The Story of Dr. Lawrence A. Nixon,
A black doctor in El Paso, who successfully challenged two discriminatory Texas statutes in the U.S. Supreme Court

By Michelle D. Esparza
Page 10

The Changing Face of Mediation

By Christopher Antcliff
Page 7
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.

Schedule your mediation today:
antcliffmediation.com/calendar
I am honored to be the new president of the El Paso Bar Association which brings us to a unique period of change, and also opportunity. This is a time for quiet leadership, rooted in servant leadership in the sense of serving others through setting our egos aside along with opportunistic personal interests and working to grow and develop the potential of other people.

COVID-19 is a one in one hundred years challenge that we all are facing together in our community, state and across the nation. We even see it in our sister city, Juarez.

We are working to emerge from the pandemic while our unemployment rates soar and supply chains are in disarray. As we await a possible second wave, we know a return to pre-COVID-19 normal may be a long way off.

New and unprecedented personal and professional challenges continue to unfold amidst the COVID-19 pandemic. There have been numerous challenges in the history of the El Paso Bar Association which it has answered successfully. Together, we will meet these present challenges and embrace positive change in the process.

Dan Hernandez, immediate past president, led EPBA through the first few months of the pandemic and I want to thank Dan for his leadership as he has left a sound base on which to build. Also, Jennifer Vandenbosch served as an invaluable, ever present, “go-to” for Dan Hernandez and the Board. They are both great models of the legal community’s commitment to El Paso. Additionally, the guidance of Nancy Gallego, the linchpin of EPBA, served and continues to serve as our ballast, our cornerstone, for the organization.

The EPBA is an organization of lawyers and for lawyers, but it is also a member of a larger community that it also seeks to serve. This was made clear last year in the aftermath of the Walmart shootings and now with the COVID-19 outbreak. We are now thinking through changes needed to continue our traditional clinic offerings as the current situation calls for significantly altering the way we deliver pro bono services.

Additionally, with the Executive Director Nancy Gallego, and Board members, the EPBA is continuing to address its fiscal responsibilities to its membership. It will come as no surprise that the COVID-19 emergency and the effects on bar operations are going to affect EPBA expenses and EPBA income for some time to come and the budget will remain a focus for us going forward.

There is much work ahead as the courts and the economy continue to reopen. The EPBA Executive Director and many of its Board members have been working from home remotely since March and, moving forward, will have to determine the proper mix for remote and onsite work in the EPBA office.

We face a challenge because the pre-COVID-19 business model is based on in-person CLE, Luncheons and other services which have now been curtailed. We expect to see more online CLE programs which may require an update to programs for this purpose. Also, the young Lawyers leaders bring fresh energy and spirit at a time when engagement is so important to the organization.

Doubtless this will be a year of new challenges, but our goals are steady: encourage and support membership; provide free, and also reasonably priced CLE, create and maintain a stable budget environment; update management systems to meet the new challenges as needed; champion diversity and inclusion; support the work of specialty sections, and be an involved and responsible community member.

Let’s get to work!

Janet Monteros
President
This has definitely been a year for the books! I thought we were off to a great start this year and looking forward to our St. Patrick’s Day seminar, then mid-March everything changed.

As paralegals we always have a Plan B, and we are great at adapting to change. Unfortunately, we were forced to cancel our primary fundraiser for the year, our annual golf tournament, when the golf course was closed by the City, but we look forward to a successful golf tournament next Spring!

We’ve also seen some of our members laid off or furloughed, and we hope to continue to be an excellent source of job referrals for our members. We would encourage El Paso’s attorneys to take advantage of our job bank when looking to fill those positions.

The El Paso Paralegal Association has been working hard to provide the membership with educational opportunities during these challenging times, including hosting pre-recorded videos, and we continue to have our monthly CLE luncheons via ZOOM videoconferencing until the El Paso Club is able to re-open.

We are excited to announce we will be celebrating Texas Paralegal Day virtually with a free, half-day seminar on October 23, 2020, and hope you will encourage your paralegals to sign up and attend. Information about the seminar can be found on EPPA’s website (www.elppa.org). EPPA is dedicated to keeping its members active, educated and informed.

We would like to thank the El Paso Bar Association and all the El Paso attorneys for their continued support of the El Paso Paralegal Association.

-Jessica Lucero
President
THE STORY OF DR. LAWRENCE A. NIXON,  
A black doctor in El Paso, who successfully challenged two discriminatory Texas statutes in the U.S. Supreme Court

By: Michelle D. Esparza

Fifty-five years ago, on August 6, 1965, just a few months after John Lewis and other voting rights activists were beaten by Alabama state troopers on the Edmund Pettus Bridge, President Lyndon B. Johnson signed the Voting Rights Act into law and pledged "We will not delay, or we will not hesitate, or we will not turn aside until Americans of every race and color and origin in this country have the same right as all others to share in the process of democracy." The Voting Rights Act was a centerpiece of the civil rights movement. It expanded the Fourteenth and Fifteenth Amendments by banning racial discrimination in voting practices.

The Voting Rights Act has since been weakened by the U.S. Supreme Court's holding in Shelby County v. Holder, 570 U.S. 529 (2013), which invalidated a coverage formula that determined which jurisdictions were subject to a preclearance requirement based on their history of discrimination in voting. Before the Court's ruling in Shelby County, Texas, among other states, was subject to obtaining preclearance from the U.S. Attorney General or the U.S. District Court for the District of Columbia prior to changing its election laws.

To this day, voter suppression looms over the upcoming November election. Repressive voter ID laws, racial gerrymandering, voter roll purges, and precinct closures disproportionately disenfranchise minority voters.

Few know about El Paso's own unfortunate history of suppressing the black vote, and its connection to two major U.S. Supreme Court cases that ultimately paved the way for dismantling all white primaries throughout the South.

In 1927, Dr. Lawrence A. Nixon, a black doctor and civil rights activist who lived in El Paso from 1910-1966 successfully challenged a Texas state law that barred black people from voting in the Texas Democratic primary in Nixon v. Herndon, 273 U.S. 536 (1927). Only five years later, in Nixon v. Condon, 286 U.S. 73 (1932), the U.S. Supreme Court found the all-white Democratic Primary in Texas unconstitutional.

Dr. Nixon was born in the far East Texas city of Marshall, and began his medical practices in Cameron, Texas. He moved his practice to West Texas after witnessing the lynching of a black man in hopes of escaping violence and racism. While practicing as a physician in El Paso, he founded the Myrtle Avenue Methodist Church and was a member of the El Paso Branch of the National Association for the Advancement of Colored People (NAACP).

On July 26, 1924, Dr. Nixon, a member of the Democratic party, sought to vote in the Democratic party primary in El Paso. U.S. Senate, U.S. Representative, and state office candidates were on the ticket. Two Judges of Election for the precinct in which he was registered to vote denied him the right to vote based on a Texas statute enacted the year before, which provided "in no event shall a negro be eligible to participate in a democratic primary election," and that "should a negro vote in a democratic primary election, the ballot shall be void."

In Nixon v. Herndon, with the support of the NAACP, Dr. Nixon immediately sought an injunction against the statute in the United States District Court for the Western District of Texas. The Judges of Election filed a motion to dismiss, arguing that the subject matter of the suit was political and not within the jurisdiction of the Court, and that no violation of the Fourteenth and Fifteenth Amendments was shown.

The District Court dismissed the suit, and Dr. Nixon appealed straight to the U.S. Supreme Court. Justice Holmes delivered the opinion of the Court, reversing the District Court's order. The U.S. Supreme Court held that although the suit concerned political action, Dr. Nixon alleged and sought to recover private damages, which was clearly a justiciable issue.

Moreover, the Court also noted that it was unnecessary to consider the Fifteenth Amendment, "because it seems to us so hard to imagine a more direct and obvious infringement of the Fourteenth."

The Court held that the Fourteenth Amendment, "while it applies to all, was passed, as we know with a special intent to protect the blacks from discrimination against them." The Fourteenth Amendment "not only gave citizenship and the privileges of citizenship to persons of color, but it denied to any State the power to withhold from them the equal protection of the laws... What is this but declaring that the law in the States shall be the same for the black as for the white..."

What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States...
equal before the laws of the States. . ."

Shortly after the U.S. Supreme Court's holding in *Nixon v. Herndon*, Texas passed a statute stating that "every political party in the State through its State Executive Committee shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party". Acting under this statute, the Texas Democratic Party adopted a resolution stating "that all white democrats who are qualified under the constitution and laws of Texas and who subscribe to the statutory pledge. . . and none other, be allowed to participate in the primary elections to be held July 28, 1928, and August 25, 1928."

On July 28, 1928, Dr. Nixon appeared at his voting precinct and requested a ballot. The Judges of Election denied him the right to vote based on the new Texas statute and Democratic Party resolution. He sought an action in the Western District, and just like before, the Court dismissed the suit. The Judges of Election were represented by prominent El Paso lawyers Ben R. Howell and Thornton Hardie.

Dr. Nixon appealed to the Fifth Circuit Court of Appeals, then to the U.S. Supreme Court. In *Nixon v. Condon*, the U.S. Supreme Court held that "the result for [Dr. Nixon] is no different from what it was when his cause was here before." Howell and Hardie argued that the individuals of the State Executive Committee were not officials of the State of Texas, and because the Fourteenth and Fifteenth Amendments only limit actions by a state, their denying Dr. Nixon the right to vote was not state action. The Supreme Court disagreed, reasoning that "[d]elegates of the State's power have discharged their official functions in such a way as to discriminate invidiously between white citizens and black."

Dr. Nixon's successful challenges of discriminatory Texas laws in *Nixon v. Herndon* and *Nixon v. Condon*, ultimately paved the way for the U.S. Supreme Court to ban the all-white primaries in *Smith v. Allwright*, 321 U.S. 649 (1944). Dr. Nixon and his wife voted for the first time in 1944 after the *Smith v. Allwright* decision.

Ben R. Howell went on to become the Vice President of the El Paso Natural Gas Company, and Thornton Hardie was appointed to the Board of Regents of the University of Texas System in 1957.

In 1955, Dr. Nixon was admitted to the previously all-white Texas State Medical Association and the El Paso County Medical Society. Before retiring, he was active in professional and civic activities throughout the city, often providing pro bono medical care to El Paso residents. His name lives on in El Paso Independent School District's Dr. Lawrence A. Nixon Elementary School and on a street name in South Central El Paso.

While El Paso, Texas, and the U.S. have made great progress in upholding the right to vote, significant challenges to restrictive voting practices continue throughout U.S. state and federal courts to this day. Therefore, in order to appreciate how far we have come and how far we have yet to go, it is important to acknowledge the role El Paso played in Dr. Nixon's fight for the right to vote and the struggle that many people of color continue to face.

MICHELLE D. ESPARZA is an associate attorney at Mounce, Green, Myers, Safi, Paxson & Galatzan. She graduated from The Ohio State University Moritz College of Law in 2019. She is a retired Assistant El Paso County Attorney.

---

**The Second Founding: How the Civil War and Reconstruction Remade the Constitution, By Eric Foner**

**Reviewed by Clinton F. Cross**

In *In The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (W.W. Norton & Co., 2019), Eric Foner traces the history of the Thirteenth, Fourteenth, and Fifteenth Amendments to our Constitution, amendments that dramatically reset the nature of our Union.

The amendments were passed after the Civil War, theoretically validating and enshrining into our political fabric goals for which thousands of men died. Unfortunately, the dreams were largely abandoned by the Republican Party after the war, when the public shifted its focus away from the needs of the recently freed slaves to opportunities for growth and the accumulation of great wealth. The age that followed the Civil War is known as “The Gilded Age”.

The Supreme Court followed the shift in political winds by writing a series of decisions that narrowly construed the Reconstruction Amendments. These cases, reviewed in Foner’s book, allowed the creation of a caste system that in many ways emasculated the spirit of the amendments and delayed opportunities for economic, educational and legal progress for members of marginalized communities.

Michell Esparza’s article about the Nixon cases is important because it is a part of our community’s legal history. It is also important because is part of our nation’s continuing struggle for equal opportunity and justice for all. The Second Founding provides background and context for the Nixon cases.

**CLINTON F. CROSS** is a retired Assistant El Paso County Attorney.
Over the last twenty-five years, as the costs of litigation and the time it takes a case to reach trial have increased exponentially, alternative dispute resolution in its various forms has taken a prominent seat at the table in an attempt to reign in some of those costs and to speed up the resolution of cases. Interestingly, like arbitration clauses, more and more contracts include a mediation clause requiring the parties to participate in mediation as a prelude or perhaps as an alternative to litigation. More and more contracts are requiring both mediation and arbitration. Today, even as arbitration agreements are included, at an ever-increasing rate, in everything from employment agreements to real estate and personal property contracts, the primary form of alternative dispute resolution remains mediation.

As almost all attorneys and judges are aware, mediation is a goal-oriented process wherein an independent third-party neutral attempts to help the parties fashion a solution that satisfies both sides. The mediator is usually less focused on uncovering the truth and more intent on finding a solution. Obviously, this is very different from a trial where the judge and jury try to peer into the past and make a determination of right and wrong. Mediators, on the other hand, are concerned with “right and wrong” only as a tool to persuade one side or the other to change or modify their position.

Like all aspects of litigation, including arbitration, mediation has evolved over the last generation. Previously, mediators almost universally conducted joint opening sessions with the parties and their counsel present. Today, it is an incredibly rare occurrence for a mediator to conduct a joint session – particularly in a half-day session. Rather, the mediator usually conducts separate opening sessions with each of the parties and all participants then rely on the mediator to convey their specific positions, demands and offers. This change seems to have occurred as a result of an increase in the antagonism already prevalent in our adversarial system.

In mediation, the net result is that one party will likely offend the other and the mediator will spend a great deal of time repairing the damage created in an unnecessary joint opening session.

Reliance on the mediator for all communication between the parties and their counsel essentially means that the mediator must create an environment of trust within minutes of meeting each party. Doing so requires the active involvement of not only the mediator, but also each party’s counsel. There are a number of practice tips helpful for an advocate preparing for mediation and following these simple tips will not only assist the mediator, but will also help ensure a productive and effective mediation.

Selection of the Mediator. One of the keys to a successful mediation is the selection of a mediator appropriate for the case. The simplest and most effective way to choose a mediator is to determine the most significant obstacle to resolving the case and then selecting a mediator with specific skills targeted toward that obstacle. In the vast majority of cases, clients have to be persuaded that settlement is in their best interests – although, periodically it is the attorney who needs to be persuaded. If the case involves personal injury, medical malpractice or contract claims, differing mediators might be chosen depending on their experience. Regardless of the area of the law involved, the mediator should have some understanding and expertise in that particular area.

Joint Sessions. As noted above, most modern mediations do not involve joint opening sessions. Part of the reason for this change is that more lawyers and mediators have come to recognize that neither side is really listening to the arguments made in opening session – and no one is likely to change anyone else’s mind.

The Changing Face of Mediation

By Christopher A. Antcliff
Indeed, the opportunity to offend or antagonize the other side increases in joint sessions. Even when there is no joint opening session, lawyers still routinely treat mediations as mini-trials putting on a performance for the mediator and/or their client. In a short, half-day mediation, this tactic will not only waste time, it will likely irritate the mediator. A better course of action is to take direction from the mediator and adopt a less aggressive strategy. Because the opposing side is not in the room, there is no need for a performance or a necessity for the lawyer to practice their closing argument. Instead, give the mediator a concise presentation of the case including everything necessary for the mediator to make arguments on your behalf while he or she is in the other side’s room. Remember, it is difficult to provide the mediator what he or she needs to work the case if the lawyer has not done their homework – for example: speaking with witnesses, reviewing documents, and understanding the positives and negatives of the case. If the lawyer doesn’t understand their own case, it will be difficult to convince the mediator of the case’s strengths and/or value. Finally, don’t withhold information from the mediator because such a tactic risks killing the mediation. In other words, increase your credibility with the mediator by doing everything possible to persuade the mediator of the strengths of the case while acknowledging its weaknesses and, at the same time, trust the mediator to effectively communicate your position to the other side. Your strongest ally in any mediation – if you can make him or her your ally – is the mediator.

Adjusting Expectations. Many lawyers arrive at mediation without having spent any real time discussing and analyzing their case with their client. In the modern era where billboards advertising personal injury verdicts of hundreds of thousands, or perhaps even millions of dollars in favor of plaintiffs litter our highways, it is critical that a lawyer manage his or her client’s expectations because there is only so much mediators can do to help in this regard. When a client arrives at mediation with significantly elevated expectations, it can be very difficult, and sometimes impossible, to re-set those expectations in such a short period of time. The most successful mediations occur when, prior to the mediation, an attorney spends an hour or two analyzing the case for the client, providing the client with a comprehensive evaluation of the case, including potential outcomes and recoveries, and explaining the mediation process to the client. Good lawyers don’t start a trial without intense preparation. Why would anyone agree to participate in a mediation unprepared?

**Patience.** The next practice tip is easy to articulate, but hard to execute. Be patient. All parties must be patient during the course of mediation because every mediation is different – each has its own pace and process. Some parties need to vent. Others need to justify their actions. Others need to be “right.” Still others simply want to get to the point as quickly as possible. Indeed, many litigants need to “dance” or “beat around the bush” a little bit before they get down to business. More often than not, things proceed slowly in the beginning as the mediator gets to know the parties and the case. Often, one party will feel that the mediator is spending too much time in the other room. Be patient. Clients must be counseled to be patient. Remember, while the mediator is in the other room, he or she is communicating not only your position, but is also explaining information about the judge or arbitrator, the trial process, the venue, the appellate process, the mediator’s opinions about the strengths and weaknesses of the case as it applies to that side, and any other information, within the bounds of confidentiality, that the mediator feels might persuade the party to ultimately reach an agreement. There will definitely come a time, different in every mediation, when the mediator will begin to move very quickly and will likely require larger moves from each side. When that happens, attorneys and their clients must be ready to keep pace rather than slowing down or moving in lesser increments. In other words, pay attention to the tempo of the mediation and be ready to act when the mediator increases the pace of the mediation.

**Non-Monetary Issues.** Next, if there are any non-monetary concessions required as part of an agreement, they must be communicated to the mediator prior to the end of the mediation and preferably before an agreement is reached as to money. Such concessions include, but are obviously not limited to: (1) employee resignations; (2) non-compete agreements, (3) confidentiality and non-disparagement agreements; (4) tax withholding on a portion of the settlement funds; (5) liquidated damages clauses; (6) neutral references; and, (7) satisfaction of liens, subrogation interests and the like. All such terms can be made a part of the mediated settlement agreement but such information must be communicated to the mediator prior to any agreement being reached. Once that information has been communicated, lawyers must trust the mediator to raise and resolve those issues at the appropriate time. Failure to discuss such issues until after a monetary agreement has been reached will seriously change the value of the case and may well inhibit resolution of the case.

**Risk Assessment.** Lawyers should be prepared for the mediator to separate them from their client in order to speak directly with the attorney. Mediators will often explain to the parties that such a tactic is simply a part of the mediation prior to any such separation. Separation of the lawyer from his or her client allows the mediator to speak candidly with the lawyer and vice versa – particularly when the mediator and the attorney’s evaluation of liability and/or value are not in agreement. Effective mediation requires that the lawyer and the mediator be on the same page with the client, even when the mediator and the lawyer disagree. Those differing opinions, properly focused, will likely help the client understand the risks of a trial as well as the strengths and weaknesses of their case. In essence, one of the things that the mediator is actually doing is providing an independent risk assessment to the parties.

**Early Mediation.** As noted earlier, more and more contracts are requiring mediation prior to the filing of a lawsuit or prior to arbitration and there can be significant value to an early mediation of a case. Such a strategy usually works only when both lawyers understand their case and when liability is perhaps, more clear. Early mediation cuts expenses and time and can reduce exposure. It has the advantage of resolving cases without protracted discovery and its attendant disputes. However, when attorneys and/or their clients are not fully up to speed on the nuances of their case or when they have not at least exchanged written discovery, it is less likely that the case will settle at an early mediation.

**Make a Business Decision.** There always comes a time in mediation where one party (or both) or one attorney (or both) will get emotional, frustrated, or even angry. Mediators almost universally allow parties (and sometimes their lawyers) time to vent about the case. Parties usually believe that they are “right” and the other side is wrong. Prior to the
mediation, events may have evolved to a point where neither side is willing to treat the other with any degree of respect. Everyone involved must understand that it takes time for people to change their minds — with the help of the mediator — and that they will have to step back from the situation and make a more informed, less emotional decision. Once everyone is able to work past their anger, it will be time to help the parties realize that not only can they reach an agreement, but that an agreement that satisfies some of their interests is better than not reaching an agreement at all.

**Be Creative.** Getting the parties to the table is a solid first step. But, getting them to reach an agreement requires problem solving and that often involves creativity. It is not easy to persuade someone that something is in their best interest when they are making emotional decisions. The best mediators listen, do not reject any ideas no matter how farfetched, and do not criticize the parties, attorneys, or any ideas. Listen, listen, and listen some more. And then think outside the box. Good ideas often occur late in the process after people feel like they have run out of ideas. Thomas Edison once said “[w]hen you have exhausted all possibilities, remember this: you haven’t.”

**Agree on Something.** Many people, including lawyers, want to talk to the mediator about everything in dispute as soon as the mediation commences. Doing so, particularly in front of their client, will make everyone feel that the problems are overwhelming and insurmountable. Instead, it is better to focus on one key issue, usually money, and leave the other issues until later in the mediation. When that happens, the parties will begin to believe that they’re making progress and that an agreement is possible. If the parties can find something to agree on, they become invested in the mediation and other issues will often begin to fall like dominoes. At the same time, don’t wait until the last minute to bring up issues that will stall or stop the mediation. Once the parties have reached an agreement on something, pay attention to the pace of the mediation as it will increase very quickly.

**Mediated Settlement Agreements.** Never, never, never leave a mediation without everyone’s signature on a mediated settlement agreement if a resolution has been reached. A handshake is not enough. People often change their minds given the opportunity and time to do so. Once an agreement is reached, work with the mediator to craft a mediated settlement agreement that evidences the will of the parties. Prior to the mediation, lawyers should consider those elements that they must have in the mediated settlement agreement as well as those terms which are less necessary and may be given up as concessions to the other side. It takes time to draft a good mediated settlement agreement, and time may be at a premium if the parties don’t reach an agreement until the very end of the mediation.

**The Corona Virus Pandemic.** The pandemic has changed everything. Mediations are now being conducted by telephone, Zoom, Microsoft Teams, GoToMeeting, FaceTime and many other electronic platforms. While some complex mediations are still being conducted in-person, the majority of all mediations are now conducted remotely. It is likely that this will continue well into the future as lawyers and adjusters realize that their physical presence at the mediator’s office may not be as necessary as it was once thought. In light of this social distancing shift to remote mediation, the practice tips above become even more important, particularly when it comes to preparation, creativity, and patience.

In conclusion, the use of mediation as a tool to resolve cases will only continue to increase, whether in-person or remotely. Why? Because it works and because parties and their counsel have a strong incentive to avoid the time and costs associated with litigation. The practical effect of that avoidance is that both mediation and arbitration will continue to expand, and may well reach a point where more mediations and arbitrations are filed with private mediators and arbitrators than cases are filed at the courthouse. The end result of this change is that more cases will be resolved privately via arbitration and mediation rather than through the traditional methods using the courts. Whether the resolution of cases by private means is a step forward in our judicial process is yet to be seen.

CHRISTOPHER A. ANTCLIFF is a full-time mediator and arbitrator in El Paso. He is a former justice on the Texas 8th District Court of Appeals as well as a former judge of the 168th and 448th Judicial District Courts.

---

**Service of Process by “Sliding into the DMs”**

BY CAL MUNDELL

YOU HAVE BEEN SUED. Can this constitute proper service of process under Texas law? The answer will soon be a resounding “yes.” On June 10, 2019, Governor Greg Abbott signed the 86th Legislature’s S.B. 891 into law, which, among many other things, amended the Texas Civil Practice & Remedies Code by adding Section 17.033, which provides:

If substituted service of citation is authorized under the Texas Rules of Civil Procedure, the court, in accordance with the rules adopted by the Supreme Court under subsection (b), may prescribe as a method of service an electronic communication sent to the defendant through a social media presence.

In response, on August 21, 2020, the Texas Supreme Court issued an Order Amending Texas Rule of Civil Procedure 106. Under the amended Rule, if traditional service is
attempted, yet unsuccessful, a defendant may be served via substitute service “electronically by social media, email, or other technology.”

In determining whether to permit electronic service of process, the comments to the amended Rule provide that “a court should consider: (1) whether the technology actually belongs to the defendant; and (2) whether the defendant regularly uses or recently used the technology.”

The critical question then becomes: how can a court accurately confirm the authenticity of a defendant’s social media account and the frequency that such defendant uses the social media account? A New York Supreme Court confronted this very issue in the case of Baidoo v. Blood-Dzraku. There, the Baidoo Court analyzed whether a wife who could not physically locate her husband could lawfully serve him with a divorce summons solely by sending the summons through Facebook via direct message (commonly referred to as a “DM”) to his account. After weighing the factors discussed below, the Court ultimately held that service via Facebook was a proper method of substitute service, and thus, service by “sliding into the DMs” was born.

In reaching their holding, the Baidoo Court carefully analyzed whether the wife serving her husband via Facebook would comport with the fundamentals of due process by being reasonably calculated to provide the husband with notice of the divorce proceeding initiated against him. Similar to the comments to the amended Rule 106, the Baidoo Court required the wife to show that: (1) her husband’s Facebook account was, in fact, his account; and (2) her husband was diligent in logging into his Facebook account.

To satisfy this hurdle, the wife submitted a “supplemental affidavit” to the Court to verify that the Facebook account she sought to serve was that of her husband’s. Attached to her affidavit were “copies of the exchanges that took place between her and [her husband] when she contacted him through his Facebook page, and in which she identified [her husband] as the subject of the photographs that appeared on that page.” In addition, the wife’s affidavit stated that her husband showed that the husband regularly logged on to his Facebook account. Lastly, the Court considered that, because the wife knew of her husband’s phone number, she or her attorney, could notify him that an action had been commenced against him via telephone, and request that he check his social media account, to provide him with additional notice.

Accordingly, the Baidoo Court held that serving the husband via Facebook would lawfully put him on notice of the divorce proceeding at issue. But doesn’t service by social media destroy the well-founded principle that a party is prohibited from serving another party with process in the same lawsuit? The Baidoo Court crafted its order to circumvent this procedural obstacle by ordering that the wife’s attorney, rather than the wife herself, to: (1) log on to the wife’s Facebook; (2) send a message to the husband identifying himself as being the wife’s attorney; and (3) provide a link to, or attach a copy, of the summons to the message. The Court further ordered that this process was to be repeated once a week for three consecutive weeks or until receipt of the process was acknowledged by the husband and that the wife and her attorney must alert the husband that he was served via Facebook either by calling him or sending him a text message.

How Texas will interpret the amended Rule 106 remains to be seen. However, because the comments to the amended Rule 106 and the Baidoo opinion create a substantially similar test that must be satisfied to warrant the grant of substitute service via social media, it is logical to expect Texas Courts to utilize a similar analysis as above. Thus, the key issues will be whether it can be shown that the defendant’s social media account is actually that of his own and that such defendant actually logs into the account on a regular basis.

The amended Rule 106 will become effective on December 31, 2020. Written comments to amended Rule 106 can be sent to rulecomments@txcourts.gov before December 1, 2020. Accordingly, moving forward, if you receive a message via social media from someone who may have even the slightest inclination to sue you for all that you are worth, beware, or you too may fall victim to service by “sliding into the DMs.”

CAL MUNDELL is an associate attorney at the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., who practices primarily in the areas of personal injury defense and commercial law.

NOTES

1 Cal Mundell is an associate attorney at the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., who practices primarily in the areas of personal injury defense and commercial law.


4 Id. at 3.

5 Id.


7 Sliding into the DMs, Dictionary.com (last visited September 8, 2020) (defines the phrase as “online slang for sending someone a direct message on social media slickly and coolly, often for romantic purposes”).

8 Baidoo, 5 N.Y.S. at 711.

9 See id. at 716.

10 See id. at 714.


12 Baidoo, 5 N.Y.S. at 711.

13 Id.

14 Id.

15 Id.

16 See id.

17 See Tex. Civ. P. 103 ("N]o person who is a party to or interested in the outcome of a suit may serve any process in that suit...").

18 Id. at 716.

19 Id.
While serving as Collector of Customs in El Paso, Coldwell continued to practice law. Shortly after arrival, he played an instrumental role as an appellate lawyer in the case of *Lyles v. State* (Tex., 1874) 41 Tex. 172, 1874 WL 8015, 19 Am. Rep. 38, which set the standard requiring English language competency for jurors. The case itself revolved around a deadly land dispute that led to the conviction of George Lyles for Second Degree murder. The appeal turned on the ability of Spanish language only jurors to apply the Judge’s English language instructions as to the law of the case.

In October 1873, two brothers, Juan and Jose Maria Gamboa, both armed, ordered peons to cease working on a ditch for George Lyles in El Paso’s lower valley. Testimonies of what occurred differed. Juan Gamboa testified that Lyles appeared with William Brown and Antonio Nieto and demanded to know who had stopped the work and was told it was Jose Maria Gamboa. Juan said his brother Jose Maria then declared, “Lyles, I did not come here to fight but to regulate and settle this matter peacefully,” and that Lyles made no further comment but instantly raised his gun and fired twice. Prosecution testimony was that the deceased fell with seventeen bullet holes in his body with his weapon uncocked.

Defense witnesses presented a different version of substantial details. First, Lyles had had possession of the disputed land for the past two years. Second, two weeks prior Jose Maria and eight or ten armed men had taken forcible possession of corn in Nieto’s charge from Lyles’ home. Third, Jose Maria cocked his gun when Lyles was still 60 yards away, raising it as if to fire. Fourth, Lyles turned at the same instant and peremptorily fired when he saw the raised weapon. Finally, Jose Maria had previously threatened to seize the disputed land even if he had to take it with his “sentura.” The term “sentura” is a Mexican provincialism, which was usually uttered while putting the hand on the side where a pistol is worn, suggesting a willingness to resort to gun play.

The state charged Lyles, Brown, and Nieto with murder and it went to trial in January, 1874, the month after Coldwell’s family arrived at El Paso.

The judge, District Attorney, and defense
lawyer were all Republicans. The trial judge was Simon Bolivar Newcomb, originally from Canada. Coldwell’s sometimes law partner, State Senator Albert Jennings Fountain, as the leading Radical Republican in West Texas, recommended Newcomb’s appointment to Governor Edmund Davis after Judge Judson Clarke’s murder at the hands of his rival for the judgeship, Ben Williams. Newcomb’s brother was an influential San Antonio Radical Republican journalist and delegate to the 1868/1869 Constitutional Convention.

District Attorney James P. Hague was a 25 year old Republican appointee and a skilled lawyer. Hague would later become law partner of Colbert Coldwell’s son, William Michie Coldwell, and they married sisters, Flora and Stela Brinck from Jefferson, Texas.

James A. Zabriskie represented the defendants. Zabriskie attended West Point from New Jersey and came to the southwest with the Union army from California during the Civil War. He married Adelaita Stephenson, daughter of prominent landowner Hugh Stephenson, and spoke Spanish.

The jury pool in El Paso County had few English speakers. Before the jury was selected, Zabriskie moved that only English speakers be allowed to sit on the jury panel. Judge Newcomb denied the motion. After the lawyers selected the jury, Zabriskie noted for the record that only three of the twelve jurors could speak some English.

Both sides presented witnesses. Many testified in Spanish through an interpreter. Judge Newcomb submitted the Court’s charge to the jury orally in English and then wrote out those instructions in English. The Judge had the instructions verbally interpreted for the Spanish speaking jurors. Zabriskie objected, but the judge overruled his objection. The jury convicted Lyles of Murder in the Second Decree and found Brown and Nieto “not guilty.”

Zabriskie appealed Lyles’ conviction to the Texas Supreme Court, with Colbert Coldwell as co-counsel on the appeal. At that time, Coldwell was the only lawyer with appellate judicial experience in west Texas and had insight into what arguments might move the justices on the Supreme Court. He was familiar with the unique blended development of state law by the Texas Courts from three sources: Mexican marital property and land law, English Common law, and American Constitutional law and legislation. As noted above in the section on Justice Coldwell’s written opinions, during service on the Military Court sessions of the Texas Supreme Court, he was the only person with sufficient knowledge of the Spanish language to author opinions in the two cases that had a direct connection with Spanish language in criminal cases. In Benevides v. State, 31 Tex. 580 (1869), he deemed unreliable the testimony of a disputed dying declaration of the victim in Spanish because of the defense witness’ lack of ability to understand even basic Spanish. In Gonzalez v. State, 31 Tex. 496 (1869), he rejected a self-defense plea of alleged prior threats by the victim in Spanish to his murderer in a case of murder by ambush. “We think the evidence sufficient to sustain the verdict and would have justified a severer sentence.”

Attacking the inability of the entire jury to understand the proceedings in English, ex-Justice Coldwell and Zabriskie appealed Lyles’ conviction on the claimed denial of the “inviolate Constitutional right to trial by jury.” The Texas Supreme Court accepted that formulation as the legal issue in the case:

“The accused was entitled to a jury to pass upon his case who could understand the proceedings had during the trial. It is scarcely necessary to remark that the proceedings in Texas are in the English language…. So far as nine of the jurors were concerned, it (the Court’s written English charge) was in effect a verbal charge, and nothing more… It left them, in effect, dependent upon the reading or construction upon which the three jurors who understood English might think proper.”

The Supreme Court reversed Lyles’ conviction and returned the case for a new trial, holding that the trial judge erred in not disqualifying the non-English speaking jurors, and paradoxically, for not providing a written translation of the court’s charge to the jury in Spanish. For practical reasons, the court’s ruling on exclusive English only jurors is still the law in Texas, which makes the issue of translation of the Court’s charge to the jury in Spanish irrelevant.

Dr. Allison Brownell Tirres in her 2008 Harvard doctoral history dissertation American Law Comes to the Border: Law and Colonization on the U.S./Mexican Divide, 1848-1890 commented:

“Lyles v. State received very little attention at the time. It received no coverage in statewide newspapers; it received no mention in the memoirs of residents of El Paso, like W.W. Mills or Anson Mills; it did not directly trigger any violent resistance on the part of Mexican-American residents, which one might expect for the failure to prosecute an Anglo-American man who had already been convicted once by the trial court for the murdering a man of Mexican descent. Lyles v. State has also received very little scholarly attention. The Texas Supreme Court’s decision, however, had a lasting impact on the practice of law in El Paso, as well as the larger social and political life of the county.”

The ruling is followed in virtually all other states, which now exclude from jury service persons who cannot understand English. The alternative would have been the untenable need of multi-language interpreters and interpretations during any jury deliberations in which an otherwise qualified non-English speaking juror is selected.

After the trial, Zabriskie ran for District Attorney, defeating Hague. In 1874, after the Democrats regained political control of the Texas Governorship and both houses of the Legislature Judge Simon Boliver Newcomb was impeached and removed from his west Texas judgeship, along with most of the Radical Republican officeholders statewide. Fountain, seeing no future in Texas, moved to the New Mexico Territory and Judge Newcomb followed his patron Fountain and took up a long, distinguished judicial career there. Coldwell, facing the same shifting political landscape, would leave for Kansas at the end of his federal customs appointment in 1877.

George Lyles lucked out. James A. Zabriskie, his attorney, and the newly elected District Attorney failed to press the case for retrial or disqualify himself, allowing the appointment of a special prosecutor. As the new prosecutor he may have felt it unlikely that a predominantly Anglo jury would convict George Lyles. As a result, the State never would retry the case against Lyles.

In June 1876, the redistricted 20th Judicial District Court convened for the first time in El Paso under its new title. Colbert’s partner Alan Blacker presided as judge, and Colbert’s son Nathaniel Colbert Coldwell served as a combined county and district attorney. Neither of them would seek a retrial for the murder of Jose Maria Gamboa. One might wonder if the outcome would have been the same if Jose Maria Gamboa had shot and killed George Lyles and been found guilty of murder by the same El Paso jury that understood the proceedings sufficiently to convict Lyles and exonerate his co-defendants Brown and Nieto.

COlBERT NATHANIEL COLDWELL
is a partner in the El Paso firm of Guevara Baumann
Coldwell & Reedman, LLP.
Colbert Coldwell’s article about *Lyles v. Texas* prompted me to submit this story for publication. It is about another Lyles case, *Lyles v. Murphy*, 38 Tex. 75 (1873), that preceded the criminal case. Both cases involved property disputes, but it is not clear from the record whether both disputes involved the same property. Both cases set precedent. Both are still good law.

George Lyles and Daniel Murphy were partners in the Loma Vista Canal Company. According to court records, George built a home near Ft. Davis which by the 1860’s was nearly completed. Daniel Murphy asked George if he could rent the house from him. The house was vacant at the time and Lyles decided to lease the house to him. In a book I must confess that I have not yet read (the source of my information is the Internet), O.W. Williams claims that Lyles never owned the farmland.

Murphy never paid Lyles any rent. In the 1870’s Lyles filed suit for possession and for the delinquent rent. Judge Simon Bolivar Newcomb, the District Court judge in El Paso, tried the case. He ruled for Murphy. Lyles appealed to the Texas Supreme Court. Murphy claimed that Lyles couldn’t evict him because he didn’t own the property. He also claimed that the suit for possession and the suit for rent were two different causes of action, and that they improperly joined in one lawsuit.

At the time of the appeal, the Texas Supreme Court was a Reconstruction era court. All the judges were appointed by the military general in charge of “reconstructing” the state. The court is known as “the semi-colon court” because of its opinion holding that Republican Governor Edmund Davis had been defeated by Democrat Richard Coke in his effort to obtain re-election. Davis got thrown out of office in spite of the Supreme Court’s opinion. Moses B. Walker, a “carpetbagger” from Ohio, wrote the opinion in the “semi-colon” case.

Moses B. Walker also wrote the opinion in *Lyles v. Murphy*. Speaking for the court, he held that Murphy couldn’t dispute his landlord’s title as long as he was in possession. He also held that in Texas several causes of action between the same persons growing out of the same transaction could be joined together, and that, while the practice deviated from the common law, it promoted judicial efficiency. The court reversed the trial court, and remanded the case for a new trial.

In October, 1873 George Lyles killed Jose Maria Gamboa. He was charged with second degree murder. He hired his friend William Zabriskie to serve as his defense counsel. Incidentally, Zabriskie was married to Hugh Stephenson’s daughter. (Hugh Stephenson was one of El Paso’s first Anglo-American settlers). Lyles was convicted. Zabriskie hired Colbert Coldwell, the new Collector of Customs in El Paso, who was also allowed to continue practicing law, to assist in his appeal to the Texas Supreme Court.

If you have never heard of Hugh Stephenson or would like to learn more about El Paso’s history, you may wish to read *Out of the Desert* by Owen White. A copy is in the El Paso County Law Library, available for checkout.
money, it will follow and life will be much more gratifying.

4. Tell about a time when you didn’t know if you would make it.

When I left to college, I was terrified. Presidio wasn’t an academic powerhouse and I hadn’t really ever applied myself academically. My Dad basically said he would pay for OU, his alma mater, or nowhere. I wanted to go to UTEP with my friends. So, I get to OU, I don’t know anyone and I am convinced I am the dumbest person there. I remember calling one of my friends from Presidio and he gave me this advice: If you know everything in the book and everything in the notes “they’ve got to give you and A”! He graduated number 2 in his class at San Antonio Dental School. His advice proved out. My first semester I got a 4.0 or very close, I can’t remember. I just remember for a dummy from Presidio, where there were only 13 of us, I learned that just a little more effort went a long way towards success.

5. Is there are particular moment or memory that stands out for you?

One of my vivid eye- opening memories was when I was a senior in high school, I was explaining to my dad that I believed in the death penalty. If somebody killed somebody they deserved to die. My Dad was quiet for a moment, then he shared his view. He asked me if I had strong beliefs, did I agreed I should be willing to act on them? I enthusiastically said yes! He then asked me, would I be willing to be the one to administer the death penalty and if I was, what was the difference between me and the person sitting in the trunk of the car and lighting it on fire, and jumped her and her driver, putting them in the maquila industry that US companies could be held responsible for tragedies that happened in Mexico that were a result of their negligence.

6. Is there an achievement or contribution that you are most proud of?

I am most proud of my efforts to get the El Paso Children’s Hospital built. A small group of us were just not having it. El Paso was the largest metropolitan area without an independent Children’s Hospital. Despite a few political battles, there it sits successfully serving the Children of El Paso. It is ensuring El Paso families can get care they used to have to fly to Dallas or Houston to get before.

7. What inspires you?

That is the easiest of these questions, helping people.

8. What was the biggest challenge you have faced?

Changing myself to be more academic when I left to college and sticking it out, even though I hated school.

9. What did you do to try to solve this challenge on your own?

I learned hard work was the key. I was never the smartest guy in the room but, I would out work them, and often get a better results because of it.

10. How did the law firm start?

Judge Kurita introduced me to Jim Scherr at the courthouse in 1990, we became fast friends and established some version of Scherr and Legate in 1993.

11. What would you say to someone considering entering the practice of law?

There is room for everyone. A legal education trains you to process volumes of information relatively quickly and get to the point, so you can make a decision. That skill is valuable wherever you find yourself and whatever you choose to do.

12. What would you say to someone considering leaving the practice of law?

This is something people my age, 59, are beginning to think about. A good lawyer is a problem solver, make sure you put yourself where you can solve problems for the people around you, whether it is for your family or the whole community.

13. What is your passion and how did you get started with it?

My passion is helping people. We are super lucky as lawyers because society gives us so much power to make our community better. We are literally handed the levers to effectuate change. I am always looking around to see what I can make better for my community, then I act on it.

14. What are you proudest of in your career?

Jim and I developed a case called Mendoza v Contico. It involved a young accountant, Elia Mendoza, who worked for a US manufacturer in Ciudad Juarez. Every Friday, Ms. Mendoza and a driver, would take the cash payroll to Palomas, Mexico (90 miles to the west). It wasn’t long before some bad guys figured this routine out and jumped her and her driver, putting them in the trunk of the car and lighting it on fire, burning them to death. We had so many obstacles on that file, from crooked police in Mexico, to almost impossible legal theories. Jim and I were determined to help her family, we hired one of the best legal minds on conflicts of law Professor Weintraub from UT, to the ex-head of CIA for Latin America to investigate what happened. After many bruises and bumps, we got a great result for the family and equally important, word got out in the maquila industry that US companies could be held responsible for tragedies that happened in Mexico that were a result of their negligence.

15. What do you think other people should know about your law firm?

Most lawyers are aware of our greatest strength, which is we will work our tails off and use our substantial resources to help our clients and our community. I feel that people should know about all of the years of experience our firm has and our reputation of success which helps us get justice for our clients.

16. How has the law firm changed you?

I have learned never to be surprised what other lawyers, judges, our staff or clients will do, both good and bad, then, figure out how to adjust and move forward, always evolving.

17. What are your goals or dreams for the law firm now?

I think Jim and I share the same goal for the law firm, for it to continue after our retirement. We have worked hard to establish good values, a strong work ethic, a solid staff, and progressive skill set for our attorneys. Managing lawyers is so difficult, I liken it herding bulls, each one as a strong opinion, good mind, and aggressive nature, pushing them in the same direction is always challenging.

18. Who was your greatest mentor?

My Dad in some areas, and Jim Scherr in others. Jim really taught me how to work hard and productively as a lawyer. He has always been fearless and willing to put his money where his mouth is. Way more than once, we have been almost flat broke, yet we come up with the money to hire that crucial expert, or to take that last deposition to help make our client’s case.

19. Is there any question I should ask you, before?

I guess the questions to ask me would have been: What is the secret to your firm’s success and who gave you that advice? On the first day as a lawyer, my Dad told me, “son, there are two types of lawyers, those who focus on problems and those who focus on solutions, people want to hire the one who focuses on solutions, be that lawyer”.

---

**Janet Monteros**

is the President of the El Paso Bar Association
On August 10, 2020 the El Paso County Commissioners passed a motion to name the El Paso County Courthouse to the Enrique Moreno County Courthouse.
We are Called to Live a Purposeful Life

by Oscar G. Gabaldon, Jr.

“[The purpose of life is to live it, to taste] experience to the utmost, to reach out eagerly and without fear for newer and richer experience.”
— Eleanor Roosevelt

Throughout our lives, we encounter times when we question our existence and ask ourselves what it all means. Often those moments surface when we experience some kind of internal conflict or adversity that frightens us, depresses us, or somehow leads us to become reflective about how we live and value the quality of our lives. Those instances of introspection may be very brief, or they may linger for quite some time; often, that will depend on the nature of the experience that brings us to such a point in our lives.

I have tasted bitter moments that have forcibly grabbed me by the hand and taken me to go ponder on my purpose in life. The most impactful experience I have had, that hurled me into confronting the question of whether I am living a purposeful life, happened not long after the night of Friday, August 16, 2019. That Friday was a rather uneventful day at work. I tackled my assignments with focus and diligence, resulting in a sense of satisfaction for a workday well spent. Earlier on, I had called my wife to make dinner plans for that evening. I casually glance up at my wall clock. It was approximately 8:00 p.m., so I decided to call it a day at the office. I shut down my computer, gathered my things, and headed out to my car.

I typically go home on the highway along the U.S.-Mexican border, commonly referred to as the Cesar Chavez highway. This day was no different. I headed home on the Cesar Chavez highway, while I enjoyed listening to some of my music favorites, unsuspecting that several miles down the road the angel of death was lurking and waiting to try and scoop me from all that is dear to me. It happened by exit number 44 of Loop 375. I never saw the approaching stealth angel, nor had I sensed its nearby presence. It was a total ambush. The intoxicated driver of a car traveling in the opposite direction on the other side of the freeway, at high speed, lost control. The car began to roll over and over, crossed the highway median, and landed squarely on top of my unsuspecting car. Both cars were totaled. This section of the freeway was shut down for a few hours. The jaws of life had to be used to get the other driver out of his car. We were both transported by ambulance to different hospitals. Fortunately, the driver of the other car was able to leave the hospital after just a few days. My situation, however, was a totally different story.

The verdict? Two fractures to the C-1 vertebra, which is attached directly to the skull. While the C-1 and C-2 vertebrae injuries are considered the most severe of spinal injuries, they only account for a very small percentage of spinal cord injuries. It is not uncommon for these injuries to cause death or permanent paralysis. Medical staff called me the "miracle man." Still, the doctors had to deal with the added dilemma of my kidney transplant. Certain medication required to protect my kidney from being rejected by my body was medication that was hurtful to my body's ability to more rapidly and successfully heal the fusion of the four screws placed in my neck. Fortunately, the angel of life, with its army of dedicated medical professionals, prevailed against the angel of death in this perilous tug of war. Eventually, I was allowed to return home after a tedious hospitalization and an in-patient stay in a rehabilitation facility. I was allowed to go home with scheduled follow-up medical appointments and outpatient physical and occupational therapy.

On my first day back home, as I laid in bed convalescing, my thoughts wandered into the realm of self-reflection on my near-death experience...my second chance at life. I began to contemplate my existence, and without intending to, I gradually stumbled into the ultimate question, "Have I been living a purposeful life?" The truth of the matter was that in some ways I have lived a purposeful life, but in other ways I have not. The enormity of this experience, of this self-examination of conscience, led me to an unavoidable frustration and upsetness for all those times in my life that I have failed to seize opportunities to do good or to do better for others and unto others, especially for my loved ones. I thought of times when my self-centeredness came before the needs and best interests of others. I thought about the hurt and negativity I caused with my mind, my heart, my tongue, my actions, and my omissions. I tearfully sobbed. My wife saw me, and she gently cuddled and caressed my head in her arms, as if I were a small child yearning for his mother's comfort and protection. She sweetly and lovingly whispered encouragement and hope to me. It was a most healing and soothing experience, and it re-energized my desire and determination to reinvigorate my commitment towards working harder on perfecting my efforts in my continued search for my true purpose in life.

Discovering purpose and meaning in life often entails a journey of discernment and exposure to an array of experiences beyond simply the purely intellectual. We need to listen to and feel the yearnings of our hearts to better capture purpose in our lives. We need to be mindful of our passion for those things that provide us with a sense of fulfillment in our pursuit of happiness that is aligned with goodness. We need to listen to and feel the yearnings of our hearts to better capture purpose in our lives.
that provide us with a sense of fulfillment in our pursuit of happiness that is aligned with goodness. Living an ethical life that is conducive towards serving the greater good is the foundation of a meaningful and purposeful life. It is here that we often gain a solid footing on the steps we need to take towards securing a more complete and fulfilling life. Personal development author, Josh Hatcher, shares this insightful perspective: “Purpose answers the question, 'Why do I exist?' And as we ask it and explore it, I encourage you to study and look at the purpose statements of others, and of organizations, to fully understand the idea. Remember that your purpose is transcendent, and it is permanent. It doesn’t sway with the seasons of life. It is something that brings you fulfillment at every part of your life, and guides you.”

We must ask ourselves what is it that we have a passion for that not only serves us well, but also lifts the quality of other people’s lives. In balancing our positive passions with a mindset to also bring positive outcomes for others, our purpose in life becomes a more noble purpose. This places us on a trajectory in our life’s journey that brings us into a healthier self. With a strong sense of purpose, our lives are more meaningful; for example, we are more successful at overcoming obstacles and resolving conflict, at maintaining faith and hope for a better tomorrow, at having a stronger level of confidence and sense of self-worth, at efficiently setting attainable goals and developing a clearer vision for our direction in life, and at attaining a more secure hold on our values and on the realities of our lives. Also, with purpose in our lives, worries and stress diminish, and our overall mental, emotional, physical, and spiritual well-being is better served.

However, we must remember that just because we can find our life's purpose, that purpose will not mature into something substantive and concrete, unless that purpose is actively and diligently followed through with careful nurturing. Hence, it is by acting on our defined purpose that a purposeful life is allowed to take shape and flourish. Let us, therefore, seek a purposeful life of the highest quality; one that necessarily involves a desire to do good for others. The Indian-born American author, Deepak Copra, observantly captures this ideal when he states that, “Everyone has a purpose in life...a unique gift or special talent to give to others. And when we blend this unique talent with service to others, we experience the ecstasy and exultation of our own spirit, which is the ultimate goal of all goals.”

OSCAR GABALDON is an Assistant El Paso City Attorney.
The records you need, when you need them.

As a professional in the legal field, you know how important it is to have quick, easy access to your litigation records. That’s why, at Express Records, we make available all records for your case right at your fingertips, 24 hours a day, 7 days a week.

And we don’t stop there. At Express Records, we also know that you require dependable, experienced, reliable solutions. Unlike many other companies, we focus solely on records retrieval services, providing you with the highest dependability in on-time records retrieval and delivery.

So go ahead, let us start working for your next case.

Call 915-584-9890 to get started today.
www.expressrecords.net

Serving the Southwest Texas and New Mexico Region.

• Research and Verification of Records
• Notice of Intent to Take Deposition by Written Questions
• Subpoena Duces Tecum
• Business Records Affidavits
• Courthouse Research/Filings
• Mobile Notary & Scanning

EXPRESS Records
Don’t Stress. Call EXPRESS!
GET ON THE ROAD TO LEISURE
WITH GECU INVESTMENT & TRUST SERVICES*

The time to kick back and relax after all of your hard work is calling your name! GECU Investment and Trust Services can help develop a financial plan with short- and long-term strategies that fit your financial goals. No matter what retirement looks like to you, we’ll be there.

GECU Investment and Trust Services can help you with ...
- 401(k) rollovers**
- Retirement planning
- Financial management
- Insurance services
- Estate planning, settlement and guardianship***
- Trust management and administration***

Visit gecu.com/invest, or call 774.1765, today for your no-cost, no-obligation appointment.

*Representatives are registered, securities sold, advisory services offered through CUNA Brokerage Services, Inc. (CBS), a member FINRA/SIPC, a registered broker/dealer and investment advisor.
**CBS is under contract with the financial institution to make securities available to members. Trust services are available through Members Trust Company, a federal thrift regulated by the Office of the Comptroller of the Currency, not NCUA/NCUSIF/FDIC insured. May Lose Value. No Financial Institution Guarantee. Not a deposit of any financial institution. CBS is a registered broker/dealer in all 50 states of the United States of America.
***Prior to requesting a rollover from your employer-sponsored retirement account to an individual retirement account (IRA), you should consider whether the rollover is suitable for you. There may be important differences in features, costs, services, withdrawal options, and early withdrawal penalties between your employer-sponsored retirement account and an IRA.
**Representatives are neither tax advisors nor attorneys. For information regarding your specific tax situation, please consult a tax professional. For legal questions, including a discussion about estate planning, please consult your attorney.

FR-3156603.1-0720-0822
El Paso Bar Association
Law Day Dinner & Awards Presentation
June 27, 2020, Plaza Hotel

We want to congratulate all the award winners:

El Paso Young Lawyers Association awards were presented by Daisy Chaparro, President of the EPYLA:

Outstanding Young Lawyer – Jeep Darnell
Outstanding Pre-Law Student – Darleen Duran
Liberty Bell Award – Crystal Lozano

El Paso Bar Association awards presented by Daniel Hernandez, President of EPBA:

Duane A. Baker Professionalism Award – Carl Green
Honorable Sam Paxson
Outstanding Jurist – Judge Miguel Torres
Outstanding Senior Lawyer – David Ferrell
Outstanding Lawyer – Justin Underwood
Pro Bono Award – Magda Soto
Pro Bono Award – Stancy Stribling
Pro Bono Award – Texas RioGrande Legal Aid, Inc.
Fred J. Morton Outstanding Government Attorney – Christina Sanchez
President’s Award – Jessica Kludt
Albert Armendariz Award – Alberto Mesta
Albert Armendariz Award – Jeff Ray