



EL PASO BAR JOURNAL

www.elpasobar.com

An Update of Events and Information

October 2019

EL PASO STANDING STRONG IN THE FACE OF TRAGEDY

BY AMY STARNES

PAGE 10



CHIEF JUSTICE ANN MCCLURE: A TRIBUTE

BY CHIEF JUSTICE JEFF ALLEY

PAGE 7

MEMBER SPOTLIGHT:

JENNIFER COULTER

BY STEPHANIE TOWNSEND ALLALA

PAGE 6

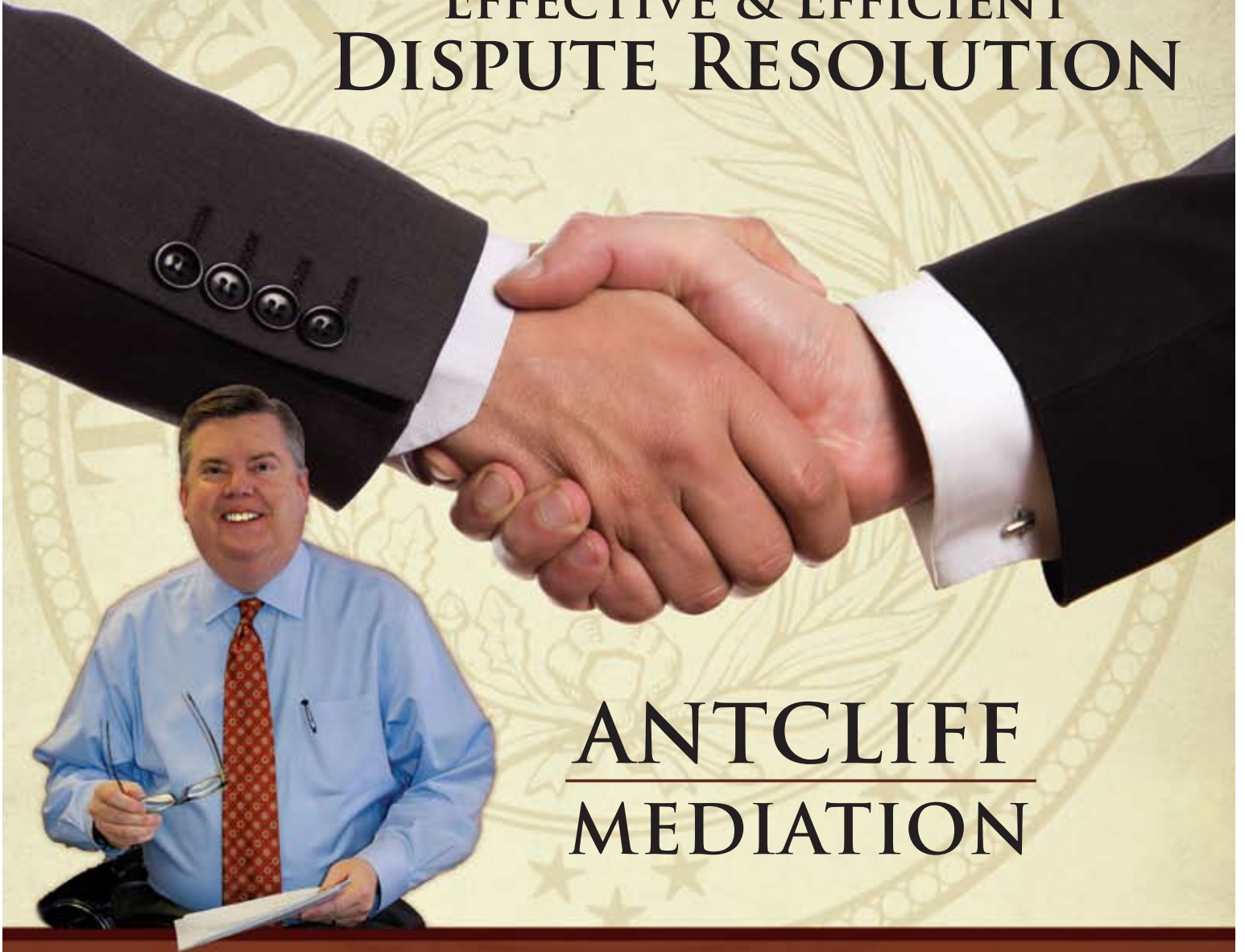
SENIOR LAWYER INTERVIEW

FRED MORTON

BY CLINTON F. CROSS

PAGE 15

EFFECTIVE & EFFICIENT DISPUTE RESOLUTION



ANTCLIFF MEDIATION

MEDIATION WORKS

Chris Antcliff is an efficient and effective neutral whose goal is to assist litigants and their counsel along a reasonable path to resolution of their dispute.

His 20 years of legal experience coupled with his service as a former **District Court Judge** and former **Justice on the 8th Court of Appeals** ensures that all voices are heard during the conflict resolution process as he strives to help the parties craft their own agreements.

221 N. Kansas, Ste. 609
El Paso, TX 79901
www.antcliffmediation.com
(915) 533-1221

Schedule your mediation today:
antcliffmediation.com/calendar





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

Daniel Hernandez, President
Janet Monteros, President-Elect
Judge Laura Strathmann, Vice President
Monica Perez, Treasurer
Danny Razo, Secretary
Jennifer VandenBosch, Immediate Past President

2019-2020 Board Members

Dana Irwin Carmona
Sylvia B. Firth
Abe Gonzalez
Noemi Lopez
Carlos Madrid
Patricia Baca
Jessica Kludt
Andrea Moran
Daniel Ordonez
Charles Ruhmann
Merwan Bhatti
Daisy Chaparro
Milad Farah
Judge Penny Hamilton
Judge Sue Kurita

Editorial Staff:

Daniel Hernandez
Nancy Gallego

Ex-Officios

SBOT District Director, El Paso Young Lawyers Association, El Paso Women's Bar Association, Mexican-American Bar Association, Federal Bar Association, ABOTA, El Paso Bar Foundation, Family Bar Association, Probate Bar Association, Paralegal Association

Executive Director

Nancy Gallego

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



PRESIDENT'S PAGE

Welcome to the new Bar year! I am honored, humbled and privileged to serve as your President for the 2019-20 Bar year.

I am excited about our new year and for the many planned events and the work the El Paso Bar Association has already done.

Our work began early than we had anticipated because of the

horrific mass shooting of August 3, 2019. This event caused an unprecedented time in our community in which our beloved El Paso citizens were violently attacked by an act of cowardice and evil targeting unarmed Americans including young, old, disabled, male, and female all because of the color of their skin. It thrust the City of El Paso into the national spotlight after the terroristic attack which many have described as our 911 time, which history will record as one of the most significant acts ever of domestic terrorism to target Hispanics and El Pasoans who are known as some of the friendliest people in America. It caused great sorrow and sadness but also an awakening of the resilient nature of our citizens and their generosity. I am proud of El Paso's response to the tragedy which showed America that we will not be intimidated or be made fearful by a senseless act of terrorism.

I am proud of the El Paso Bar Association's response to the crisis. We organized volunteer attorneys to help victims with legal issues raised by the attack. We created a telephone hotline for the victims who were referred to attorneys for legal assistance.

On August 22, the El Paso Bar Association in cooperation with Texas Rio Grande Legal Aid provided a free CLE to train attorneys and community advocates about the effects of a community disaster and how to assist victims. It was a great success with over 70 participants with representatives from area agencies and the El Paso Community Foundation to offer assistance. Training topics included family law, public benefits, probate law, landlord tenant and employment issues among others.

Our 2019-20 year programming continues the El Paso Bar Association's goal of offering member benefits in a broad spectrum of practice areas and providing our attorneys an opportunity to give back to the community.

We are excited about new projects and happy to continue programs which have been widely successful for our members. We will continue award winning *pro bono* legal clinics including two *pro bono* clinics for veterans, and one for the general public which will include offerings for the August third shooting victims.

We will also continue providing free member CLEs which are included as part of membership in the El Paso Bar Association, held at least once a month with many others offered throughout the year including our Boot Camp Series seminars designed to offer practical training to attorneys with material which can be incorporated immediately into their practice plus other programs

Continued on page 4

including technology CLEs offering inexpensive alternatives to automated office programs and courtroom presentations. Coupled with some of our luncheon CLEs, members who attend El Paso Bar Association's CLEs can easily meet their Texas Bar CLE annual requirements- a great return for the price of membership when you consider that a year's membership costs only \$135, and half price for government and senior attorneys.

This year our Annual Civil and Criminal Seminar will take place in New Orleans which is becoming a premier seminar for El Paso practitioners because it offers a reasonably priced high quality CLE with a dual track program in civil and criminal practice areas with presentations having broad-based appeal and interrelated topics. It will include Live Legal Legend interviews of our own legendary attorneys, receptions, breakfast, and lunch for one low price. It's one of the best deals around.

We have planned family fun days to bring El Paso attorney families together for rest and relaxation, and we are looking forward to our first event on October 10, at the El Paso Locomotives soccer match. We are expanding our community service efforts with the creation of a Community Day of Service where we will offer volunteer opportunities so our members, their families, and friends can "gift a day," from a list of opportunities to spend a Saturday morning participating in a community project. Organizations needing help might include Habitat for Humanity, the Rescue Mission of El Paso, food banks, etc.

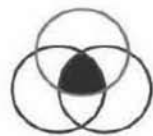
We will culminate our year with the Law Day Dinner in May at the highly anticipated restored Plaza Hotel. It should be one of the best events of El Paso Bar year!

I look forward to a successful and rewarding year as your President and I believe that if you become involved in as many of our program offerings, you will reap many personal and professional benefits and rewards. I look forward to seeing you at one of our many program offerings.

Thank you.

Daniel Hernandez

EL PASO BAR ASSOCIATION PRESIDENT



HARDIE MEDIATION

Dispute Resolution | Mediations + Arbitrations

221 N. Kansas, Suite 1100, El Paso, Texas 79901 / 915.845.6400 / www.HardieMediation.com



William Hardie

RESULTS.

EL PASO BAR ASSOCIATION
OCTOBER BAR LUNCHEON

Tuesday, October 8, 2019

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

Guest Speaker will be **Raymond Caballero**, Attorney and Former Mayor of the City of El Paso, who will speak about his new book, "*McCarthyism vs. Clinton Jencks*"

Door Prizes will be given out

RSVP to Nancy at ngallego@elpasobar.com by Monday, October 7, 2019 at 12:00 Noon

EL PASO BAR ASSOCIATION
NOVEMBER BAR LUNCHEON

Tuesday, November 12, 2019

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

Guest Speaker will be **Randy Sorrels**, President of the State Bar of Texas
Approved for .50 hours of MCLE by the State Bar of Texas

This is our Annual Salute to Veterans

Door Prizes will be given out

RSVP to Nancy at ngallego@elpasobar.com by Monday, November 11, 2019 at 12:00 Noon

EL PASO BAR ASSOCIATION
DECEMBER BAR LUNCHEON

Tuesday, December 10, 2019

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

Guest Speaker will be **Jonathan Smaby**,
Executive Director of the Texas Center for Legal Ethics.
Approved for .75 hours of Participatory Ethics by the State Bar of Texas

We will also be honoring our 50 year attorneys –
Philip Bowen and Sam Sipes

Door Prizes will be given out

RSVP to Nancy at ngallego@elpasobar.com by Monday, December 9, 2019 at 12:00 Noon

Member Spotlight on Jennifer Coulter

BY STEPHANIE TOWNSEND ALLALA

The El Paso elder law community hasn't been the same since the arrival of Jennifer Coulter, president of the El Paso Probate Bar Association. The 2011 UT Law graduate from Corpus Christi has spent her legal career making a splash in Texas elder law. It's not just that she's brilliant and has a photographic memory, or that she is exceedingly kind. From answering the most mundane MERP questions to gently explaining the proper distribution percentages in heirship proceedings, Coulter makes lawyering fun and interesting.

Many people have never met a blind person, much less a blind lawyer, and Coulter isn't shy about sharing her story. "People are afraid to ask about it," she confides, "but I want them to ask all their questions. It helps demystify it and makes people be more able to see me as a person who is blind rather than a blind person."

When she was 22, Coulter had a seven-inch blood clot in her brain that caused her optic nerves to atrophy and die. "It was traumatic," she says, "but everybody has something traumatic in their past. Mine is just, if you'll forgive the pun, really visible."

"It made me think about my life, though," she continues. "I was going to be an English professor, but then, afterwards I started asking the big questions most people aren't asking at 22. What's the point of my life? Am I going to be useful? There's nothing wrong with being an English professor, but I wanted to do something where I could make more of a difference in my community. I wanted to help people."

Coulter credits the experience for making her a better person. While she laughs and says she still isn't always as patient or as kind as she'd like to be, she says that "Nearly dying put things into perspective. I got less frustrated about the little things. Plus, blindness makes everything take longer and be more frustrating. You have to learn how to be patient and have a sense of humor about it. I spent a couple of days at home when I got out of the hospital feeling sorry for myself. Then I thought that I couldn't

stand myself and didn't know why anyone else would want to be around me, so I pulled myself together. I allow myself a 15-minute pity party-max per day, and that's been really helpful."

Coulter prefers to be associated with her legal work, but understands her blindness will always be a topic for discussion. "It's part of me, but not a big part."

Outside of her work as an elder law attorney, Coulter is full of passions for life. She is a voracious reader and book club member, a trait she downplays by saying that most of what she reads is just brain candy, but she also loves philosophy, a good abstract argument on politics, religion, literature, or any other topic she can get someone to debate.

She is an accomplished writer, having published poetry, and other fun writings. Coulter wrote a children's book for her best friend's daughter, but when asked about publishing, she shrugs and says only, "I write for fun. Besides, publishing is a whole big thing. I don't have time for it." In part, this might be because Coulter travels around the world with her husband and best friend of nearly 20 years, Justin, and loves to hike, bike (on her tandem bike), and explore. Combining two of her passions, Coulter was once featured in an Innsbruck newspaper as the first blind person to do a local ropes course.

Primarily, though, Coulter loves her work. She believes that her work helps people in crisis. "I can't imagine any other area of law I'd ever want to do. This is it.

They often see me as an inspiration. They're going through the toughest time in their lives, often thinking about giving up, and they see me, who's been through tough times and keeps getting up and doing it, and they think that maybe they can too.

I think about the husbands who come into the office feeling absolutely helpless. They've been taking care of their wives their entire marriages. They feel like that's their job, and suddenly, they can't do it. I get to ensure that the wives get the care they need and restore that sense of purpose to the husbands. There's nothing better."

Coulter also admits that her blindness plays a role in her work. "While I've had difficulty getting other lawyers to accept me—a blind, young(ish), woman who wears pink and is almost always polite, my clients have appreciated it. I have the experience of being helpless after I lost my vision. I know what they're going through in a way someone without that kind of trauma often can't. It's more than that, though," she continues. "They often see me as an inspiration. They're going through the toughest time in their lives, often thinking about giving up, and they see me, who's been through tough times and keeps getting up and doing it, and they think that maybe they can too."

When asked about regrets about blindness, Coulter promises, "I'd like to see again someday, but if I could go back in time and undo it—never have gone through this—I wouldn't. It's been too much of what made me better in my life. I know how bad it can be to go through the awful things, but we can't control those things that happen to us. We can always control how we respond to them. Blindness helped me to respond with kindness and care. Who'd undo that?"



STEPHANIE TOWNSEND

Allala is a partner in the law firm of Townsend Allala, Coulter & Kludt. She can be reached at stephanie@elpasoelderlaw.com

Chief Justice Ann McClure: A Tribute

BY CHIEF JUSTICE JEFF ALLEY

August 30, 2019 was a sad day at the 8th Court of Appeals. In reality, it was a sad day for the Texas judiciary. It was the day that Chief Justice Ann McClure cleaned out her office at the Court. The multiple sclerosis that she has been very public about, and against which she has fought for many years, finally convinced her to spend less time with standards of review and appellate court records, and spend more time with David (her spouse), Kinsey and Scott (her children), as well as Luke and Audrey (her grandchildren). While it is anticipated that Justice McClure will stay on as a visiting judge to hear a few cases, her tenure as Chief Justice at the 8th Court unfortunately came to an end.

I had the privilege to appear before Justice McClure as an advocate, and then work as her staff attorney for almost five years. There are three things that can be said about the Chief without reservation (around the Court, she is and will always be “the Chief”). First, she was the best boss any employee could have. If asked, the staff at the Court would describe her with words like generous, positive, nurturing, empathic, concerned, and fiercely loyal. I was always amazed that she remembered the names of my four dogs. Second, as a lawyer, she has the ability to grasp the “gist” of a case as quickly as any lawyer that I have worked with. At case conference, the Chief always knew the issues, had closely studied the briefing, and understood exactly how the case should be resolved. Third, the Chief is the epitome of a judge who serves the “rule of law.” That phrase is often overused, and sometimes poorly understood. For a judge, however, it at least means the willingness to do the hard thing when the law commands it. There is no joy in affirming the long sentence of a young person who commits an egregious act. Equally, there is no pleasure in seeing a civil litigant’s claim--or fortune--lost due to a procedural error. The law, however, sometimes requires these results. The law can be changed, and sometimes should be, but within our three branches of government, a judge must know and respect where that change must originate. The Chief understood that.

Historians of the Court will recall that Chief Justice McClure joined the Court in 1994 as an associate justice. In 2011, she became the first female Chief Justice in the Court’s 108-year history. She was elected to office five times by the voters in this judicial district.

Historians of the Court will recall that Chief Justice McClure joined the Court in 1994 as an associate justice. In 2011, she became the first female Chief Justice in the Court’s 108-year history. She was elected to office five times by the voters in this judicial district. Her awards, which once adorned the wall outside her office, are too numerous to recount here. It is enough to say that the wall is now bare and haunts the Court’s staff at our great loss. In her almost 25 years on the Court, as both an Associate Justice, and Chief Justice, she authored over 3,150 opinions. Some of the more notable cases (either factually or legally) include:

■ *Wolfe v. Wolfe*, 918 S.W.2d 533 (Tex.App.--El Paso 1996, pet. denied). In this custody case, a mother, in derogation of temporary orders from a Texas court, took the couple’s minor child to New Zealand to establish a new residence. When the father followed her there



and obtained orders from a New Zealand court to see the child, the mother prepared to flee with the child to Australia. Alert customs agents at the airport stopped her, and the father was able to return to Texas with the child. On final trial of the case, a jury awarded him managing conservatorship. The mother’s primary issue on appeal complained that the trial court erred in excluding “a bag of sexual devices” that the father normally kept at work, but which the wife had discovered one day at their home. For those so inclined, a detailed listing of those devices is chronicled in the opinion, and yes, Justice McClure notes, “we had the exhibits” in the appellate record. Our Court held that because the trial judge could have correctly concluded the child was never exposed to the material, it did not abuse its discretion in excluding them at trial.

■ *Holguin v. Ysleta Del Sur Pueblo*, 954 S.W.2d 843 (Tex.App.--El Paso 1997, pet denied). This case decided a question of first impression in Texas, and apparently in the country: whether tribal immunity bars a Dram Shop Act claim by the survivors of a person who became intoxicated at a tribal casino and was subsequently killed in an off-reservation automobile accident. Plaintiffs claimed that the waitstaff from the casino on the Tigua Indian Reservation overserved Rosa Sifuentes, who was later involved in a fatal car accident outside the reservation. Then state district judge (and

now federal district judge) Phil Martinez granted the tribe's motion for summary judgment based on tribal immunity. Justice McClure's opinion concluded that while the State of Texas through its police powers could enforce the provisions of the Texas Alcoholic Beverage Code against the tribe, it was nonetheless protected from private suits for personal injuries resulting from non-compliance with the Act.

■ *Bates v. Tesar*, 81 S.W.3d 411 (Tex.App.-El Paso 2002, no pet). This case established many of the guideposts used in "relocation litigation" in Texas. In this case, the wife at the time of the divorce was appointed sole managing conservator of two children. Husband was appointed as possessory conservator. The wife exercised her right to establish the primary residence of the children without regard to geographic limitation and moved with her new spouse from Dallas to Port Lavaca. Husband convinced the trial court to modify the divorce decree such that both husband and wife were joint managing conservators, and the trial court ordered the wife to return the child to Dallas. This Court's opinion begins with an overview that in the absence of legislatively imposed statutory presumptions in relocation cases, the moving party carries the burden to prove a change in circumstances. The Court then held that relocation, regardless of distance, will not in itself suffice to establish a material and substantial change in circumstances. Rather, a series of factors could be considered in that inquiry. Astute family law practitioners will find those same factors permeating subsequent Texas relocation litigation case law.

■ *Varkonyi v. State*, 276 S.W.3d 27 (Tex.App.-El Paso 2008, pet. ref'd). Mr. Varkonyi drew the attention of the El Paso Police Department when a college student reported that Varkonyi solicited her to appear in a pornographic video. Using the pretense of wanting to set up a porn website, two undercover police officers met with Varkonyi to ask for assistance. During the course of the meeting, the undercover officers were shown a video worthy of the mythical "donkey show" from our sister city. Later, the detectives sent an email to Varkonyi asking for a copy of the video clip. By return email, the video was sent from Varkonyi's address. He was then charged with possession of obscene material. One issue for our Court was the admissibility of the email exchange. Varkonyi claimed that his email could not be authenticated. He urged that anyone can create a fake email address in anyone else's

name, and at trial, Varkonyi demonstrated that principle by creating a fake email address for the prosecutor from which he sent pornographic attachments. The 8th Court, however, held the trial court did not abuse its discretion in admitting the email chain. It likened the situation to the "reply letter doctrine" which states that a letter received in the due course of mail purportedly in answer to another letter is prima facie genuine and admissible without further proof of authenticity. Varkonyi is one of the lead Texas cases that apply the reply letter doctrine to email communications.

■ *Delfingen US-Texas, L.P. v. Valenzuela*, 407 S.W.3d 791 (Tex.App.-El Paso 2013, no pet.). One of this Court's many arbitration cases, Delfingen involves the question of an English language arbitration agreement executed by a Spanish speaking employee. Each new employee went through an employee orientation session. Because this employee spoke only Spanish, the HR representative conducted the orientation in Spanish. The employee claimed that the HR representative said she would explain only the important parts of the paperwork. The employee was offered several documents to sign in English, including an arbitration agreement. The form was not made available in Spanish, and while the HR representative translated the company's policies related to attendance, tardiness, and punctuality in detail, the HR representative never mentioned the arbitration agreement or what it meant. This Court affirmed the trial court's refusal to arbitrate on procedural unconscionability grounds. While the employee's illiteracy, or failure to read the document she signed was not a defense, the totality of the circumstances suggested that the employer affirmatively misrepresented the nature of the arbitration agreement.

■ *Ives v. State*, 08-16-00026-CR, 2017 WL 3887444 (Tex.App.-El Paso Sept. 6, 2017, pet ref'd). In this tragic case, Wakesha Ives, a high school teacher, thought she had dropped her five-month old child off at day care before her workday. In fact, Ives left the child in a car seat while she went to work that day. When Ives returned to her vehicle at the end of the day, she discovered the now deceased child still strapped into the car seat. A jury convicted Ives of criminally negligent homicide. This Court, however, held the evidence was legally insufficient to support the conviction. The opinion discusses the circumstances of how Ives forgot that her

child was still in the car (a recent change in her medication, sleep problems that left her tired, an unexpected change in her routine), and the medical science behind this all too common occurrence. Parsing the cases in this area, the Court explained how the State was required to present evidence of "serious blameworthiness" that would elevate tortious conduct to a gross deviation from the ordinary standard of care. The Court concluded that the end result of forgetting a baby in the car is not a substitute for such evidence, and none of the State's evidence about Ives's actions that lead to her forget the child justified the jury's verdict.

■ *Matter of Est. of Poe*, __ S.W.3d __ (Tex. App.-El Paso Aug. 28, 2019, no pet. h.). This case involves the estate of famed El Paso car dealer, Dick Poe. It is also the kind of case that only an appellate nerd or dedicated jurist would love--a double appeal with a fifty-two volume reporter's record, and over 3500 pages in the clerk's record. The case explores the conflict over control of a commercial empire that developed between father and son, along with the lawyer, accountant, and comptroller who were Dick's long-time confidants. The legal issues are numerous, but mostly revolve around claimed breaches of fiduciary duties when Dick attempted to take back control of a corporation that he had previously placed in his son's hands. Because the case is still progressing through the appellate pipeline, we leave any further commentary to others. But suffice to say, it is an interesting read.

You can always tell the character of a person by the company they keep. Several Court employees--who could have likely retired sooner--chose to stay with the Chief as long as she held her office. Thus, August 30th also marked the day we lost to retirement our chief staff attorney Kay Waters, longtime legal assistant Yolie Fisher, and our IT guru, Sean Miller. They will of course all be greatly missed. But the seventeen counties comprising the Eighth Judicial District will especially miss Chief Justice Ann McClure--a loyal Horn Frog, a proud Kentuckian, a loving parent-spouse-grandmother, a consummate storyteller, and most of all, a legendary jurist. We wish her well.

JEFF ALLEY, was recently appointed as Chief Justice of the 8th Court of Appeals. A formal "swearing in" ceremony for the public will be held in the near future.

Meet the executive director: Nancy Gallego

BY ANN MCCLURE

Article first published in the February 2007 Issue of the El Paso Bar Bulletin.

On February 28, Nancy Gallego will celebrate her fourteenth anniversary as the Executive Director of The El Paso Bar Association. She was born in Berkeley, California, but she lived all over the country while her father, Ernesto, was in the Air Force.

Her parents' Texas roots ran deep, though, and the family always called Alpine home. Nancy has three sisters and two brothers; another sister passed away some seven years ago. Her sister Barbara (Medina) lives here in El Paso, as does their brother Roy. Gloria Gallego is living in Portland, Oregon, and Helen (Schnider) has lived in Germany for nearly 24 years. Nancy's brother, Gary, is close by in Hobbs, New Mexico.

Nancy is a proud mother of two. Her son, Christopher, served in the Army for eight years and was deployed to Iraq for about six months at the beginning of the war in 2003. He is currently a civilian contractor training personnel headed for Iraq. He told her once that his job was to make sure his students have the skills to come back alive. Chris recently started school and hopes to someday be a teacher. Daughter Lisa lives in Tyrone, Pennsylvania. A social worker with a local school district, Lisa is currently working with autistic children. She was in the Army for almost four years and worked at the Pentagon with the JAG office.

Lisa has two daughters, Alexa (age 16) and Michaela (age 11). If you want to watch Nancy light up like a Christmas tree, mention her granddaughters! Both girls are extremely active in all types of sports, including basketball and softball. Alexa is a cheerleader and a typical teenager. The braces have just come off and she recently attended her first prom. Notes Nancy, "Now my daughter is going through what I went through with her. Ah, the sweetness of it."

Nancy has been working since she was thirteen and started her own babysitting service. After high school, she worked in the electronics field with semi-conductors. When the company went under, she went back to school to learn office skills and then worked for an immigration attorney. In 1984,

she moved to Alpine and worked for a criminal defense attorney and a real estate attorney. She was elected to City Council in 1986 and 1988. In mid-1989, she moved to El Paso and joined the Ginnings Birkelbach law firm. She worked for John Birkelbach, Marylee Warwick and Roberto Sandoval.

Nancy attends the annual National Association of Bar Executives (NABE) conference. This year, the program is in Chicago and Nancy has been invited as a speaker. Her topic? "Voice of

There's a reason EPBA has won the prestigious State Bar Award of Merit seven times in the fourteen years since Nancy came on board. I personally can't imagine doing this job without her. Congratulations, Nancy!

Experience". Makes perfect sense to me! Nancy is the heart and soul of our organization. Her creativity, imagination and innovation make all of us look good. There's a reason EPBA has won the prestigious State Bar Award of Merit seven times in the fourteen years since Nancy came on board. I personally can't imagine doing this job without her. Congratulations, Nancy! We are all so proud of you.

Update:

Wow!! A lot of things have changed since 2007, I have now been with the association for over 26 years. My kids have gotten a little bit older, my oldest granddaughter recently graduated from Nursing school and is an RN, she also got married and is now living in Grapevine, Texas. My other grandchild is now going to Nursing school and will be an RN in a couple of years. My daughter still lives in PA and is still a social worker. My son is now married and has 2 kids, Aaron who is 8 and Emi who is 4. The best thing is that he lives here in El Paso and I get to see them all the time. Life is good!!!



EL PASO

Standing strong in the face of tragedy.

BY AMY STARNES

The following article appeared in the October 2019 issue of the Texas Bar Journal and is reprinted with the permission of the Texas Bar Journal and the author, Amy Starnes, Public Information Director of the State Bar of Texas.

“El Paso Strong” means different things to different people. The words are emblazoned on banners hoisted to the tops of area businesses and on T-shirts of individuals attending a CLE to learn how to recover from a community disaster many would call unthinkable just weeks before.

To the approximately 75 lawyers and judges who filled an El Paso courtroom on August 22, perhaps “El Paso Strong” means to be united, prepared, and ready to give back.

Less than three weeks after a gunman killed 22 people and wounded dozens more at a local Walmart, these lawyers and judges coordinated and attended a free CLE session to understand “How Do You Respond to a Community Disaster.” Hosted by the El Paso Bar Association with help from Texas RioGrande Legal Aid, or TRLA, the event taught attorneys how to answer and assess problems that may be posed to them by survivors of the mass shooting and their families.

“I was heartbroken, saddened, and just disturbed that someone would come to our community and do what they did,” Daniel Hernandez, president of the El Paso Bar Association, told the crowd. “We are El Pasoans, and we are strong. And this community has responded to those who are in need.”

Several experts from TRLA, the State Bar of Texas Family Law Section, the Office of the Texas Attorney General, the El Paso County Attorney’s Office, and Judge Patricia Chew, of El Paso’s Probate Court No. 1, walked attendees through the various types of legal issues that can affect survivors of disasters.

TRLA attorney Brittany Perrigue explained the phases of disaster recovery and informed attorneys that given the trauma associated with this type of tragedy, survivors actually may be hesitant to go to crowded places like a resource or recovery center to ask for help. This fact alone could delay cases and make it more challenging to ensure survivors receive the assistance they need.

In the first four weeks after a disaster, Perrigue said, survivors are addressing immediate needs such as safety and security, housing and employment issues, and perhaps public or financial assistance depending on the situation.

In the mid-term—one to six months out—survivors may need help addressing health, life, or property insurance problems. If they have been unable to work for physical or mental health reasons, they could face employment concerns, Perrigue said. If they have been unable to pay bills as a result of any of these factors, there could be evictions, car repossessions, or debt collections.

Long-term legal issues—arising one to three years after the disaster—include heirship and probate matters, foreclosures, bankruptcy, title

clearance needs on property or vehicles, increasing debt, and performance-based employment issues stemming from trauma, Perrigue said.

Attorneys must remember the El Paso tragedy has created legal issues for individuals who were simply in the vicinity of the shooting but not directly attacked. For example, hundreds of cars in the Walmart parking lot were temporarily impounded. Many shoppers dropped whatever they were carrying—including purses that held cellphones, IDs, and even Lone Star Cards—and ran, said TRLA attorney Bernadette Segura. Those items were collected, cataloged, and taken as evidence. Recovering them is possible but still a process that some may struggle to navigate, she said.

TRLA attorney Soraya Yanar Hanshew said the agency is assisting many clients with unemployment cases. While Walmart has offered to move employees to other stores, some workers are unable to return to work due to trauma, the lack of transportation options available to them, or the needs of dependents. Employees stuck in situations like this over the long term could face shift reductions or layoffs, Hanshew said.

Nancy Gallego, executive director of the El Paso Bar Association, said the CLE event came together in a matter of days as the bar rallied speakers, assembled topics, and received MCLE accreditation for the event.

“I am extremely happy and touched that our legal community came together so fast in the face of this horrible shooting,” Gallego said. “Everyone who attended was very pleased and happy that the EPBA stepped up. They told me that they learned so much vital information that will help the victims and the community.” **TBJ**



AMY STARNES

is the public information director for the State Bar of Texas.

In response to the tragic mass shooting in El Paso, the State Bar of Texas created a webpage—[texasbar.com/elpasosupport](https://www.texasbar.com/elpasosupport)—to communicate with members and the public on how best to receive help or offer it. The page includes information about CLE events, donations, and attorney wellness in light of the tragedy.



PHOTOS BY AMY STARNES

Leaders and legal professionals taught attendees at a free CLE session in El Paso how to respond to a community disaster in the wake of the mass shooting there just a few weeks earlier. Clockwise from top left: Judge Patricia Chew, of El Paso Probate Court No. 1, discussed probate disaster issues; Soraya Yanar Hanshaw, of Texas RioGrande Legal Aid, talked about employment disaster issues; Veronica Carbajal, of Texas RioGrande Legal Aid, examined evictions and foreclosures disaster issues; and Daniel Hernandez, president of the El Paso Bar Association, provided an update on the bar's response to the tragedy.

Know Your Bar President, Dan Hernandez

BY CLINTON F. CROSS

I recently sat down with El Paso Bar Association President Dan Hernandez at his office to chat with him about his life, his work, and his plans. I share with you here the substance of that conversation

Cross: Tell me about your parents and family.

Hernandez: My father was a proud truck driver who started his career working for the Aaronson Brothers furniture store in downtown El Paso as a warehouse employee and deliverman.

My parents were first generation Hispanics and lived in the Second Ward neighborhood, where I was born. Later, my father obtained a commercial driver's license and became a truckdriver, which paid very well before deregulation. My mother worked for Farah manufacturing company and at times was a full-time homemaker. We then moved to Alabama Street, in central El Paso, catacorner from Guadalupe Church.

I attended Lamar Elementary School until my parents bought a house in the Thomas Manor Elementary school area in the lower valley which I attended through sixth grade. I then attended Riverside Junior High and Riverside High School (I am still a Riverside Ranger) until my senior year when after marrying I transferred to Ysleta High School, graduating in May 1980.

My wife and I have been happily married for 39 years, 40 years in January. We have three children—two girls and a boy. Our oldest child is 39 years old and our oldest grandson is 20 years old. We are proud grandparents of three boys.

Cross: Siblings?

Hernandez: I have five siblings. I was the fourth, the first four were separated from each other by one year. Then, my parents had two more childrens five years apart.

I did have to assume some responsibility in caring for my younger siblings when both my parents worked. I coached my younger brother through city baseball and basketball leagues, which developed and cultivated my teaching skills. I believe I'm a natural teacher.

I think that's played an important role in my professional success as a trial lawyer.

Cross: Let's think about that for a moment. You taught your brother a lot about sports, maybe educated a judge or two a thing or two about the law, spun some lessons for juries, raised your children, advised your grandchildren...what else?

Hernandez: I've been teaching bible class for six years.

Cross: How did you learn how to be a teacher?

Hernandez: You must learn before you can teach. I believe that my early marriage and the hard work required to be a husband, father and college student taught me very important life-long lessons and skills that have pushed me throughout my life. I'm grateful for the local resources which were available to married working students.

Since I married during my senior year in high school, I had to work. I worked for a local restaurant as a bus-boy working from three in the afternoon until midnight everyday and weekends. Plus I still attended high school to graduate on time. In addition to everything else, I learned then how to make good use of my time.

After graduating from high School, I went to El Paso Community College and majored in Criminal Justice. I continued working, mostly in my father-in-law's business making countertops, working eight to four. I attended evening classes at Valle Verde Community College campus. Very long evening classes.

After my first three years at EPCC I transferred to UTEP. There Professor Joseph Graves made a difference in my career, inspiring and guiding me. Professor Graves recommended I attend the University of Denver Sturm College of Law because I wanted to be a trial lawyer. The school had a very good trial prep program which is still ranked among the best in the country.

In law school I worked during my second and third years while my wife stayed home, although at times we relied on governments assistance for which I am very grateful. I am proud to say that

any assistance given to us was not a "hand-out" but a hand up used for its intended purpose-- to help us get out of poverty-- to complete my college and law school career.

Cross: What did you do after graduating from law school?

Hernandez: Before my Bar results, I worked as a law clerk with El Paso Legal Assistance Society, now known as Texas Rio Grande Legal Aid. In October, 1991, I went to work for the City of El Paso, City Attorney's Office trial section where I was a trial attorney for four years, an experience which is akin to an apprenticeship because I probably tried more cases than more senior attorneys. Duane Baker, who was a contract attorney for the Police Officers' Association, guided and mentored me during this critical period in my career. We tried many cases together where I represented the City/Chief of Police and he represented the individual officers.

In October 1995 I joined the Ray, Pena, McChristian law firm formerly known as Ray, McChristian & Jeans. I have been a shareholder and board certified by the Texas Board of Legal Specialization in Personal Injury Trial Law since 1999, and I currently practice in the areas of personal injury defense and commercial litigation.

Cross: What are your goals as President of the El Paso Bar Association?

Hernandez: We're excited about our programming for the 2019-20 year including *pro bono* clinics for veterans, the general public, and shooting victims, free member CLEs, community projects, a New Orleans civil and criminal CLE, interesting luncheon speakers, family fun days and more. It is our desire to provide high quality resources to the El Paso legal community, to be a support organization for attorneys, while at the same time giving back to our local community.

El Paso Bar's Association response and support of the community after the mass shooting in August 2019 is a very poignant example of our efforts.



Dan Hernandez

CLINTON F. CROSS is a retired Assistant County Attorney

HOW CIVILIZATION CAME TO EL PASO

The Prosecution Of Clinton E. Jencks In The Era Of McCarthyism

A New Book By Ray Caballero About
Fear and Hate In The Sagebrush And Chaparral Days Of The 1950s

BY BALLARD COLDWELL SHAPLEIGH

Every El Paso lawyer worth his or her salt should know the name. But does everyone know the whole story about Clinton Jencks?

Jencks's life, loves, politics and a strong, some might say divine, inclination to the particular course his life took are examined in a new, absorbing, meticulously researched book rich with details and insights, sensibly organized and very readable, entitled *McCarthyism vs. Clinton Jencks* (University of Oklahoma Press 2019) by El Paso lawyer and former mayor, Raymond Caballero.

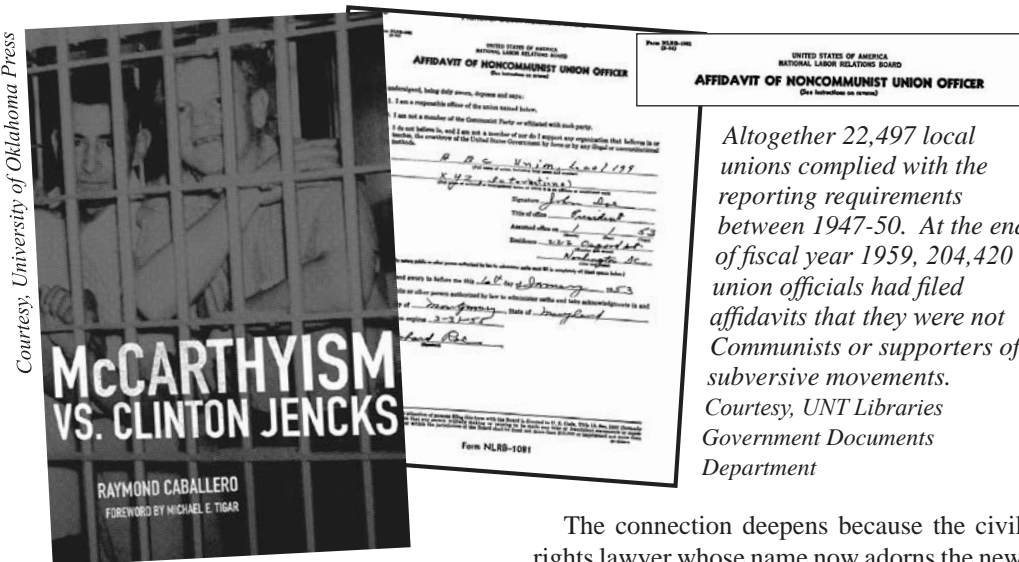
With the Walmart massacre on August 3, 2019, another generation of El Pasoans thus experiences the tragic, devastating consequences of fear and hatred. In terms of the bombast and behavior of government officials, it might be argued, a line can be traced straight back from the Walmart tragedy to the 1950s hysteria and fear of Communism and the momentous local anti-Communist trial involving Jencks which was every bit as intentional and consequential, just not as lethal.

Like the Walmart massacre, the consequences of the Jencks prosecution impacted the entire community. On an individual level, they befell Jencks, a Silver City, N.M. area resident, his family and his Mexican-American friends.

Having first examined, in lucid detail, the "down district" killing of a famous Mexican revolutionary in the mountains near Sierra Blanca, Texas, Caballero turns his trial lawyer-turned-historian's critical eye to the life and times of this Anglo union organizer who actually appears quite lucky to have escaped his own killing in or around Silver City.

And, like his first book about the murder of Pascual Orozco, Ray Caballero leaves no evidence undisturbed and no fact unexamined in his search for the truth underlying the Jencks case. Along the way, the book offers plenty of lessons for lawyers.

Take, for example, the story about Jencks and his lawyer showing up at the Grant county jail after a bar fight in an attempt to help several union members who had been arrested. As an officer of the court, what should a lawyer do while



Courtesy, University of Oklahoma Press

accompanying his client to the jail to arrange bond for a group of arrestees and, while the client is asking the sheriff for the names of those arrested, the sheriff strikes the client in the face with a closed fist? That happened to Jencks while his lawyer stood next to him.

There are many other lessons in the book to absorb about making and distributing movies in a hostile environment (the blacklisted 1954 film *Salt of the Earth*), the perils of labor strikes (the Empire Zinc strike in October 1950), and trying cases without access to all of the facts. The reader will be treated to a view of the inner workings of the U.S. Supreme Court, and to biographies of the judges making the decisions. There are also lessons about the redeeming value of civility and courtesy in the courtroom.

Worth their salt or not, all El Paso lawyers should be familiar with the name of Clinton E. Jencks if for no other reason than his case was home grown. The facts giving rise to the history-making U.S. Supreme Court case, *Jencks v. U.S.*, 353 U.S. 657 (1957), later codified in the Jencks Act (18 U.S.C. §3500) originated in El Paso's backyard, 150 miles up the road near Silver City. And Jencks went to his jury trial — a "lynching" in his words — in the old federal courthouse at 511 E. San Antonio Avenue now bearing the name of the federal judge who presided over his case, R. E. Thomason.

Altogether 22,497 local unions complied with the reporting requirements between 1947-50. At the end of fiscal year 1959, 204,420 union officials had filed affidavits that they were not Communists or supporters of subversive movements.
Courtesy, UNT Libraries Government Documents Department

The connection deepens because the civil rights lawyer whose name now adorns the new U.S. Courthouse, dedicated in 2010, wrote a letter to Thomason after the trial praising him, somewhat incongruously, about the manner in which the judge handled the government's key witness after the witness recanted and, in particular, how the judge came to terms with the central question confronting the wisdom of his experience — can one believe a liar when he says he lied?

The poet T.S. Eliot once said and, ironically, the litigious pettifogger Donald J. Trump once tweeted, that "only those who will risk going too far, can possibly find out how far one can go." And so it was with Clinton Jencks.

Jencks's supporters called him "Palomino" because of his *güero* appearance though Appaloosa might have been a better fit due to his persistent, unwavering support and advocacy for the community of Mexican-American miners and their families that he and his family lived among and worked with near Silver City. To his enemies, he was a "tow-haired polecat" and an unrepentant trouble maker.

Given the rise of all the *isms* — racism, antisemitism, populism, nationalism, etc. — none has punched so deeply into the national gut like McCarthyism. It was a toxic combination of all the others.

McCarthyism, a term derived from the name of the 1950s Republican senator from Wisconsin, is the practice of making serious

accusations of treason or subversion without proper regard for the evidence. Senator Joseph McCarthy never had to ask, “Where’s my Roy Cohn?” Cohn was sitting next to him, whispering anti-Communist and anti-gay claims in his ear.

As Caballero observes, “McCarthy was elated – and surprised – that his unsubstantiated charges had created such a sensation.” And McCarthy seems to have cared less that his baseless “commie” accusations visited loss and ruination on scores of people. But the connection between that era and this one, and the timeliness of Caballero’s book, are all poignantly brought home by the recent comment of Anthony Scaramucci, former White House press secretary and Harvard Law graduate, when he said “it is literally like Joe McCarthy and Roy Cohn got together and had a baby, and the baby was Donald Trump running the country.”

Where the *Jencks* case was concerned, in terms of the available body of facts and information behind the accusations, there was far less than proper regard — in the way the evidence was collected, and from whom, or in the maintenance of a proper chain of custody or the way the evidence against Jencks was brought into and made part of the prosecution’s file, or in its admission at trial and its availability for cross-examination, or in the manner it was used in argument, or in the way it was reviewed for sufficiency on appeal when the 5th Circuit improbably applied the evidentiary presumption of continuing status or condition, commonly used in civil cases, to effectively shift the burden of proof from the government back to Jencks to prove his innocence, that he was not a Communist when he signed the Affidavit of Non-Communist Union Officer in 1950. In fact, until the case arrived at the Supreme Court, the reader will be challenged to find a proper regard for evidentiary issues.

Caballero posits that *U.S. vs. Jencks* was no ordinary criminal matter, a white collar case arising out of blue collar union activities and from the particular course Clinton Jencks’s life took dating back to his college days when he joined the Communist Party as a freshman at the University of Colorado in 1937. Seventeen years later, the felony indictment in *U.S. v. Jencks* was docketed for jury trial in the U.S. District Court for the Western District of Texas, El Paso Division against the background of the hysteria and overwrought atmosphere fomented by the McCarthy hearings.

The *Jencks* indictment, tellingly, was not returned until a week before the three-



Left-1936 Courthouse, renamed in 2016 as the R.E. Thomason Fed. Bldg. and U.S. Courthouse; Right-Armenariz Courthouse, dedicated in 2010.

year statute of limitations expired, an early indication of how the government saw its case. The delay in bringing the indictment is noteworthy because, as Justice Brennan wrote for the majority in reversing the trial and appellate courts, “every experienced trial judge and trial lawyer knows the value for impeaching purposes of statements of the witness recording the events before time dulls treacherous memory.”

A dull memory is the government’s problem in every criminal case. So, in the interest of fairness, how should the courts view a process that allowed the 302s, the paper records generated by the FBI to report or summarize the interviews they conduct, to be available to the government but not to the defense?

Jencks was indicted not for perjury but for making a false statement on NLRB Form 1081, Affidavit of Non-Communist Union Officer. If union officials did not file non-Communist affidavits, they could not avail themselves of NLRB administrative and bargaining benefits.

Count One charged that Jencks falsely stated that he was not then a member of the Communist Party, and Count Two that he was not then affiliated with the Communist Party. The penalty for making a false statement to any federal department or agency is found under 18 U.S.C. §1001, which had been simplified in June 1948 when Title 18 of the U.S. Code was adopted. Under Section 1001, a statement is a crime if it is false, regardless of whether it is made under oath which is an element in the perjury statutes. The penalty was, and still is five years confinement in prison, with some exceptions related to terrorism and sex crimes. Some of the more notable people charged recently under 1001 are Michael Flynn, Rick Gates, Scooter Libby, Martha Stewart and Rod Blagojevich.

EP County Facilities Mgmt

The government’s whole case against Jencks boiled down to a piece of government paper. As the 5th Circuit put it, did Jencks cause a false Form 1081 Affidavit of Non-Communist Union Officer to be filed with the NLRB?

The government’s burden was to prove beyond a reasonable doubt – the highest, most exacting evidentiary standard of proof in law — e.g., you better be damned sure — that Jencks lied when he signed that government-provided form in April 1950, an annually-required affidavit sworn to before a notary public, that he was not a member of nor affiliated with the Communist Party.

Jencks executed an identical affidavit earlier in October 1949, which might have been seen as consistent with a desire to follow the law. But it was admitted against him under Rule 404 as an extraneous offense to show a common scheme or plan, or the absence of mistake or accident. As the 5th Circuit saw it, Jencks carried the burden to prove his innocence because “his extended argument that he might have severed those [Communist] connections or resigned from the Party for a period in order to avoid risking the penalties of Taft-Hartley is wholly unimpressive, especially in view of his failure to bring forward any evidence at all.”

In criminal law, “Blackstone’s ratio” holds that it is better that ten guilty persons escape than one innocent person suffer. The principle found purchase with the Founding Fathers. Benjamin Franklin even inflated the formulation saying it is better that 100 guilty persons go free than one innocent person be convicted; John Adams added that it is of more importance to the community that innocence should be protected than that guilt should be punished.

These are all axioms drilled into first year law students. And, as former FBI Director James Comey says, the Department of Justice is the only department with a moral virtue in its name.

Thus, the reader of *McCarthyism vs. Clinton Jencks* will have to decide if these lessons were applied during the McCarthy era of the 1950’s, and the degree to which the Department of Justice operated with moral virtue. Then again, given how the *Jencks* case coursed on even keel through trial in the district court and appeal before the 5th Circuit, maybe Lenin had the last laugh about the vagaries of American justice when, during the first Red Scare in 1917, he observed that “there are no more reactionary people in the world than judges.”

BALLARD C. SHAPLEIGH is an Assistant District Attorney

SENIOR LAWYER INTERVIEW

Fred Morton

BY CLINTON F. CROSS

Fred Morton will be inducted into the El Paso Historical Society's Hall of Honor at its annual dinner on Friday, November 15, 2019 from 6:00 p.m. to 9:00 p.m. at the Double Tree Hotel, 600 N. El Paso, El Paso, TX 79922. The cocktail hour begins at 6:00 p.m. (cash bar) and dinner at 7:00 p.m. Tickets for all guest are \$100. Please RSVP the EL Paso Historical Society by calling 915-533-3603 or emailing them at epchs@elpasohistory.com

I interviewed Fred Morton in October 2004 for El Paso Bar Bulletin.

That interview is republished here.

Cross: *Why did you decide to pursue a legal career?*

Morton: I was an Art Major at Texas Western College when my father, R.A.D. Morton (an attorney and past President of the El Paso Bar Association) died in 1954. I didn't think I could make a living in art and decided to try law school, where I did very well (Law Review, etc.).

Cross: *Where did you go to school? When did you graduate?*

Morton: University of Texas School of Law. I received my Bachelor of Laws in 1958.

Cross: *Briefly summarize your career.*

Morton: [I] have been very fortunate to be associated with "greats" in our profession as law clerk to U.S. District Judge R.E. Thomason; law partner of Congressman Richard C. White; and office-mate with C.R. "Bob" Schulte, County Judge, Judge of the 41st District Court, and Justice on the El Paso Court of Appeals. Hopefully, I learned much from them,

Otherwise, my career has been varied: law clerk, prosecutor and lesser judge in the federal court; trying both civil and criminal cases from both sides of the docket; and mediator. I am also certified in real estate law,

Cross: *What aspect of your career was the*



Fred Morton

most satisfying? Why?

Morton: Mediation is the most appealing and satisfying because you can help people to make peace instead of war, after which they can get on with their lives. You can almost see the sense of relief visible in adversaries after a mediated settlement.

Cross: *Tell us about one of your interesting cases.*

Morton: *U.S. v. Billie Sol Estes*, 335 F.2d 609 (5th Cir. 1964) was highly publicized because it was the biggest fraud (more than \$20 million dollars) in U.S. history at the time, and because of Estes' supposedly close association with President Lyndon Johnson, Senator Ralph Yarborough and others.

My early contribution was my recognition of federal statutes possibly violated (something my predecessor at the U.S. Attorney's office and head of the Fraud Section of the Criminal Division of the U.S. Department of Justice had both missed one year earlier). My final contribution was on appeal to furnish the Court with a Supreme Court opinion in a case tried years before, which helped the Court to

overrule Estes' contentions. '

Cross: *As lawyers we all have an opportunity to contribute to the administration of justice. I try to contribute by being courteous to opposing counsel. What, if anything, can you claim to have done?*

Morton: As President of the El Paso Bar Association in the mid-80's, I led the efforts which completely re-organized the state criminal justice system, which was deplorable and the subject of a federal court civil rights action. This resulted in earlier appointment and increased compensation of court appointed counsel: creation of the Public Defender and Jail Magistrate offices; creation of the "El Paso Plan" in which counsel can buy out of the appointment list, resulting in the Bar paying the County over 2 million dollars in 20 years for payment of appointed counsel and the Public Defender office. I finally secured the appointment in federal court of a Master (retired E. Paso Court of Appeals Chief Justice Steve Preslar) who got the case settled. The El Paso Bar Association also sponsored legislation (drafted by Judge John Fashing) to create a Jail Magistrate. When constitutionality of the Magistrate's position was challenged, I filed an amicus brief in the case defending the new legislation. The constitutional attack failed.

Cross: *Has the practice of law changed since you started?*

Morton: Yes. Ever since the U.S. Supreme Court said lawyers could advertise, the conduct of the practice has become a "business" instead of

a profession, with consequential loss of integrity and civility, and with public condemnation of all of us.

Cross: *Has this change in the practice impacted on you personally? If so, how?*

Morton: First, I find very few clients now have high respect for me as a lawyer, which



Billie Sol Estes

directly affects whether they pay my bill or follow my advice.

Within the profession itself, the lack of civility is now common; a rarity twenty years ago. This makes the practices less satisfying.

Cross: How do you think the practice will change in the next twenty years?

Morton: Technology will no doubt affect the practice in ways beyond my comprehension. In my opinion the biggest threat will be to allow merged practices with CPA's, stock brokers, insurance agents, and so on.

Cross: What do you think are the most important qualities of a good lawyer?

Morton: Honesty and reliability in the conduct of all matters, in trial as well as transactional matters, and in life outside the practice.

CLINTON F. CROSS is a retired Assistant County Attorney

Peacemakers: The Forgotten Role Of Lawyers

First published in the September 2007 issue of El Paso Bar Journal

By JUDGE OSCAR GABALDON

Throughout the ages, thoughtful and caring minds have inspired many of us to pursue and cherish noble ideals. We value the wisdom of those who have earned our confidence through their focused and persistent search for truth and understanding. Among the ideals that most every man and woman cherish throughout their lives is the ideal of peace... lasting, unperturbed peace.

In the quest for peace, the thoughts of respected people, like Lord Baden-Powell, bring us sustained hope for a better tomorrow where men and women live each day more harmoniously than the day before. Lord Baden-Powell counsels: "We should take care, in inculcating patriotism into our boys and girls, that it is patriotism above the narrow sentiment which usually stops at one's country, and thus inspires jealousy and enmity in dealing with others... Our patriotism should be of the wider, nobler kind which recognizes justice and reasonableness in the claims of others and which lead our country into comradeship with... the other nations of the world. The first step to this end is to develop peace and good will within our borders, by training our youth of both sexes to its practice as their habit of life, so that the jealousies of town against town, class against class and sect against sect no longer exist; and then to extend this good feeling beyond our frontiers towards our neighbors." Baden-Powell's proposes a solution to the ill will that we sometimes, advertently or inadvertently, help to foster within our own communities and beyond. He suggests that we teach and



Let us take to heart the premise that it benefits our well-being to bring peace to our minds, hearts, and souls. Only then will we be able to successfully spread peace onto others.

encourage others to prize peace and good will, to make the consistent and continual pursuit of peace a habit. We do this by beginning with ourselves and with our families, and then we

move outward to the world at large.

Peace can only become a reality with effort. The effort starts with a desire and a willingness to embrace peace. The desire for peace to flourish in our lives is the initial spark that ignites our relentless pursuit of such peace. The search and obtainment of peace comes from our willingness to seek to understand others. It is by understanding others that we can appreciate the feelings, motives, and considerations others entertain in their own search for peace. Once found, peace, like a fragile precious child, must be carefully monitored, nourished, and maintained. Albert Einstein wisely observes that "Peace cannot be kept by force. It can only be achieved by understanding." He discerns that understanding others is a critical component in the efficient and worthwhile pursuit of serenity.

Understanding is an ongoing process that calls for the involvement of other virtues such as patience, compassion, open-mindedness, and self-reflection. Thus, when we are self-indulging and into ourselves to the exclusion of others, we lose the opportunity to draw from the experiences, observations, and otherwise beneficial contributions of others. This weakens our ability to better capture the essence of peace and all it entails. Complacency with the absence of peace is unacceptable, because everyone has a human and moral duty to contribute towards the goal of bringing peace to their own lives and the lives of others.

Some possess certain skills, experiences, and abilities towards peacemaking more so

than others. Lawyers are among the group of professionals that are in a position to exert a positive influence on peacemaking. A former dean of a Texas law school once had to judiciously remind a group of law students that: "We have forgotten that the role of the lawyer is to be a peacemaker." The celebrated lawyer and former U.S. President, Abraham Lincoln, was not one of those lawyers that needed such a reminder. He knew all too well that lawyers have a duty to be peacemakers. "His slander cases show that he often took advantage of opportunities for mediation and compromise."¹ He was sensitive to the needs of others. He understood the connection between good faith dialogue in settling disputes and the benefits of this towards helping maintain social order. "Lawyers were not simply courtroom advocates for their clients; they also served a mediating role."² Lincoln once gave a law lecture where, according to the Lincoln scholar, Mark E. Steiner, he wrote: "Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser – in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man."³

Steiner also mentions other distinguished champions of the law who were avid adherents of the premise that lawyers are to be peacemakers.

For example, Steiner quotes Simon Greenleaf, a professor at the Harvard Law School, who declares that a lawyer "concerns himself with the beginnings of controversies, not to inflame them but to extinguish them... He is a peacemaker; - a composer of dissensions; - a blessing to his neighborhood." Steiner also quotes from a 1845 issue of the New-York Legal Observer:

"...the respectable attorney...is almost always a peace-maker and a settler of disputes, without litigation, where it is practicable." Yet, how many lawyers actually have the good sense to recognize their obligation at peacemaking? How many of us allow our pride to interfere with this noble undertaking? How many of us let our emotions or uncontrolled passions dictate our adversarial tendencies, sometimes to our client's detriment? What should the prudent alternative be? What should the lawyer's role be? "He should never advise a suit unless it is the interest of his client to 'go to law.' If the case be frivolous, or the right doubtful, he should advise forbearance or compromise. He should never encourage litigation."⁴

Let us take to heart the premise that it benefits our well-being to bring peace to our minds, hearts, and souls. Only then will we be able to successfully spread peace onto others. Some will be mindful of this. Sadly, others will not. We are not alone in this endeavor of

peace searching. Let us learn from the great peacemakers. "One of the most persistent ambiguities that we face is that everybody talks about peace as a goal. However, it does not take sharpest-eyed sophistication to discern that while everybody talks about peace, peace has become practically nobodys' business among the power-wielders. Many men cry Peace! Peace! But they refuse to do the things that make peace."

Therefore, let us have the determination, the valor, and the charity to make a sincere effort to change the void that the absence of peace creates. "This is the way of peace: Overcome evil with good, falsehood with truth, and hatred with love."⁵

Notes

1. Steiner, Mark E. "The Lawyer as Peacemaker: Law Community in Abraham Lincoln's Slander Cases," *Journal of the Abraham Lincoln Association*, Volume 16, No. 2, Summer 1995.
2. Ibid
3. Ibid
4. Robertson, George W. "Scrap Book on Law and Politics, Men and Times," 1855.
5. Quote from Peace Pilgrim (1908-1981).

OSCAR GABALDON is an Assistant El Paso City Attorney.



El Paso Association of Legal Professionals
Our Legal Directory "Yellow Book"
is now available for purchase.

We are now down to just 200 directories!

Get yours before they are gone, gone, gone!

Please contact Rachel Scott at rachel@expressrecords.net to purchase a copy.

Directories are \$12 each, please pay with **checks made payable to EPALP or exact cash only**. No credit cards please.



CRAIG REALTY

REAL ESTATE SALES, PROP. MGMT (WESTSIDE EL PASO)
 Licensed Texas Real Estate Licensee Since 1981.
 Knowledgeable in All Areas Of The El Paso Real State Market

915-581-5474

SUSAN CRAIG

Realtor®

2015 Gepar President

Broker, TRLP, GRI e-PRO®
 2006 Gepar Salesman of the year

A HOME FOR
 EVERYONE

P.O. BOX 220415, EL PASO, TX 79913
www.susancraig.org homefinder1@live.com



ER GRAPHIC DESIGN

*Bussines cards • Brochures •
 Magazines • Banners • Postcards
 • Flyers*

Contact: conri@hotmail.com



The State Bar of Texas Annual Meeting... and El Paso

BY STEVE FISCHER

The Bar's Annual Meeting is the crown jewel of all Texas CLE events. It provides a wealth of reasonably-priced CLE in all areas of Texas Jurisprudence. It also has the reputation of being a "high-brow", and stodgy event, where the elites hobnob, dine and present each other with awards. Not surprisingly the cuisine is also-top notch, especially compared to Advanced Family or Advanced Criminal Law where there may be a "box lunch" or the admonition "Lunch on your own".

Because bar CLE revenues have been flat at approximately \$15,000,000 per year despite the annual addition of 2000 new attorneys, I thought we could both broaden the event's appeal and make it substantially more fun,

by having my dog Shasharoosticus join my presentation. Everyone loved her and she was a great "ice breaker" as well. Many members of the Texas Supreme Court, as well as bar leaders, wanted photos taken with "Rooster".

El Paso attorneys have not played much of a role in this, or any major CLE events. For us, we have to set out extra days of travel, find hotels, and this can be expensive. So many times at an event in Houston, San Antonio or Austin, the attorney sitting next to me would ask "Steve could you watch my materials I need to make a quick appearance in X Court?".

What few El Paso attorneys know is that in 2012 as the elected State Bar Director from the Corpus-Victoria District (I had moved away for 26 years), I authored a resolution for El Paso

to host a future annual meeting. Cori Harbour-Valdez as I would tease "the other EL Paso Director", co-sponsored this and it passed 29-1. The lone dissent was the Beaumont. Director who feared he couldn't find us, even though Interstate 10 in Beaumont clearly has a sign "El Paso 830 Miles". It was agreed, off the record, that El Paso would have to wait until we had 2500 hotel rooms in one area. We have them, unfortunately the lag time is several years and the next five annual meetings will be held at Dallas. (2020), Ft Worth (2021), Houston (2022), Austin (2023) and Dallas (2024) We should request that the State Bar place us in the rotation. That way the Austin, Dallas, and Houston attorneys can watch our materials, while we cover a court hearing.



EDITORIAL

What is Title Insurance and Do You Need It?

BY CLAVEL CANDELARIA

Purchasing a home is a big and exciting commitment that can lead to many wonderful new memories for you and your family. As you go through the process, you will sign several different documents. It is important to read through the numerous documents that you will be signing carefully, including a closing statement (or “CD”), promissory note, mortgage instruments, deeds and various other documents. One of the documents that will be mentioned is title insurance, which is issued after closing. There are two types of title insurance: owner’s title insurance and lender’s title insurance. Here is what you need to know about both before you close on your home.

Owner’s title insurance helps protect you from liens or defects in the title of the property. If a previous owner decides to challenge your ownership of the property, you will be protected. Owner’s title insurance is addressed in the terms of your contract to purchase your home and is typically paid for by the seller. It is not a requirement for you to close on the home, but it is highly recommended to have owner’s title insurance.

“A title agency determines the existence of any title issues and sees that they are addressed before a transaction closes. For instance, the seller’s mortgage, unpaid taxes, unknown heirs or survey matters. Unknown issues can come to light later, so a policy is necessary in order to defend you in those cases. Most claims are associated with survey issues and tax

matters,” says Janette Coon, president of Prosperus Title & Escrow LLC.

Lender’s title insurance protects the lender from any claims made against the property. Lenders will usually require that the title insurance covers the full amount of the loan. The borrower is typically required to cover the costs of the lender’s title insurance. If the home were being foreclosed, this type of insurance would defend the lender’s lien position. Lender’s title insurance is usually included in the disclosed costs and fees prior to closing on your home.

Title insurance is an upfront cost when purchasing a home. The cost will vary by state and is usually set by the price of your home. Title insurance is a large cost, but unlike other insurance, it is a one-time premium. If you do decide to buy owner’s title insurance, the title agency will research previous owners, including divorced spouses, heirs of the property, unpaid taxes, encroachments, easement and restriction documents, any pending legal cases, fraud, or other matters that may affect your title.

When choosing title insurance, you have the option of choosing your own title agency. This decision is made as part of your contract to purchase your home. If you don’t know where to start, ask your realtor, attorney or lender for title companies that they may recommend. Obtaining title insurance will give you peace of mind in knowing that your property and home are covered.

“Owner’s title insurance helps protect you from liens or defects in the title of the property. If a previous owner decides to challenge your ownership of the property, you will be protected.”

CONFLICTS? RESOLUTIONS!

Solving Problems--Closing Cases

Patricia Palafox

*Bilingual Attorney
Mediator-Arbitrator*



**Celebrating 17 years
of Professional
mediation & Arbitration;
32 years of Legal
Representation**

TEXAS and NEW MEXICO
State & Federal Civil Cases
Employment • Personal Injury
Medical Malpractice
Family Law • School Law
Construction Contracts
General Business Law



Mediation, Negotiation
and Arbitration Training

Harvard Law School

The Attorney-Mediators Institute

Texas Wesleyan University
School of Law

The National Mediation Academy, Inc.

32 Years of Legal Representation



*Thank you for your support
and trust over the last thirteen years*

8001-E North Mesa, PMB 345
El Paso, TX 79932
Phone: 915-833-6198
Fax: 915-833-7305
palafoxpatricia@sbcglobal.net



EL PASO ASSOCIATION OF LEGAL PROFESSIONALS

Community Relations Volunteer Activities

■ June/November—Assist El Paso Bar Association at El Paso Lawyers for Patriots

About El Paso Lawyers for Patriots

El Paso Lawyers for Patriots is a network of local lawyers assisting veterans, active duty military, and their families who otherwise could not afford or don't have access to legal services. Services are offered through the El Paso Bar Association, other local bars, veterans service providers, and similar entities. The network also assists the justice system by helping meet the mental health needs of combat veterans and active military personnel who find their conduct can be attributed directly to post traumatic stress disorder, traumatic brain injuries or other mental diseases and disorders as a result of military service.

■ September - Wills for Heroes

For the month of September, we have chosen to help the El Paso Fire Department in preparing a will and two POAs for those who pre-register for the event. I have secured 4 attorney volunteers and have also partnered with the El Paso Probate Bar and Jessica Kludt to get more attorney volunteers. We expect to be able to help at least 24 people.

Proposed date: September 11, 2019 to distribute surveys and location and final date TBA

■ October- Assist El Paso Bar Association at Access to Justice Legal Fair

About Access to Justice

El Paso Bar Association, other local bars provide access to legal advice to the general public.

Date and location TBA

■ November—Food Drive and Volunteer at The Rescue Mission

We will ask EPALP members to donate canned goods and volunteer to help serve at the annual breakfast held at the Rescue Mission.

■ December- CPS Toy Drive and Chinese Auction to benefit El Paso Young Lawyers Association's Christmas of Hope

Details will be provided at a later date.

In addition, we will have a raffle at every education meeting to benefit our chosen charity. A check will be presented to Child Crisis Center at the November Luncheon.



EL PASO ASSOCIATION OF LEGAL PROFESSIONALS

Education Luncheon Speaker List

Our goal this term, is to provide our members with a variety of quality CLE.

Following is a list of our scheduled speakers.



September

Jessica Kludt
"Wills and Estate
Planning"



November

Our charity speaker.
We will hold a raffle each month. All proceeds will benefit the Child Crisis Center.



October

Kirk Cooper
"Practice before
the Eighth Court
of Appeals"



December

CHINESE AUCTION/ VENDOR FAIR to
benefit EPYLA Christmas of Hope

PLEASE VISIT OUR WEBSITE FOR DETAILS. WWW.EPALP.ORG



EDITORIAL

The Pros and Cons of an Owner-occupied Real Estate Loan

BY CLAVEL CANDELARIA

An owner-occupied real estate loan is used to purchase or refinance the building or property where the operations of your business take place. This loan gives you ownership on the space and property where your business operates. If the space you are renting is in a shopping center or on a lot and you are looking to own more than half of the property, you can apply for an owner-occupied real estate loan to purchase the property when it's placed for sale. Here are some pros and cons to consider before applying for an owner-occupied real estate loan.

Purchasing the building or property will allow you to build equity — every payment that you make is an investment into the ownership of the space that your business operates out of, rather than it being spent on rent. The equity that you build can be used as a future investment to open another location or to expand your current space. You would also be taking ownership of the property, which would allow you to make any changes that you have in mind. You could customize and renovate without having to get approval from a landlord. When applying for the loan, look for a fixed term that will lock in the interest rate during the term of the loan to help provide security for your business.

Owning the building or land also allows you to generate revenue if you choose to resell or rent the space that you don't use. Purchasing the property is an investment that generally increases in value over time and will build up your portfolio. If you do not plan to sell the property, you may want to consider including your business in your estate plan for your children or loved ones to inherit.

However, owning the business or property can affect

the amount of liquid funds that you have available on hand. This means that if you do not have money set aside, you may not be able to afford any repairs or emergencies that may come up. It also increases the possibility of having to sell the property if your business doesn't do well.

You may also face the difficulty of making the initial down payment. The amount of down payment that you need to purchase the property will depend on the loan amount. If you are barely starting up your business, you may want to lease before owning to get familiar

with the location and see if your business performs well. As an owner of the property, you will also be taking on the responsibility of property taxes and insurance as well as maintenance and upkeep. An owner-occupied real estate loan is best for a business that is already established and experiencing success.

"When you're ready to apply for an owner-occupied real estate loan, it's important to know how much you will need to borrow, how you will repay the loan, and bring documentation to show the historical income for your business," said Chris Tompkins, senior vice president, chief commercial services officer at GECU.

The GECU Business Services team is available to help you do more for your business. As an Equal Opportunity Lender, GECU has the tools and solutions that you need to start, improve and grow your business. Visit gecu.com today or call 778.9221, toll-free at 1.800.772.4328, to see how GECU is open for businesses and find out how easy it is to become a member.

Owning the building or land also allows you to generate revenue if you choose to resell or rent the space that you don't use.

“Owning the building or land also allows you to generate revenue if you choose to resell or rent the space that you don't use.”

Wednesday, October 16, 2019

12:00 noon * 120th Courtroom
* 500 E. San Antonio, Room 605

Immigration

“Remain in Mexico”

presented by Las Americas

Approved for 1.0 hours of MCLE,
including .25 hours of Ethics
FREE to EPBA Members
/\$100 for non members

RSVP to Nancy at ngallego@elpasobar.com



SEMINAR SERIES

Friday, October 25, 2019

10:00 – 12:00 Noon * Law Library Archive Room
* 500 E. San Antonio, 12th Floor

Technology CLE

Creating Dynamite Trial

/Mediation Exhibits Using DIY Technology

presented by David Ferrell

Approved for 2.0 hours of MCLE
including .50 of Ethics

Space is limited to 35 people. Free to EPBA
Members/\$100 for nonmembers

RSVP to Nancy at ngallego@elpasobar.com

Wednesday, October 30, 2019

12:00 Noon * 120th Courtroom
* 500 E. San Antonio, Room 605

Asylum & Representing Clients in Bond Hearings

presented by Diocesan Migrant & Refugee Services, Inc.

Approved for 1.0 hours of

MCLE, including .25 of Ethics

FREE to EPBA Members/\$100 for nonmembers

RSVP to Nancy at ngallego@elpasobar.com

Wednesday, November 13, 2019

12:00 Noon * 120th Courtroom,
*500 E. San Antonio, Room 605

Bail Reform in El Paso County and Elsewhere

presented by Judge Penny Hamilton

Approved for 1.0 hours of MCLE

including .25 hours of Ethics

FREE to EPBA Members/\$100 for nonmembers

RSVP to Nancy at ngallego@elpasobar.com

24TH ANNUAL CIVIL AND CRIMINAL TRIAL PRACTICE SEMINAR

February 6, 7 & 8, 2020

Bourbon Orleans Hotel
New Orleans, Louisiana

To book your hotel room go to:

[https://reservations.Travelclick.](https://reservations.Travelclick.com/77701?groupID=2569671#/guestrooms)

[com/77701?groupID=2569671#/guestrooms](https://reservations.Travelclick.com/77701?groupID=2569671#/guestrooms)

Please check our website for schedule
and all the information on the seminar.



EL PASO BAR ASSOCIATION

Access to Justice Free Legal Clinic

Saturday, October 26, 2019

9:00 a.m. - 1:00 p.m.

Valle Verde Campus of El Paso Community College
Building C, First Floor

If you can volunteer for a couple of hours, please contact Nancy at ngallego@elpasobar.com

EL PASO BAR ASSOCIATION

El Paso Lawyers for Patriots Free Legal Clinic

Saturday, November 16, 2019

9:00 a.m. to 1:00 p.m.

9050 Viscount Blvd,
EPCC Administrative Services Center, Building B

If you can volunteer for a couple of hours, please contact Nancy at ngallego@elpasobar.com

Holiday Schedule for El Paso Bar Association and El Paso County Courthouse

The EPBA Office and the El Paso County Courthouse will be closed on the following dates:

- Monday, October 14, 2019 - *Columbus Day*
- Monday, November 11, 2019 - *Veteran's Day*
- Thursday, November 28, 2019 & Friday,
- November 29, 2019 - *Thanksgiving Holiday*
- Tuesday, December 24, 2019 - *Christmas Eve*
- Wednesday, December 25, 2019 - *Christmas Day*
- Tuesday, December 31, 2019 - *New Year's Eve*
- Wednesday, January 1, 2020 - *New Year's Day*
- Monday January 20, 2020 - *Martin Luther King, Jr. Day*



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Call (915)532-9622

Visit us at www.elpasoymca.org

When you join the Y, you're committing to more than simply becoming healthier. You are supporting the values and programs that strengthen El Paso.

**JOIN
TODAY!**



Loya Family YMCA
2044 Trawood
El Paso, TX 79935
Phone: (915) 590-9622

Bowling Family YMCA
5509 Will Ruth
El Paso, TX 79924
Phone: (915) 755-9622

Westside Family YMCA
7145 N Mesa
El Paso, TX 79912
Phone: (915) 584-962

Florentino A. Ramirez
Chair, Board Of Trustees

W. Stephen Benesh
Chair, Fellows

September 22, 2019
FOR IMMEDIATE RELEASE

Contact: Baillie Hearne
(512) 480-8014

El Paso Attorney Carlos Cárdenas Elected To The Board Of Trustees Of The Texas Bar Foundation

Carlos Cárdenas with the Law Office of Carlos Eduardo Cárdenas, P.C. has been elected as Fellows Secretary to the Board of Trustees of the Texas Bar Foundation. Mr. Cárdenas took office June 14, 2019.

Since being licensed in Texas as an attorney in 1980, Carlos has focused his practice of law on representing plaintiffs in personal injury and civil litigation, and clients in administrative law proceedings before the State Office of Administrative Hearings in Austin. He obtained his undergraduate degree from Georgetown University in 1977 and earned his J.D. Degree from the University Of Texas School Of Law in 1980. He is admitted to practice before the United States District Courts for the Western District, the United States District Court of Appeals for the Fifth Circuit, and the Supreme Court of the United States.

He served on the Board of Directors of the El Paso Bar Association from 2002 to 2011; and as its President in 2009-2010. He is a mem-

ber of several professional organizations including his current service as Immediate Past Chair of the Council for the State Bar of Texas Litigation Section; the American Board of Trial Advocates (ABOTA), having served as President of the El Paso Chapter in 2014; as a Supreme Court of Texas appointee to the Texas Access to Justice Commission from 2011 to 2017; and designated as a Master in the George A. McAlmon American Inns of Court since 2015.

Founded in 1965 by attorneys determined to assist the public and improve the profession of law, the Texas Bar Foundation has maintained its mission of using the financial contributions of its membership to enhance the rule of law and the system of justice in Texas. To date, the Texas Bar Foundation has distributed more than \$20 million throughout Texas to assist nonprofit organizations with a wide range of justice-related programs and services. More than \$1 million is projected to be distributed for grants this fiscal year. For more information, please visit www.txbf.org.



DIOCESAN MIGRANT & REFUGEE SERVICES, INC.
DMRS
SERVICIOS DIOCESANOS PARA MIGRANTES Y REFUGIADOS

“DMRS would like to thank the
El Paso Bar Association for their
pro bono contributions.

A special thank you to the following attorneys for
helping us with pro bono cases:

**Maria Mendoza, Ray Lauser, Felipe Millan,
Cynthia Lopez, and Ernesto Sanchez.**

We are still in urgent need for local attorneys to
take on pro bono cases. Please contact Cynthia
Lucero at (915) 532-0697 or clucero@dmrs-ep.org.”

IS YOUR LAW FIRM BBB ACCREDITED?

Builds Client **TRUST** ✓

Provides **Competitive Edge** ✓

Firm **Stands Out** ✓

Exclusive **Advertising*** ✓

***BBB.org** is visited by over 30,000 consumers
each month looking for trustworthy businesses!



Apply **TODAY**
BBB.org
(915) 577-0195





TAILORED FOR YOU

PROSPERUS TITLE & ESCROW

Our services are tailored to your real estate needs! We can help with every aspect of residential and commercial real estate transactions in Texas and will work closely with you till the end. With more than 100 years of combined industry experience, we're here to provide you with friendly, knowledgeable service.

Let's start working together! **Contact us at 915.288.2468 or visit ProsperusTitle.com.**



Prosperus Title & Escrow, LLC



OCTOBER 2019



OPEN FOR BUSINESSES

GECU COMMERCIAL LENDING*

Strong. Determined. Driven. You don't let anything get in your way because there's a fire inside that pushes you forward. You're a business owner and GECU Commercial Lending is here to support you. We have the solutions that you need to start, improve and even grow your business.

GECU Commercial Lending can help you with ...

- Refinancing
- Equipment loans
- Commercial real estate loans
- Small-business loans
- Lines of credit

Inquire today at gecu.com, or by calling 778.9221, toll-free at 1.800.772.4328.

Join our family – it's easy!**



*All loans subject to approval. Other conditions apply. Principal business must be located in El Paso County, Hudspeth County or Doña Ana County, not more than 25 miles from our Helen of Troy and Resler location, to be eligible for membership at GECU.

**Learn how to become a member at gecu.com.



gecu.com

OCTOBER 2019



EL PASO BAR ASSOCIATION
500 E. San Antonio, Rm. 1204
El Paso, Texas 79901
(915) 532-7052

EL PASO BAR ASSOCIATION

Annual Holiday Party

Thursday, December 12, 2019

6:00 – 8:00 p.m.

El Paso Community
Foundation Room
333 N. Oregon St.

*Food, Drinks, Music
and Holiday Cheer!!!*

Silent Auction to benefit the El Paso Bar Foundation