of jury trial in England in the twelfth century, several decades before the Great Charter. I will also explain how King John was perceived to undermine jury trial and due process by personally interfering in the course of justice. Finally, I will explain why the right to trial by jury was extended to criminal cases in 1215. Although the shift toward jury trial in criminal cases began in 1215, the change was not connected to Magna Carta, but rather was a consequence of the Fourth Lateran Council.

To understand Magna Carta, one must begin with the political context, which traces back to the death of King Henry I, the youngest son of William the Conqueror, in 1135. The death of Henry I left two rival claimants to the throne: the king's nephew, Stephen, and the king's daughter Matilda. For nearly twenty years, a bitter civil war was fought between the supporters of Stephen and Matilda, until Matilda's son Henry took control at Stephen's death. King Henry II restored order to the kingdom. By virtue of inheritance and through his marriage to Eleanor of Aquitaine, Henry controlled not only England, but a vast empire stretching from the Scottish border to the Pyrenees. Henry made some significant and lasting reforms to the English judicial system. However, he also became involved in a notorious dispute with Thomas Becket, the Archbishop of Canterbury.

The core of the dispute between the king and the archbishop turned on the question of whether priests charged with crimes could be charged in the king's courts. Archbishop Thomas claimed that they could not, while Henry argued that they could. The dispute was referred to the Pope in Rome and experts in canon law were retained by both sides. At one point, Henry, who was not a scholar, but fond of hunting and feasting, was said to have exclaimed, "Will no one rid me of this turbulent priest?" Four of his knights took this question literally, and murdered the archbishop in his cathedral. If Henry intended to weaken the church in this way, his plan backfired. Henry was forced to do public penance to atone for his sinful words, and Thomas Becket was soon canonized. More importantly, Henry lost the dispute over clerks accused of crimes, who subsequently could claim "benefit of clergy" when brought before the royal courts.

Apart from his dispute with the church, Henry was generally a successful king. The same was true of Henry's successor Richard I, known as "The Lionheart." Richard spent very little time in England, and is best remembered for his victories over the Muslim leader Saladin in the Third Crusade. During Richard's absence, his younger brother John seized power in England, but Richard took control again when he returned to England in 1194. However, at Richard's death in 1199, John became king. Although some revisionist historians have attempted to rehabilitate John's reputation in recent years, he has generally been regarded as one of England's most disastrous kings. In the early years of his reign, John was defeated in several battles against King Philip II of France and consequently lost nearly all his possessions on the Continent. In an attempt to raise funds to win back his French possessions, John raised taxes on his barons in the form of increasing certain feudal dues. These actions were very unpopular, and by 1215, a group of rebel barons began a military campaign against the king. The document that we know as Magna Carta is an attempt at a peace agreement between the king and the barons, in which John made certain concessions in an effort to prevent a civil war.

In fact, Magna Carta did not prevent civil war, and it was repudiated by John within a few months. However, John died in 1216, and his successor Henry III reconfirmed many of the provisions of the original Magna Carta. A few of those provisions are still in force in England to this day, including Clause 29, which deals with justice and due process, including trial by jury. The next article in this series will explain why jury trial was considered worthy of inclusion in the Great Charter.

(To be continued)

JOSHUA C. TATE Is an Associate Professor of Law at Southern Methodist University Dedman School of Law. He is a graduate of Pomona College, the University of Cambridge, and Yale University. He is Honorary Secretary and Treasurer of the Seldon Society in America .

The family of **William Joseph Brady**, late of El Paso, Texas, is looking for the original or copy of the last will and testament which Mr. Brady signed in the office of **Robert Rosenberg on April 18, 1978**. If anyone knows of this will or any will of Mr. Brady, or where Mr. Rosenberg's files may have been archived after he retired, please contact **Carl E. Ryan** at Kemp Smith. His telephone number is **915/533-4424**.

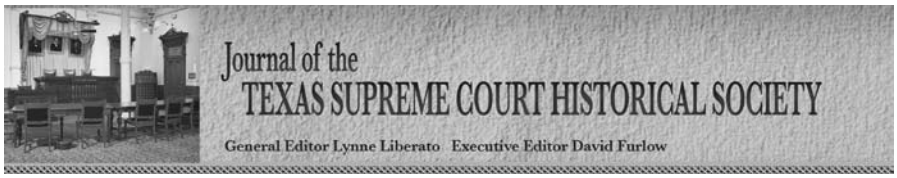
Holiday Party Thank you

We want to give thanks to everyone who helped make our Annual Holiday Party such a big success.

The Committee:
Mark Dore
Kathleen Salome Smith
Yvonne Acosta
Dolores LaSalde

We also want to thank everyone who so generously donated items for the Silent Auction. We were able to donate over $3,000 to the El Paso Bar Foundation.

Thank you from the El Paso Bar Association!!!!



The Lone Star Republic's Supreme Court Wove the Fabric of Texas Lawfrom the Threads of Three Competing Legal Traditions

Republished with permission from the Fall, 2013 issue of the Journal of the Texas Supreme Court Historical Society.

By David A. Furlow

PART 1: MATERIAL DIFFERENCES IN LEGAL CULTURE

I. Three conflicting cultural traditions contended in the Lone Star Republic, empowering the Texas Supreme Court to reshape the warp and woof of American law.

"Who we are," former President John Quincy Adams argued, "is who we were." Adams made that statement in 1841 while arguing the *Amistad* slavery case in the United States Supreme Court, in *United States v.Libellants and Claimants of the Schooner Amistad*, 40 U.S. 518 (518).[1]

> James Madison, Alexander Hamilton, Benjamin Franklin, Thomas Jefferson, John Adams...We have long resisted asking you for guidance, perhaps we have feared in doing so we might acknowledge that our individuality, which we so revere, is not entirely our own. Perhaps we've feared an appeal to you might be taken for weakness…. *We understand now, we've been made to understand, and to embrace the understanding, that who we are is who we were*. We desperately need your strength and wisdom to triumph over our fears, our prejudices, ourselves. [Emphasis added.]

This paper discusses how the Texas Supreme Court came to be the way it *is* by focusing on the way it *was*. The Republic's Supreme Court interlaced the threads of three competing legal cultures to create a rich tapestry of pragmatic jurisprudence.

"Where you stand depends on where you sit," observed Rufus E. Miles, Jr., the Assistant Secretary for Administration in the federal Department of Housing, Education, and Welfare under Presidents Eisenhower, Kennedy and Johnson.[2] "Miles's Law" recognizes the dominant role culture plays in shaping governmental decisions. In Miles's case, the culture was bureaucratic. But the same "where you stand depends on where yousit" rule applies to other institutions, including courts.

Judges, justices, and arbitrators do not render decisions in a factual and legal vacuum. They respond to specific circumstances, usually those presented to them by prosecutors, private parties, or legislatures. Their responses reflect the interaction of many factors, including the decision-maker's intellect, values, emotional condition, cultural heritage, geographic location, family background, source and scope of legal training, and experience, as well as the legal authority that parties, legislative bodies, other judges, or the media bring to their attention (or, brought to their attention in previous cases or research initiatives).

How and why did the Texas Supreme Court's first justices create the unique Texas jurisprudence they wrote across the blank slate of post-Revolution Texas? The jurisprudence crafted by the Republic's jurists enshrined Spain's best Castilian traditions in a written constitution modeled on those in Virginia and other Tidewater Southern states, as liberalized by a Scots-Irish, Back Country culture that sought to protect the impoverished,

largely landless men and women settling on the frontier. The resulting body of law was simple, flexible, toughminded, steeped in centuries-old tradition and, with the notable exception of slavery, more egalitarian than the complicated, ossified Anglo-American norms it replaced, both in Texas and, eventually, in the United States. The Republic's jurisprudence pointed like a compass toward the American future.

Everything has a beginning. Oaks start out as acorns. Calves grow into Longhorns. This paper grew out of an effort to write a modern, Texocentric update of Herbert Baxter Adams's Teutonic "germ" theory of legal history. The "germ" theory of cultural change began when Herbert Adams wrote a book tracing the majestic oak groves of nineteenth-century Anglo-American jurisprudence to the acorns of customary law, tribal self-government, and peer-based, neighboring-farmer jury trials that first germinated in the sylvan glades of ancient Saxony and then spread west, first to England, then to the rest of the British Isles, and, much later, to America.[3]

The germ theory was popular among German, English, and American scholars, jurists, lawyers, and imperialists who took pride in their nations' shared Teutonic ancestry, expanding empires, and innate superiority.[4] The poet Rudyard Kipling memorialized the attitudes that prevailed at the birth of the germ theory when he hailed "The White Man's Burden" of governing a resentful world in need of order, enlightenment, and artillery, a wearisome burden shouldered stoically by the English, reluctantly by Americans, and with excessive enthusiasm by Kaiser Wilhelm's Germany.[5]

The germ theory survived the eclipse of racism, the end of empires, and the assumptions of innate white, male superiority. In recent years scholars not burdened by racism, imperialism, or assumptions of innate superiority have effectively used the theory to explore the origins, evolution, and future of Western traditions and

institutions. A renewed focus on these aspects of Texas's legal traditions can be useful in exploring how the Republic's justices created a unique, innovative body of jurisprudence.[6]

In 1989, Brandeis University Professor David Hackett Fischer published a thought-provoking book, *Albion's Seed: Four British Folkways in America*, that modernized the germ theory of cultural origins. Distinguishing among the four cultures on the basis of twenty-four distinct "folkways,"[7] the book showed how four waves of Englishspeaking immigrants carried their cultural traditions with them when they crossed the Atlantic Ocean between 1629 and 1775. Then it showed how those competing traditions were woven into the fabric of American culture:

1. a *Puritan exodus* from eastern England (Essex, Suffolk, Norfolk, Lincolnshire, and Cambridgeshire) to New England in the eleven years from the years 1629 to 1640;

2. the migration to North America of a *small Royalist cavalier elite* and large numbers of indentured servants from southern and western England to Virginia in the years 1642–1675;

3. the arrival of a *Quaker-dominated influx* from England's northern Midlands and Wales (as well as the Netherlands and Germany) to the Delaware River Valley in the period from 1675–1725; and

4. the entry of successive tsunami waves of *Scots-Irish immigrants* from the border country of northern England, Scotland, and Northern Ireland between 1723 and 1773.[8]

All four of these Albionic groups spoke English, worshipped in Protestant churches, and defended their understanding of Great Britain's heritage of law, liberty, and expansion, yet each exemplified distinctly different ways of understanding and interacting with their world.

The competing systems of law and order created by those four Albionic groups survive today in distinctly different regional traditions, including markedly different approaches to jurisprudence. A judge who grew up in and presided over cases in one of those regions would have viewed his own region's legal traditions as familiar and legitimate, while often perceiving the others' traditions as unfamiliar, outlandish, or illegitimate. Before the Civil War, for example, most Southern judges viewed slavery as a long-established institution deserving protection, while most Northern judges saw the peculiar institution as an abhorrence demanding strong condemnation if not immediate abolition.

Any examination of the myriad ways long-standing cultural traditions affected jurisprudence, in Texas and elsewhere, requires both a cultural and biographical approach to the evolution of law. It requires an honest acknowledgment that "culture wars" about the proper purpose and scope of American law began not at the Democratic Convention of 1968 or the Republican Conventions of 1992, but instead, during the seventeenthcentury founding of the colonies that became America's states.

As discussed later in this article, the second and fourth of Professor Fischer's Albionic seeds played extraordinarily important roles in shaping the jurisprudence of Texas's Supreme Court: the Cavalier culture of the Chesapeake's Tidewater elite and the Scots-Irish culture of the Southern Back Country.

The first of Professor Fischer's Albionic seeds—New England's heritage of a covenanted society, Puritan congregationalism, literary culture, and town-meeting democracy—played a minor role in the Republic's jurisprudence. Anson Jones, the Massachusetts-born physician, congressman, and historian, brought his New England education and many of that region's values to Texas when he served as the Republic's last president. Northerners ready to oppose the entry of another slave state in the Union found President Jones someone they could deal with and respect. His experience growing up in the most literate part of America gave him the confidence to write the best contemporary account of the Republic's history by any of Texas's elected leaders.

One northern-born justice added little to nothing of New England's legal culture to the Republic's highest court. James Robinson, an Indiana-born justice who witnessed the 1840 Council House Fight in San Antonio soon after he left the court under threat of impeachment, found his legal career further interrupted when he was taken prisoner in 1842 by Mexican mercenary general Adrian Woll during Woll's invasion of Texas.[9]

Another justice with northern roots, Vermont-born Royall Tyler Wheeler, had considerably more influence on Texas jurisprudence. Wheeler, a Whig who grew up in Ohio, became part of the Republic Supreme Court in 1844 by virtue of his appointment to the Fifth District Court and then was appointed to the first Supreme Court of the State of Texas immediately after annexation. Although Wheeler later supported secession as the best option for Texas, he joined his fellow "Old Court" colleagues on the court—Chief Justice John Hemphill and Justice Abner Lipscomb—in handing down decisions that protected the rights of slaves and free blacks. After serving twenty years on the Supreme Court, seven as chief justice, Wheeler committed suicide in 1864, when it became clear that the Confederacy would lose the war.[10]

As Anson Jones observed in 1857, Northerners' limited influence in the Republic dwindled to nothing before the Civil War. "The worst feature of Know-Nothingism has achieved a victory, i.e., the *proscription*, not of 'foreigners and Catholics,' but of native citizens, men who happened, half a century ago or more, to have been *born North* of Virginia."[11] [Emphasis added.]

In contrast to Pennsylvania, the Republic of Texas was never a Quaker state. Hence the Delaware River Valley's Quaker ways and consensus politics, the third Albionic seed, did not play a dominant role in shaping Lone Star jurisprudence.[12] A similarly well-educated, anti-slavery, and largely pacifist culture, the idealistic Germans whose immigration to Texas began when Friedrich Diercks, a/k/a Johan Friedrich Ernst, arrived in 1831, did not significantly shape Texas legal culture in the 1830s and 1840s.[13]

There are at least three good reasons to modernize Fischer's "modified germ theory" of American cultural evolution and to apply it to the jurisprudence of the Texas Supreme Court:

first, to make it more expansive to include Hispanic culture, because Spaniards, Mexicans, and Tejanos, each a non-English-speaking group, played a significant role in shaping the Texas Supreme Court's jurisprudence;

second, because Professor Fischer's emphasis on Anglo-American culture relegates the Dutch, Swedish, German, and other northern Europeans to an undeserved, second-class status when they played a major role in shaping "Anglo-American" (really, northern European) legal traditions;[14] and,

third, because Texas's history, culture, and legal system reflect the impact of generations of warfare between Comanche Indians and Tejanos, Comanches and Southern planters, and Comanches and Scots-Irish families.[15]

In addition to the four waves of English immigration identified in Albion's Seed, another set of folkways— Texas's Castilian heritage, Hispanic history, and Tejano culture—helped lay the legal foundations of the Lone Star Republic. The hierarchical freedom customs of Virginia's Tidewater plantation elite strongly

influenced both the constitutional framework of Texas law and the Republic's slave codes. Finally, the often-radical ideas of Jacksonian, Back Country Scots-Irish Southerners blunted the hard edge of Anglo-American common law. They sought to protect "Gone to Texas" (G.T.T.) debtors from "Back East" creditors, enshrine distrust of centralized government, and bar the imposition of high taxes.

The Republic witnessed the clashes of competing cultures. Three contending frameworks of law, power, authority, and freedom collided in the Lone Star Republic:

1. Tejano traditions of Castilian law, Hispanic culture, municipal elections, Catholic religiosity, and the informal dispensation of frontier justice far from the seat of Spanish (or, later, Mexican) governmental administration;

2. a Virginia cavalier culture committed to protecting the life, liberty, property, and Anglican faith of the oligarchical planter elite, including the right to enslave and to exploit poor, largely landless whites for its economic and political benefit; and

3. a Scots-Irish Southern Highlands Back Country antagonism to authority of every kind: against big government, against large creditors, against the high church politics of the Anglican religion, and against taxes almost always deemed to be too high or too redistributionist.

The Republic of Texas offered judges, justices, and lawyers an opportunity to make choices usually denied them as they created a new legal system. No long-standing tradition constrained the high court to abide by the persistent pressure of stare decisis. The justices could, for example, choose to accept and enforce the unified legal system that arose in Texas's Mexican courts. Or they could insist that Texas's new legal system adhere to a centuries-old distinction between common law and equity that the Republic's justices had learned in the American states (typically, Southern ones) where they were trained to practice law. The Texas Supreme Court's early jurists could order from an extraordinarily wide menu of legal traditions.

Chief Justice Hemphill continued Tejano traditions of Castilian community property law, protected family homesteads, and recognized that a woman living on the bloody frontier of Comancheria shared equally in both her husband's work and his risk of violent death. He took the lead in enshrining those community property and homestead protections in a written constitution, transforming them from privileges into inalienable rights, as Tidewater Virginians had done to protect free speech and religious liberty during the American Revolution. He joined with Justice Abner Lipscomb to provide legal protections for the Gone to Texas ("G.T.T.") debtors who shared President Andrew Jackson's fear and loathing of banks and other creditors.

The three predominating strands of Castilian, Tidewater Virginian, and Southern Highlands Back Country legal tradition were woven into the fabric of Texas law during Texas's Republic era. But before moving on to describe how that weaving process took place, this article will uncover the origins of those strands in the centuries before the Texas Revolution.

II. In Spanish and Mexican Texas, Castilian jurisprudence evolved into a distinct form of Tejano frontier justice.

A strong foundation of Castilian law undergirds Texas jurisprudence. Conquistadors, friars, and colonial administrators brought the Castilian law that still survives in Texas's Spanish and Mexican land grants and legal titles, adoption and probate law, community property rights regime, and procedural law. When Castilian law first came to Texas, it was medieval, imperial, often bureaucratic, and always aligned with state-sponsored Catholicism, but that body of law changed over time, becoming more local, less rigid, less hierarchical, more Tejano, and more attuned to the conditions of life in an arid Southwestern frontier plagued by violence, uncertainty, and distance from the imperial capital.

Castilian law governed the Spanish Empire. At the beginning, Castilian law in the Spanish Empire mirrored Castilian law in the Spanish kingdom of Castile. After 1492, Spanish administrators organized their commerce with the recently discovered "Indies." They created the Casa de Contractación, or "House of Trade," in 1503, to govern bureaucratic, state-dominated enterprises.16 Castile, Spain's dominant kingdom, claimed exclusive right to New World lands because the Spanish-born Borgia Pope Alexander VI issued the Bull Inter Cetera (the "Bull of Donation") on May 14, 1493. The Castilian port of Seville maintained its monopoly on the Indies trade.[17] Las Siete Partidas ("Seven Books [or Parts] of Law") governed Spain and its colonies.[18]

Spanish naval commander Alonso Álvarez de Pineda explored Texas's coast in 1519, bringing a shadow of that Castilian law to Texas, but he did not organize settlements.[19] Alvar Nunez Cabeza de Vaca and his companions brought the memory of Castilian law to Texas in November 1528, but, as shipwreck survivors, they played no role in creating the Castilian law that would govern life here in later centuries.[20]

Soon after the founding of Santa Fe, New Mexico, settlers began to live colonial lives under Spanish law.[21] In arid New Mexico, Spain's law of communal water rights evolved in one of the northernmost provinces of the Spanish empire, shaping the context in which Texas law would later arise.[22] The Spanish explorers who came to Central Texas in 1691 and trekked east to the piney woods brought their experiences of Mexico and New Mexico with them. Missionaries Alonso De León and Fray Damián Massanet founded the San Francisco de los Tejas Mission to minister to friendly Tejas Indians.[23]

The first major Spanish effort to settle Tejas occurred after French explorer Louis Juchereau St. Denis led a trading expedition to a Spanish mission on the Rio Grande.[24] Captain Domingo Ramón and a Franciscan missionary, Padre Antonio de San Buenaventura y Olivares, founded the San Antonio de Valero mission along the banks of the San Pedro River in 1718.[25] A savvy Spanish leader, Antonio de San Buenaventura de Olivares, named the new town after the Duc de Béjar, brother of the Viceroy of New Spain.[26] They founded a Franciscan mission along the banks of the San Pedro River, San Antonio de Béjar, later known as the Alamo.[27]

Spanish administrators created a top-down regimen de castas in Texas. Spanish colonial administrators imposed Castile's legal system on the Indian inhabitants of New Spain, then permitted colonists to tweak Castilian law in response to local circumstances. Spain's *regimen de castas* (regime of castes) placed Spaniards atop a steep power pyramid, with people of mixed Spanish and Indian ancestry (mestizos) in the middle, and Indians and Africans relegated to the base.[28] In St. Augustine, Florida, Governor José de Zuñiga declared, in 1702, that Spanish law intentionally and properly discriminated against "Negroes, mulattos, Indians, *mestizos* and other dastardly persons…"[29] Centuries of racebased discrimination preceded the chattel slavery planters and immigrants from the Tidewater South took to Stephen F. Austin's colony in the 1820s and 1830s.

Cannon-filled wall, seventeenth-century Spanish fort; photo by David A. Furlow, 2012

Canary Island notario Francisco de Arocha devised a simple plea and answer system of law in San Antonio de Bexar. The commander of frontier outposts, Martín de Alarcón, continued to east Tejas, the Indian name for the territory north of the Rio Grande, to strengthen the struggling missions that protected the frontier from the French.[30] In March 1731, fifty-five immigrants from Tenerife in the Canary Islands reached San Antonio de Béjar after traveling through Havana, Veracruz, and Saltillo.[31] The *isleños canarios*, the presidio's soldiers, and their wives and children raised the early eighteenth century population of San Antonio to some three hundred people.[32] While the local hidalgos (nobles) expanded their ranching, farming, and mining activities in the second half of the eighteenth century,[33] Canary Islander Juan Leal Gorz filled some of Bexar's earliest records with his litigation against other settlers and officials.[34]

In eighteenth century San Antonio, a member of the Canary Island elite, the self-taught *notario* (notary) Francisco de Arocha, exemplified the *derecho indiano* by creating simplified pleadings for use in resolving disputes.[35] Arocha's notarial role required him to serve as secretary to the *ayuntamiento,* a town council consisting of four *regidors* or aldermen and two *alcaldes*, or justices of the peace with executive power.[36] Arocha required plaintiffs to state their identity, the facts, and the relief sought, while compelling defendants to answer.[37]

By 1731, some five hundred Spaniards lived in Tejas. Thirty years later, the number was 1,160.[38] By 1790, San Antonio had a non-Indian population of fifteen hundred people. Six hundred Tejanos lived around La Bahía (Goliad). Another four hundred lived around Nacogdoches, the successor to Los Adaes, first capital of Tejas.[39] The population of Spanish Texas was growing, but Texas was one of Spain's least-populated Spanish provinces.[40]

Cattle ranching and horsemanship thrived in Spanish Tejas and Mexican Texas. As early as 1565, Spanish settlers and colonial officials began to develop stock-raising and cattle-ranching businesses in the area around Saint Augustine, Florida.[41] The business spread to Santa Fe in 1598, when future governor Juan de Oñate introduced herding and livestock ranching to New Mexico.[42] Like Spain, northern Mexico, and New Mexico, much of Texas was arid and hot in summer, requiring the development of water-management skills. Tejanos drew potable water *acequias* (small, ground-level canals), aqueducts, and dams that resembled those in Spain and Mexico.[43]

Ranchos supplied the Spanish and Tejanos with beef using minimal labor, while *mais* (corn), *tortillas* (bread), and *frijoles* (beans) comprised the traditional diet. Tejano *vaqueros* (cowboys) drove cattle into *corrales* during *rodeos* (roundups) and the *correduria* (cattle drive) that sent up to 20,000 cows and bulls along the Camino Real from Bexar or Goliad northeast to Nacogdoches and from there into the southwestern United States.[44] *Vaqueros* displayed their skills at horsemanship and cattle management during the *dias de toros* (days of the bulls), sometimes culminating in the *carrera de gallo*, where riders demonstrated their skills in the saddle.[45] The cowboy culture and Longhorns began with the Spanish.

Debtor-friendly Castilian civil law contrasted with pro-creditor Anglo-American common law. Spain governed its empire through civil law (*ius commune*) that traced its roots to the sixth century C.E. Justinian Code.[46] Spain's civil jurisprudence involved the application of statutory codes. In contrast, Anglo-American common law developed as judges applied legal principles to cases and reported their decisions.[47]

The medieval legalisms in Spain's *Las Sietes Partidas* exemplified ideals far removed from the grubby reality of the American Southwest.[48]

In 1681, the Spanish government published the *Recopilacion de Indias* (*Recompilation of the Law of the Indies*), a comprehensive body of colonial law that would govern Texas and the rest of the Spanish Empire in North American and the Caribbean.[49] Spain governed Tejas through the *derecho indiano* (Law of the Indies) and enforced it through *regidors*, *alcaldes*, and *notarios* holding court at the Governor's Palace in San Antonio and elsewhere.[50]

Over time, Spanish law became increasingly bureaucratic; administrators issued some 400,000 edicts under the *Recopilacion de Indias* alone by 1635.[51] Tejanos moderated the harsh letter of Spanish colonial law by giving their decision-makers discretion in administration. When Durango attorney Rafael Brucho complained that, "very few contracts would remain standing…if we were to examine them in conformity with the law," he described the state of law in Spanish Tejas at that time.[52]

Castilian law was more debtor-oriented than its Anglo-Saxon counterpart. The Spanish did not use debtor's prison to incarcerate individuals unable to pay a debt. The Catholic monarchs Ferdinand and Isabella enacted laws to ensure that creditors would not deprive a Spaniard of the tools of the trade he needed to carry on a business and to repay creditors.[53] Tejano experience with a debtor-friendly legal regime laid a solid foundation for further liberalization during the Republic of Texas.

Tejanos lived under a system of law without lawyers. Few trained lawyers and judges ventured into the Spanish communities north of the Rio Grande. The exception was New Orleans during the period Spain ruled Louisiana between the 1783 end of the American Revolutionary War and Napoleon's reacquisition of the vast Louisiana territory for France in 1800.[54] The first two *alcaldes ordinarios* in San Antonio were neither trained in law nor well-educated, but they presided over an informal system of justice that had to win the respect, if not the affection, of Spanish subjects living on the frontier.[55] One man who rode the circuit in Tejas and the Spanish Southwest, Pedro Galindo Navarro, was a professional *asesor* (legal assistant) who used a "small library" while working.[56]

No legally-trained judges presided over trials or appeals inside the province of Tejas. No universitytrained lawyers practiced or taught law in Tejas. Spanish authorities provided notice of and enforced the law by circulating a few well-thumbed books to local administrators. Those books helped Spanish officials, ranchers, merchants, and subjects draft simple versions of wills, contracts, and other instruments; prepare simple pleadings; and administer rough justice in the colonial backwater of a worldwide European empire.[57]

When contracts needed clarification, legal issues were complex, or judgments were large, individuals appealed to *audiencias reales* ("royal audiences" serving as appellate courts) in Guadalajara, Chihuahua, Monclova, San Luis Potosí, and Havana, far from colonial Tejas. Parties complained about lengthy, costly, and distant appellate litigation, often complaining that those proceedings were "causing much injury to the parties and considerable delay…"[58] In Tejas, appeals could ascend to the king in Madrid, if the appellant first appealed through an *Audiencia Reale y Chancillaria* (Royal Audience and Chancellery), which could include a *presidente,* several *alcaldes de corte* (chief magistrates in a town), a *fiscal* (treasurer), and an *alguacil mayor* (constable).[59] The image below depicts the centralized, imperial, bureaucratic nature of Spanish law in Mexico and the northern parts of Mexico, including New Mexico and Tejas.

An *audiencia* was structured as follows:

The King of Spain (Madrid)
▲▲▲
The Council of the Indies
▲▲▲
The Audiencia of Guadalajara
Civil § Criminal
▲▲▲ § ▲▲▲

Lower courts and administrative agencieswith jurisdiction over subjects in Spanish Tejas[60]

Two appellate systems evolved in North America from the sixteenth century onwards: first, an *audiencia* in Mexico City, in 1527, and, later, a second *audiencia* in Guadalajara, beginning in 1548. The components of the *audiencia* system were as follows:

- **Two chambers**: one civil, one criminal.
- **Civil chamber**: eight *oidores* (judges) and one *fiscal* (treasurer).
- **Criminal chamber**: four *alcaldes del crimen* and its own *fiscal*.
- **Other employees**: notaries, bailiffs, and the equivalent of public defenders.
- **Formal address**: collectively, "*vuestra merced*" ("your grace") and directly as "*señores*."[61]

The localization and liberalization of Castilian law created an informal system of Tejano justice for a distant, violent frontier province. Tejano citizens elected and carried out the orders of their *alcaldes* and *ayuntamientos*, and judged their fellow citizens according to the pigment of their skin, that is, the law discriminated between *gente de razón or gente sin razón*.[62] In Tejas, plazas dominated town centers. Cathedrals, chapels, and chanceries dominated the east side of Tejas's few plazas. Presidios, customs houses, and, in San Antonio, the Governor's Palace, occupied the plaza's western side.[63]

Castilian law and Tejano custom governed business affairs and disputes that began in the municipality of Bexar and other Spanish towns. The configuration and public spaces of each municipality mirrored those of Spain and Mexico, with the *ejido* (commons), *tierra de pasto* (common pasturage), and *propios* (land the municipality rented to others).[64]

Spain's governors ruled not by the letter of the law but through discretion. One leading jurist, Francisco Suarez, summarized his willingness to liberalize the law in response to local circumstances by declaring that, "*Se obedece pero no se cumple*" ("I obey the law but I do not execute it.").[65]

In eighteenth century San Antonio, a member of the Canary Islands settler elite, the self-taught notario (notary) Francisco de Arocha, exemplified the *derecho indiano* by creating a simplified set of pleadings for Spanish subjects to use in resolving disputes.[66] Arocha's notarial role required him to serve as secretary to the *ayuntamiento,* a town council consisting of four *regidors* or aldermen and two *alcaldes*, or justices of the peace with executive power.[67]

Arocha required plaintiffs to simply state their identity, the facts supporting their claim, and the relief sought, while compelling defendants to answer, a simple and pragmatic system of pleading. The legal records of majority-Hispanic

towns such as San Fernando and La Bahia (Goliad) in the San Antonio River valley, San Augustine and Nacogdoches in East Texas, Laredo in southwest Texas, and El Paso del Norte (old El Paso, now in Texas, then part of New Mexico) reflect a continuing de-formalization of Castilian law in Tejas during the late eighteenth and early nineteenth centuries.[68]

Localization and liberalization accelerated as Spanish power declined.[69] In 1810, Spain's *Cortes*, its legislature, began enacting laws to improve the legal position of Indians and mestizos; then, in 1812, it enacted the Law of Cadiz to abolish racial distinctions in the empire.[70] When Mexico declared its independence in 1821, the Plan de Iguala declared that all Mexicans were citizens entitled to equality regardless of race.[71] The Tejanos at last attained equal status with Castilians.

By the early nineteenth century, Spain's Inquisition-enforced Catholicism devolved into a nominal frontier Catholicism. State-supported churches left religion in local hands, while the Catholic hierarchy in Mexico City abandoned evangelism along the northern frontier.[72] J. C. Clopper, an Anglo living in 1820s era San Antonio, declared that Bexareño spirituality involved little more than repetitions of "Our Fathers," "Ave Marías," and "Credos." Tejanos celebrated their living faith in the Feast of Corpus Christi, at Christmas, and during other holidays, but an increasingly independent-minded Tejano religious community began turning away from Mexico City and toward their own spiritual and political leaders.

Tejano Monument, Texas Capitol grounds; photos by David A. Furlow, 2012

Castilian law after the Mexican Revolution. As imperial Spanish power declined, local power grew in Mexico and other provinces of the Spanish Empire. Rebellions against Spanish power occurred throughout South, North, and Central America in the first decades of the nineteenth century. After Mexico gained its independence in 1821, its leaders created their own model of trial and appellate courts, which governed Coahuila and Texas, under the structure depicted below:

The Mexican Supreme Court Justices, sitting in Mexico City
▲▲▲
The Court of Appeals of Coahuila y Texas Judges, sitting in Monclava
▲▲▲
Alcalde courts in Coahuila and Texas

In the 1820s, Moses Austin and Stephen F. Austin, a father and son team of American entrepreneurs, asked permission, first from Spain and then from Mexico, to recruit Americans from the Southern United States. They offered to fill the largely vacant lands along Mexico's bloody northern frontier with Comancheria, the realm of the Comanches. The Austins received that permission and took steps to attract a new and fundamentally different population of settlers to Texas.

III. In the 1820s, Southern plantation owners introduced Virginia's cavalier culture, hegemonic freedom, and plantation slavery into Mexican Texas.

"How is it," Dr. Samuel Johnson asked in 1775, "that we hear the loudest yelps for liberty among the drivers of negroes?"[73] The Southern planters who came to Texas in the 1820s and 1830s protected the Tidewater Chesapeake's rule of law, yet preserved a hegemonic freedom to enslave others. In the seventeenth, eighteenth, and nineteenth centuries, Virginia's planter aristocracy fought in George Washington's army, supported James Madison's creation of constitutional checks and balances, and rallied to Thomas Jefferson's defense of religious freedom.

The Virginia-born Founding Fathers changed the world, but their plantation-owning colleagues also wrote and enforced Virginia's slave codes.[74] The Tidewater slavocracy elevated their liberties and property rights far above their concern for the lives of the many slaves who toiled to make their tobacco, indigo, and, later, cotton plantations profitable.

Virginia's plantation elite equated freedom with the power to enslave and exploit others for their personal benefit. "Virginia ideas of hegemonic liberty conceived of freedom mainly as the power to rule, and not to be overruled by others."[75] The eighteenth-century English poet James Thomson summarized the Tidewater elite's idea of hegemonic freedom in his poem

Rule Brittania:

> *When Britain first, at Heaven's command,*
> *Arose from out of the Azure main,*
> *This was the charter of the land,*
> *And guardian angels sang this strain:*
> *Rule, Britannia,*
> *Britannia, rule the waves;*
> *Britons never, never, never,*
> *will be slaves.*[76]

No Virginia cavalier would ever submit to the "slavery" that must result from any governmental interference with his right to enslave and exploit others for his benefit.[77]

William Fitzhugh, a late-seventeenth-century "Lord of the Potomac" and a legally-trained lawyer living in the Northern Neck's Westmoreland County, acknowledged that Virginians were "natural subjects to the king" whose commands they obeyed.[78] Yet he also insisted upon their entitlement to the "due course of law" under the "laws of England." If Virginians ever surrendered their rights as freeborn Englishmen, they would no longer be freemen, but slaves.

The planters' concept of "hegemonic liberty" envisioned an aristocracy of the mind, where refined taste, governmental service, and adherence to the Anglican faith defined a well-ordered, hierarchical society. One English visitor concluded that Virginia's plantation-owning elite was "haughty and jealous of their liberties, impatient of restraint, and scarcely [able to] bear the thought of being controlled by any superior power."79 They felt entitled to exercise a free-born Englishman's power to rule a segregated, stratified society.80 The elite enjoyed a right of *laisser asservir*, to enslave and exploit others.[81]

During the 1820s and 1830s, some of those planters left their family estates in Virginia, the Carolinas, and Georgia to buy cheap land in a northern province of Mexico. When their slaves and overseers joined them, they would become the lords of Stephen F. Austin's colony in Texas.

★ ★ ★ ★ ★ ★ ★

In Part II of this article, we'll examine how a growing number of political, military, and cultural conflicts among Mexican military and political authorities, independent-minded Tejanos, Southern plantation owners aiming to create a slavocracy, and an influx of poor but proud Scots-Irish immigrants from the Back Country of the Southern United States erupted in the Texas Revolution.

(*To be continued*)

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Endnotes

1 *See* Jack Stanley, *The Amistad Speech before the Supreme Court by John Quincy Adams: As We Reflect on Liberty, Let Us Reflect on the Wonder of this Great Man* History in the Raw (The Bare Facts of History that You Don't Get to Read Very Often), *available at* http://edisoneffect.blogspot.com/2007/07/amistad-speech-before-supreme-court-by.htm (July 1, 2007, 10:08 AM) (the website quotes much of President Adams's oral argument).

2 Rufus E. Miles, Jr., *The Origin and Meaning of Miles' Law*, 38(5) Pub. Admin. Rev. 399-403 (Sept.–Oct. 1978); Obituary, *Rufus Miles Jr., 85, Aide to 3 Presidents*, N.Y. Times (April 15, 1996), *available at* http://www.nytimes.com/1996/04/15/nyregion/rufusmiles-jr-85-aide-to-3-presidents.html.

3 *See generally* J. M. Vincent, *et al.,* Herbert B. Adams: Tributes of Friends, with a Bibliography of the Department of History, Politics, and Economics of the Johns Hopkins University, 1876–1901 (1902); Jean Yarbrough, Theodore Roosevelt, and the American Political Tradition 5–6, 30, 55, 81 (1912).

4 *See* David M. Rabban, Law's History: American Legal Thought and the Transatlantic Turn to History 87–91 (2013) (discussing the "germ" theory, its proponents, and its variations).

5 *See* Rudyard Kipling, *The White Man's Burden: The United States and the Philippine Islands*, McClure's Magazine (Feb. 1899), at 12; *see also* Wikipedia, White Man's Burden, http://en.wikipedia.org/wiki/The_White_Man's_Burden (last modified Oct. 6, 2013) ("Take up the White Man's burden, In patience to abide, to veil the threat of terror[,] And check the show of pride; By open speech and simple, An hundred times made plain, To seek another's profit, And work another's gain."). Modern scholars no longer accept Kipling's idea that Britain created history's largest empire "to seek another's profit, [a]nd work another's gain."

6 *See generally* James L. Haley, The Texas Supreme Court: A Narrative History, 1836–1986 17–65 (2013) [hereinafter Narrative History]; Randolph B. Campbell, Gone to Texas: A History of the Lone Star State 128–238 (2003) [hereinafter Gone to Texas]; Randolph B. Campbell, An Empire for Slavery: The Peculiar Institution in Texas, 1821–1865, 50–209 (1989).

7 *See* David Hackett Fischer, Albion's Seed: Four British Folkways in America 8–9 (1989) [hereinafter Albion's Seed]. Certain folkways are useful in analyzing a cultural group's legal norms: work ways, rank ways, social ways, order ways, power ways, and freedom ways. *See id.* at 9.

8 *See id.* at 6–7.

9 *See* L. W. Kemp, *Robinson, James W.*, Handbook of Texas Online http://www.tshaonline.org/handbook/online/articles/fro37 (last visited Sept. 30, 2013).

10 *See* H. Allen Anderson, *Wheeler, Royal T.*, Handb ook of Texas Online http://www.tshaonline.org/handbook/online/articles/fwh09 (last visited Sept. 30, 2013); and Michael Ariens, Lone Star Law: A Legal History of Texas 19, 24–26, 28 (2011) [hereinafter Lone Star Law]. Wheeler grew up, obtained an education, and began practicing law in the North, where education enjoyed more respect and approval than in the South, where lawyers, judges, and justices relied far more frequently on "natural law" theories of justice that did not require a scholarly exposition. This helps to explain Wheeler's obvious frustration with fellow Texas Supreme Court Justice Abner S. Lipscomb, a South Carolinian, who routinely issued plain English opinions without authorities or ornamentation. In a September 20, 1849 letter to Oran M. Roberts, who would later take a bench on the Texas Supreme Court, Wheeler criticized Lipscomb's opinions as "crude, superficial, partial and totally defective in legal accuracy and precision and habitually so." Lone Star Law, at 25.

11 *See* Anson Jones, Memoranda and Official Correspondence Relating to the Republic of Texas, Its History, and Annexation, 1836–1846, 627 (Rio Grande Press 1966) (1859) (reprinting a November 25, 1843 letter to Anson Jones from Edward Morehouse).

12 *See* Albion's Seed, at 13–205, 419–603 (discussing the Puritan/East Anglian migration, its creation of New England, and its spread westward to through Indiana, Illinois, to Washington, Oregon, and northern California; and describing the North Midlands migration to the Delaware River Valley and the origins of the Quaker culture, the rise of Mormonism, and westward expansion).

13 *See* Walter Struve, Germans & Texans: Commerce, Migration, and Culture in the Days of the Lone Star Republic 39–79 (1996); Terry G. Jordan, *Germans*, Handbook of Texas Online, http://www.tshaonline.org/handbook/online/articles/png02 (last visited Sept. 30, 2013).

14 *See generally* David A. Furlow, *Historical Origins of American Appellate and Constitutional Law*, *in* UTCLE, Conference on State and Federal Appeals (2009).

15 *See* S.C. Gwynne, Empire of the Summer Moon: Quanah Parker and the Rise and Fall of the Comanches, the Most Powerful Indian Tribe in American History 84–114 (2010); *see generally* Ray Billington, Frederick Jackson Turner: Historian, Scholar, Teacher (1963).

16 *See* J. Barto Arnold, III & Robert S. Weddle, The Spanish Shipwrecks of 1554. The Nautical Archaeology of Padre Island 63

(1978).

17 *See id*.

18 *See generally* Gullermo F. Margadant, *The General Structure of the Law of New Spain, in* State Bar of Tex. Prof. Dev. Program, The

Influence of Spain on the Texas Legal System (1992).

19 *See* Gone to Texas, at 26; Robert Weddle, *Alvarez de Pineda, Alonso*, Handbook of Texas Online, http://www.tshaonline.org/handbook/online/articles/fal72 (last visited Mar. 30, 2013).

20 *See* Narrative History, at 3–4; Gone to Texas, at 27–32.

21 N icholás Kanellos, Hispanic Firsts: 500 Years of Extraordinary Achievement 71 (1997) [Hispanic Firsts].

22 *See* Hans J. Baade, *Marriage Contracts in French and Spanish Louisiana: A Study in "Notarial" Jurisprudence,* 53 Tul. L. Rev. 1, 35 (1978); David J. Weber, The Spanish Frontier in North America 172–338 (1992) [Spanish Frontier].

23 *See* T. R. Fehrenbach, *San Antonio, Tx.,* Handbook of Texas Online, http://www.tshaonline.org/handbook/online/articles/hds02 (last visited Apr. 10, 2013); Robert S. Weddle, *San Francisco de los Tejas Mission*, Handbook of Texas Online, http://www.tshaonline.org/handbook/online/articles/uqs15 (last visited Apr. 6, 2013).

24 *See* Mike Fowler & Jack Maguire, The Capitol Story: Statehouse in Texas 4–5 (1988).

25 *See* Arnold de León, The Tejano Community 1836–1900, 1 (1997) [Tejano Community]; Lone Star Law, at 4; Amelia Williams, *Alamo,* Handbook of Texas Online, http://www.tshaonline.org/handbook/online/articles/uqa01 (last visited Apr. 5, 2013); Spanish Frontier, at 161–63.

26 *See* Furlow, *Spanish Texas*, J. Tex. Sup. Ct. Hist. Soc'y, at 3.

27 *See* Lone Star Law, at 4; Spanish Frontier, at 161–63.

28 *See* Laura E. Gómez, *Off-White in an Age of White Supremacy: Mexican Elites and the Rights of Indians and Blacks in Nineteenth-*

Century New Mexico in "Colored Men" and "Hombres Aquí": *Hernandez v. Texas* and the Emergence of Mexican-American

Lawyering 5–6 (Michael A. Olivas ed., 2006) [hereinafter Hombres aqui].

29 *See* Spanish Frontier, at 327, 476 n.123 (quoting Kathleen A. Deagan, *Mestizaje in Colonial St. Augustine,* in Ethnohistory 61 (1973)

[hereinafter *Mestizaje*]); John Moore, Revolt in Louisiana: The Spanish Occupation: 1776–1770, 56 (1976) [Spanish Occupation];

Basque, *Law and Order in Texas, 1776–1786*, in El Campanario 24, 27 (1988) [hereinafter Basque].

30 *See* Spanish Frontier, at 163–64.

31 *Id.*

32 *Id.*

33 *Id.*

34 *See* Narrative History, at 8.

35 *See id.* at 7; *see generally* Joseph W. McKnight, Hispanic Legal Precedents (1716–1836): Law on the Spanish Frontier (2007)

(unpublished manuscript) (on file with author) [hereinafter Hispanic Legal Precedents].

36 *See* Narrative History, at 7.

37 *Id.*

38 *Id.* at 194.

39 *Id.* at 195.

40 *See* Hans J. Baade, *Marriage Contracts in French and Spanish Louisiana: A Study in "Notarial" Jurisprudence,* 53 Tul. L. Rev. 1,

35 (1978); Spanish Frontier, at 172–338.

41 *See* Hispanic Firsts, at 21.

42 *See id*.

43 *See* Tejano Community, at 6.

44 *See id.* at 5.

45 *See id.* at 6.

46 *See* Lone Star Law, at 5.

47 *Id*. at 5.

48 *See* Enrique R. Carrasco, *Law, Hierarchy, and Vulnerable Groups in Latin America: Toward a Communal Model of Development in a Neoliberal World,* 30 Stan. J. Int'l L. 221, 263 (1994).

49 *See* Hispanic Firsts, at 71.

50 L one Star Law, at 5–6; Furlow, *Spanish Texas*, at 5; *see also In re Adjudication of Water Rights in the Medina River Watershed of the San Antonio River Basin*, 670 S.W.2d 250, 252 (Tex. 1984).

51 *See* Hispanic Firsts, at 71.

52 *See* Spanish Frontier, at 325, 475, n.114 (quoting Charles R. Cutter, The Protector de Indios in Colonial New Mexico, 1659–1821, 91 (1986)).

53 *See* Narrative History, at 56.

54 *See* Spanish Frontier, at 325, 475, n.115; John Jay TePaske, The Governorship of Spanish Florida, 1700–1763, 58–76 (1964); Marc Simmons, Spanish Government in New Mexico 176–80 (1968); Basque, , at 17-48; Joseph McKnight, Law Books on the Hispanic Frontier 74–84 (1988).

55 *See* Lone Star Law, at 6.

56 *See* Narrative History, at 7.

57 *Id.*; *see also* Dr. Francis Levine, René Harris & Josef Díaz, *Spanish Administration of the North American Territories, in* The Threads of Memory (El Hilo de la Memoria): Spain and the United States (Espana y los Estados Unidos) 23 (2011) [hereinafter Threads of Memory]("The Spanish presence in Texas was the weakest of all the colonial governments. The frontier province was the smallestand most insecure on the borders of New Spain.").

58 *See* Spanish Frontier, at 325 (quoting Desert Documentary: The Spanish Years, 1767–1821, 86–92 (Kieran McCarty ed. & trans., 1976); *see also* Mardith Keithly Schuetz, *Professional Artisans in the Hispanic Southwest: The Churches of San Antonio, Texas,* 40 The Americas 17, 19 (1983) (appeals in Tejas).

59 *See* Ricardo Donato Salvatore, Carlos Aguirre, and Gilbert Michael Joseph, Crime and Punishment in Latin America: Law and Society since Late Colonial Times 54 (2001); *see, e.g.,* Felipe Guaman Poma de Ayala, El Primer Nueva Corónica y Buen Gobierno, *in* The First New Chronicle and Good Government 488 (1616), *available at* http://www.kb.dk/permalink/2006/poma/ info/es/frontpage.htm (last visited June 15, 2010).

60 *See generally* Lillian E. Fisher, Viceregal Administration in the Spanish American Colonies (1926) [hereinafter Viceregal Administration]; J. H. Parry, The Audiencia of New Galicia in the Sixteenth Century: A Study in Spanish Colonial Government (1948) [hereinafter Audiencia of New Galicia].

61 *See generally* C. H. Harding, The Spanish Empire in America (1947).

62 *See* Tejano Community, at 5.

63 *See id.* at 113–21..

64 *See id.*, at 5.

65 *See id.*, at 3; Carrasco, 30 Stan. J. Int'l L. at 265.

66 *See* Narrative History, at 7; *see generally* Hispanic Legal Precedents.

67 *See* Narrative History, at 7.

68 *See* Lone Star Law, at 6; Joseph W. McKnight, *Law,* The Handbook of Texas Online, http://www.tshaonline.org/handbook/online/ articles/jzlph (last visited Jan. 13, 2013) [hereinafter *Law*].

69 *See* Lone Star Law, at 7–8; *Law*.

70 Hombres Aqui at 6.

71 *See id.*

72 *See* Tejano Community, at 8.

73 S amuel Johnson, Taxation No Tyranny: An Answer to the Resolutions and Address of the American Congress (1775), *excerpts*

available at http://www.samueljohnson.com/tnt.html (last visited April 2, 2013), *quoted in* Albion's Seed, at 410.

74 *See* Albion's Seed, at 412–14.

75 *See id.*

76 *See* James Thomson, Alfred, act 2, scene 5 (1740).

77 *See* Albion's Seed, at 411—12..

78 *See* William Fitzhugh and His Chesapeake World 1676–1701: The Fitzhugh Letters and Other Documents 72 (Richard Beale Davis ed. 1963) (reprinting an April 7, 1679 letter from William Fitzhugh to Thomas Clayton).

79 *See* T.H. Breen, Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution 244 (2001).

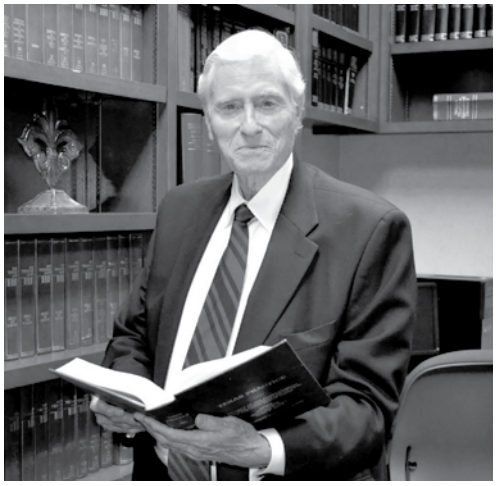
80 *See* Albion's Seed, at 374–405.

81 *See id.* at 207–56, 405–18.

Senior Lawyer Interview

James Madison Speer, Jr.

By Clinton F. Cross



This month I talked with Jim Speer about his life and career at his office at 300 E. Main Drive in El Paso. I found the Clint Murchison, Jr. story so interesting that I then purchased "The Murchisons: The Rise and Fall of a Texas Dynasty" by Jane Wolfe. When I finish reading the book, I will donate it to the El Paso County Law Library. It will be available for checkout in the event anyone else would like to read it.

CROSS: Tell me about your family.

SPEER: The first Speer in my line in America was William Speer, born in County Antrim, Ireland. He immigrated to America in 1772, my grandmother claimed on the same boat as Sam Houston's parents, and married a girl named Margaret Houston. My grandfather grew up in Atlanta, Georgia but around 1895 moved to Bell County, Texas. He owned a grocery store in town and a farm outside town, on which he built a race track. He and his wife had 12 children, seven sons. My father was named after James Madison and five of his brothers were also named after Presidents of the United States.

My father was first a semi-pro baseball player, later a pharmacist. He was active in politics all his life. He actively opposed the Ku Klux Klan and helped clean off a black man's tar and feathers when he sought his help. When Klansmen showed up the next day to threaten him, he pulled out a Colt Peacemaker revolver and gave them thirty seconds to get out his front door. He was very active in the Texas Young Democrats club in the late 1930s. As a result, I shook hands with Franklin Roosevelt when I was three years old. Through my father, I also knew Lyndon Johnson.

Around 1936, my father moved to the Panhandle, where I grew up.

CROSS: Any other lawyers in the family?

SPEER: I will skip the Speers in the 19th Century from South Carolina and Georgia, several of whom fought for the Confederacy in the United States Civil War. In the 20th Century, Ocie Speer was my cousin and lived on the top floor in the Stephen F. Austin Hotel while I was in law school, and I visited him frequently. In the early 1900's he served on the Court of Civil Appeals in Fort Worth, and then in 1925 joined the Commission of Appeals. Although not a supporter of 'Ma' Ferguson, he represented her when she was barred from running for governor, and he succeeded in having her name placed on the ballot. In the 1950's, he assisted J. Chrys Dougherty in representing the State of Texas in the Tidelands oil case. In the 1950's he wrote books on constitutional law and family law and was recognized as an authority in both fields.

My sister Dana Speer is a lawyer, practicing in Houston.

My brother Robert T. Speer is also a lawyer. He lives in Dallas.

My niece Tyra Rankin is a lawyer in Houston who represents Lukoil, a huge Russian company now doing business with Pemex.

Another lawyer niece is Christina Speer who is married to a German lawyer and lives in Frankfort, Germany where she works for the United State's foreign service, specializing in European bank fraud.

My nephew, Major Tyler McIntyre, a graduate of West Point and veteran of two tours in Iraq, is Chief of the Criminal Law Division for the Headquarters of the United States Army in Alaska. He is responsible for preparing all legal actions for the Commanding General, overseeing prosecutions, and training the lawyers under his command.

CROSS: Getting back to Jim Speer, where did you grow up?

SPEER: Because I was too young to be admitted to the public schools, I started school in a private Lutheran school in Littlefield, Texas, where all twelve grades were housed in one room. I was valedictorian in the eighth and twelfth grades in Olton, Texas, 30 miles north of Littlefield. I then went to Rice University, but later transferred to Texas Tech and then to the University of Texas, graduating in May, 1954. Finally, I went to the University of Texas Law School. Malcolm McGregor, Woodrow Bean, Don Studdard, William Mounce and Sam Paxson were all in my class, and Sam Paxson was my Moot Court partner Woodrow Bean was editor of the law school yearbook called the *Perigrinus*.

When I was in law school, I shared an apartment on Barton Springs one summer with two other students, one of whom was on the U.T. swimming team and dated my younger sister. Later, he went to the moon. His name is Alan Bean.

I graduated with an LLB in 1957, which I later exchanged for a Doctor of Jurisprudence certificate.

CROSS: Then what?

SPEER: In the summer of 1957, my classmate Bill Mounce suggested I apply for a job in the land department of the El Paso Natural Gas Company. I got the job and worked with former County Judge Jack Ferguson. After about six months, the gas company sent me to Amarillo for two years.

CROSS: How did you end up in private practice?

SPEER: I wanted to do it. I talked to Ted Andress (Andress High School is named after him) about going into private practice, and he recommended I talk to Ray Pearson. I walked across the street and Ray hired me in 15 minutes. We ended up in practice together for eighteen years. When I was there, the firm grew in size to about seven lawyers, including Ray Caballero, Barney Oden, Labron Hardie, Ted Hollen, and Robert Warach.

I respected and liked Ray and the other members of the firm enormously, but I had to leave when I had assumed fiduciary responsibilities under the will of William R. Weaver. Weaver manufactured telescopic rifle sites in El Paso. It was a job that required all of my time.

Thereafter, I served "as counsel" for the Grambling, Mounce, Sims and Galatzen law firm.

In the early 1980's, John Murchison, Jr., who was Clint Murchison, Jr.'s nephew, hired me to protect his interest in Murchison Brothers, who owned the Dallas Cowboys and other family

assets (such as the Tony Roma restaurants and the Dallas Cowboys).

Murchison Brothers started the resort in Vail, Colorado, and they owned the Santa Anita race track near San Diego. They were the founders of the Dallas Cowboys football team. John died in an automobile accident and his son John Murchison, Jr. then took over the responsibilities for managing his father's interests.

Clint Murchison, Jr. became a multi-millionaire but he also took lots of risks and then he got sick. Clint, Jr. got Lou Gerigh's disease and while he retained his full mental capacities he was physically debilitated, shook and could not speak clearly. The Murchison were represented by the Jenkins and Gilcrest law firm that, incidentally, was actively involved in the development of the Cielo Vista shopping center here in El Paso and the Tony Roma restaurants. John Murchison, Jr. did not want Clint, Jr. to use John's assets in his risky business enterprises. So John, Jr. sued Clint, Jr., seeking a partition of the assets. I represented him in the family litigation.

Clint, Jr. reached a point where he could not pay all of his creditors, and he finally decided to sell the Murchison Brothers' most precious asset, the Dallas Cowboys. The sale of the Dallas Cowboys created a creditor panic. Many creditors who had previously been willing to defer payments on notes past due were no longer willing to wait and filed suit against Clint, Jr., finally forcing him into bankruptcy.

After that litigation ended, American Lawyer magazine wrote an extensive article and several books were written, in which my role was prominently mentioned.

CROSS: After that litigation was finally resolved, what did you do?

SPEER: I joined a well-known law firm in Dallas called Story, Armstrong, Steeger, and Martin. The firm eventually dissolved.

CROSS: Bad news. What did you do then?

SPEER: Before I went to Dallas, I had represented the El Paso County Water Improvement District Number 1 which handled the irrigation water out of the Rio Grande River. The manager asked me to return to El Paso and assist with obtaining a Texas water permit. I then renewed my representation of the District, and that has been the bulk of my practice since then.

The El Paso County Water Improvement Irrigation District Number 1 is part of the Rio Grande Reclamation Project created by Congress in 1905. The District is a political subdivision of the State of Texas, formed under Article 16, Section 59 of the Texas Constitution.

The reclamation project led to the construction of Elephant Butte dam. When the dam was finished in 1917, El Paso began to grow as a city. Before then, the river was dry during the summer months. The Project and the District have become increasingly important to El Paso. This District now supplies about fifty percent of the City of El Paso's water every year.

In 1938 Colorado, New Mexico and Texas entered into the Rio Grande Compact to divide the Rio Grande waters among the three states. The Compact has a Commission appointed by the governors of the three states. El Paso attorney Pat Gordon is the Texas Rio Grande Compact Commissioner.

We have had a lot of litigation over the river in recent years. I have represented the District before the Fifth and the Tenth Circuit Courts of Appeals and in Texas and New Mexico state courts.

The District is engaged in complex litigation today. The State of Texas has sued the State of New Mexico and the case is presently pending in the United States Supreme Court alleging underdelivery of water required by the Rio Grande Compact to be delivered by New Mexico to Texas. I have filed an amicus brief in this case on behalf of the District.

CROSS: Family?

SPEER: My wife Blanca and I have been married more than 46 years. We have two children and six grandchildren.When I was in Dallas, and belonged to the Dallas Bar Association, Blanca was very active in the ladies' bar auxiliary, managing all parties held in the Belo Mansion, owned by the Dallas Bar.

CROSS: Do you have a concluding comment?

SPEER: I feel that I have been helpful and am still helping deserving people through my law practice. I am very proud of having belonged to the El Paso Bar Association, which I have always considered to be an outstanding association. I have enjoyed appearing in front of excellent state and federal judges. I am very happy and privileged to be a lawyer.

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

Advance Sheet, 1317 A.D.

By Charles Gaunce

From the pleas of Hilary Term in the Eleventh Year in the Reign of King Edward, the son of King Edward

A woman vouched to warranty one J., who came into court and asked by what she wished to bind him to warrant.

Denham put forward a charter which willed that he had given the tenements claimed, for the advancement of the woman in frank-marriage, to her heir and to the heirs issuing from her body, to hold of him by certain services, the reversion being warranted to himself and to his heirs.

Scrope. We ought not to warrant this deed, for at the time when it was made we were not of good memory. Ready etc.

Denham. The reversion is reserved to you by deed. So do you claim anything in the reversion?

Scrope. A man can be vouched in many ways. But as you have not vouched me [either by reason of the reversion] by reason of the services, but by deed, you cannot resort to binding us to warrant by reason of the reversion.

Denham. Of good memory. Ready etc.

And the others to the contrary.

The rule that is drawn from the above exchange is that if it appears that one person vouches by reason of a deed, that person cannot then seek to vouch through another means, nor hold the vouchee to warrant in some other way. The actual facts are somewhat convoluted.

A fee given in frank-marriage is essentially what we recognize today as a wedding gift of

lands to be held by the marriage couple, and their heirs, until the fourth degree of consanguinity from the donor passed. Thus, after the donor's last great-great-great grandchild passes, the fee reverts to the donor (or, at least, the donor's other heirs). It's a gift almost guaranteed to create a family rift generations later. So the daughter received such a gift, but the deed also contained language to the effect that it was given in return for services to be performed by the daughter and her heirs. What's a daughter to do? Naturally, she sued dad for a judicial determination of whether the land was hers free and clear of any obligation, or whether she, her husband, and their children, and their children's children, and their children's children's children had to continue to support the old man and the rest of his brood. The court held that if you give a deed, you give away the land without any obligation for personal service attached thereto. And thus, there is a new rule.

Ah, the common law in all of its glory.

As both of the readers who regularly read my scribbling may have discerned, it is fairly easy to make the case that the common law, being judge made, is really hinged upon two principles: first, stare decisis, and second, making it up as you go along when there is no precedent to follow. So the question arises, if the fundamental basis of the common law is that the rules are simply made up as things went along, why is Magna Carta viewed as a great advancement in English jurisprudence? The answer to this is really quite simple. Magna Carta imposed a procedural barrier to jurisprudence by fiat – the right to a jury trial. While people can always find reasons to complain about the lack of justice delivered to them by the government, it is generally more difficult for those persons to make the case that the community at large is out to get them. People listening to those complaints are quick to write them off as the ranting of another dissatisfied customer. A jury trial insulates the government, in no small regard, from the decisions of the jury. As applied to our case at bar, does the ruling of the court settle the intra-family dispute? Or does it serve to let the father feel more aggrieved at the hand of his daughter? Would the dispute be more finally settled among the family members if it was resolved by a community decision rather than judges pronouncing a new rule from the bench?

While the case was decided a hundred years after the first Magna Carta, and in a proceeding that more closely resembles a summary judgment, as it was determined on a matter of law alone (albeit a newly made-up point of law), is the point of judicial resolution of disputes to simply decide the matter, or to resolve the dispute among the claimants? A jury trial goes a long way toward resolving the dispute. But then again, getting it right can be so much more expensive.

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

Some Thoughts on Valentine's Day

Gifts

By Donna Snyder

What I see is you as a sweet boy
Stammered desire
I see me made young, too

Absence of gamesmanship
Absence of fear
Need transformed

What I see is me with no anger
Satisfied with exactly what is offered
What is freely given

Absence of time
Absence of empty
Presence of ageless mind

What I see is you sweet
Ironic
Paying attention
Getting it right

What I see is me gentled
Effulgent
Not even too much

You a gift to the waters
Me a gift from the sea

Midnight Song

By Jesús B. Ochoa

Love, do you mind if I call you Love?
It seems that surely we could by now
be not quite so formal, that we could shy
away from strict convention and try
to embrace a mutual, firm and felt resolve
that would allow for us to know, Love,
that the memory of trust gone wrong
that once made us reel with the ferocity
with which betrayal can strike the soul
should not continue to be the norm,
a dance of manners that is just a form
for life lived short of life, a hint of smile
nowhere reflected in that inner eye
with which we view ourselves,
the world, as well as those who force
that inquiry why we should not delve
into the vault where desire is closely held
like armor against prying by the unknown,
lest our journey through this life be seen
like that of the wind blown flake of snow
that passed so quickly by it vanished before
it was truly there, much like the dream one
could never grasp nor quite remember - ah Love,
sweet my Love, were I to bring you roses,
I would also bring the thorn.

DONNA SNYDER AND JESÚS B. OCHOA are El Paso attorneys.

A Lawyer's Valentine Dream

by Oscar G. Gabaldón, Jr., CWLS

I had a dream one night that taught me all over what truly counts in a relationship with one's true love. Through this dream, I was gifted further insight and a teaching moment of what life is all about and what my purpose is to be centered upon in relation to my true love.

I found myself in a most splendid place. Inside a palatial room, perhaps a grand room of a great palace or castle in a faraway land. The spacious room was surrounded by indications of royalty and richness: the finest tapestries, impressively ornate furnishings and luxurious furniture, items made from precious metals, and other indications of great wealth surrounded me. I did not know if I was in a first class foreign hotel of unmatched quality or maybe the guestroom of royalty or of some extremely wealthy hosts. I was in this room enjoying a relaxed and friendly conversation with my good friend, Bernie, something that I occasionally do and immensely enjoy. These moments with my friend are some of the simple joys that add spice and flavor to my daily life.

We decided to walk out upon the balcony of the grand room, which was accessible by opening what appeared to be large majestic French-styled double doors at the center of parted fairy tale curtains of intense beauty. As we walked upon this magnificent balcony, the sight before us was breathtaking. It was unbelievable beauty in every single direction, both far and near, east and west, up and down. We were truly at one of the highest points on mother Earth, from where it seemed all creation could be beheld. Gorgeous mountains, covered in lush green and tightly embracing trees, sparkling powerful waterfalls, long curbing dancing rivers, and some of nature's most aesthetic gifts lay before us. It was evident that it had rained, for we could see the haze of low lying clouds and we could smell and taste the gentle wetness of God's joyful tears. We reclined with our elbows against the railings, also magnificent in their craftsmanship, as we took in the speech-robbing beauty before our virgin eyes.

Our conversation drifted into one about relationships. Being the good friend that he is, my friend asked me what I thought my wife, Martha, would most want. He said he would help me get it. Would it be some fine jewelry? Would it be some other treasure? I knew my friend, Bernie, meant what he said. He would help me get it. However, I thought for a moment and I told him, "You know, Bernie, from the first moment I met Martha I quickly realized something about her. The material things in life do not have much worth and significance for Martha." I thought a moment more and proceeded to say, "To love her 24-7; that is the greatest thing I can ever do for her. It is such a simple, yet such an intense truth. To love her today and always is what Martha would most want. What more noble and complete gift can I offer to Martha than to love her 24-7? This is the greatest gift that she would want and that she deserves to always have: To love her 24-7. I believe that is the key to happiness, to serenity, and to a life truly worth living." I then thought that by so loving Martha, I am also loving my children for what greater way is there to show them my love than by loving their mother? The love of one's spouse and one's children is eternally intertwined, so that one cannot as perfectly love one without loving the other. Loving 24-7 gives us a taste of what heaven is all about. It brings us heaven on earth

OSCAR GABALDÓN is an Assistant City Attorney in the Litigation Section of the City Attorney's Office. He was formerly the Associate Judge of the 65th District Court responsible for overseeing the trial of Child Abuse and Neglect cases. He is certified by the National Association of Counsel for Children and the American Bar Association as a Child Welfare Law Specialist (CWLS). He has been recognized for his work in eliminating racism, disproportionality and disparities in the Texas foster care system.

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Schedule (please note the schedule may change)

Thursday, February 12, 2015

6:00 – 8:00 p.m. Legal Legends, 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

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