



# EL PASO BAR JOURNAL

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*An Update of Events and Information*

January 2018



EL PASO BAR ASSOCIATION  
**FEBRUARY BAR LUNCHEON**  
Tuesday, February 13, 2018

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

**Judicial Candidates Forum**

**Door prizes will be given out**

**Please make your reservations by Monday, February 12, 2018 at 1:00 p.m.**  
at [nancy@elpasobar.com](mailto:nancy@elpasobar.com) or [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)

EL PASO BAR ASSOCIATION  
**MARCH BAR LUNCHEON**  
Tuesday, March 13, 2018

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

**Candidates for President-Elect  
of the State Bar of Texas**

**Door prizes will be given out**

**Please make your reservations by Monday, March 12, 2018 at 1:00 p.m. at**  
[nancy@elpasobar.com](mailto:nancy@elpasobar.com) or [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)



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

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### 22nd Annual Civil Trial Practice Seminar

February 8, 9 & 10, 2018

Bellagio Hotel and Resort, Las Vegas, Nevada

See registration form on page 15

It is with great sadness that we let you know that **Frank Winslett** of AUS Services passed away before Christmas. He was a great friend to the El Paso Bar Association and to all the local judges. He will be missed.

Cover picture: Snow covering Franklin Mountains by Shawn Gay

## PRESIDENT'S PAGE



## HEROES

Past President Steve James' theme, "Lawyers Are Heroes," came to mind as we closed 2017. The El Paso Bar Association lost several heroes. Burton Cohen, a huge Chicago Cubs fan, will be remembered for his kindness, wisdom, and unmatched sense of humor. Tony Conde, Jr. gave willingly of his time and knowledge to others. Tom Diamond devoted his life to Native American civil rights and his historic efforts to obtain federal recognition for the Tigua Indians of Ysleta del Sur Pueblo. Judge John Fashing was elected to the County Court at Law No. 2 in 1974 and served unopposed for 24 years. Sandra Moore – Duarte served as President of the El Paso Estate Planning Council and the El Paso Probate Bar Association, and served on many other organizations dedicated to the benefit of children and the elderly. Paul C. Moreno was elected to

the Texas House of Representatives in 1966, where he served for 40 years as an advocate for the Mexican – American community, the rights of the disadvantaged, and the South Texas Border Initiative that brought important new funding to UTEP. Larry Schwartz, a Past President of the El Paso Bar Association, was a legend among family law practitioners throughout Texas and the nation. Just before he passed, Larry received the "Hall of Legends" Award from the Family Law Section of the State Bar of Texas.

What qualities made these lawyers heroes? Excellence in their chosen practice? Being a zealous advocate and good colleague? All of these things, plus one very important quality: they understood that lawyering also meant giving back a measure of time to serve El Paso and our legal community.

Before 2017 draws to a close, take a moment and ask yourself: am I using my privilege and ability as a lawyer to serve El Paso and our legal community? If not, how can I dedicate (or rededicate) my time to serve, even if I have only a few hours? Challenge yourself to serve. No one will do it for you. Remember the examples set by these departed heroes and pledge to serve in a way that you feel can make a difference. El Paso and the legal community need you to be that hero.

Membership in the El Paso Bar Association offers many opportunities to serve. On October 21, 2017 the EPBA held its bi-annual, State Bar award-winning Access to Justice (ATJ) Fair at the Valle Verde Campus of the El Paso Community College. Many thanks to George Andritsos and Laura Enriquez for taking the lead to make this event happen. A special thanks also to the lawyers who took their Saturday morning to offer pro bono legal advice: Humberto Enriquez, Jessica Kludt, Aldo Lopez, Janet Monteros, Phil Mullin, Monica Perez, Danny Razo, Ruth Reyes, Shannon Rhoads, and Garrett Yancey.

On November 4, 2017 the EPBA hosted its bi-annual, State Bar award-winning El Paso for Patriots (EPP) Veterans Clinic at the Valle Verde Campus of the El Paso Community College. Several lawyers spent their Saturday morning helping many veterans, active duty military and their families obtain valuable legal help. A special thanks goes to our co-sponsor, the staff of the 346th Judicial District Court's Veteran's Program, and the hard work put forward by Judge Angie Juarez Barill to support this event.

The Association's Holiday Party and silent auction took place on Thursday December 7, 2017 at the El Paso Community Foundation Room. A huge thank you to everyone who braved the snow and freezing weather to come out for some holiday food and beverage! Our silent auction raised almost \$3,000.00 to benefit the El Paso Bar Foundation's charitable efforts.

The Association hosts a monthly luncheon at the El Paso Club on the second Tuesday of each month. Our December luncheon included State Bar of Texas President Tom Vick as our guest speaker. We also recognized those reached their 50th anniversary in the practice of law – Colbert N. Coldwell, Michael T. Milligan, Sal Rebe, Sam Snoddy and Robert Zaboroski. Congratulations again to these fine lawyers on this outstanding achievement.

Finally, please make plans to attend the 22nd annual Civil and Criminal Trial Practice Seminar on February 8, 9 and 10, 2018. This year, our Seminar goes "back to Las Vegas" at the world-famous Bellagio Hotel and Casino. The Seminar includes two separate program tracks: civil law and criminal law. The Seminar is expected to be approved for 14.25 hours of MCLE, including 3.5 hours of Ethics by the State Bar of Texas, the State Bar of Nevada and the State Bar of New Mexico. The Seminar begins the evening of Thursday, February 8, 2018, with our annual "Local Legends" interviews: Judge Francisco "Paco" Dominguez will interview Judge Javier Alvarez. Kurt Paxson will interview Carl Green. Many thanks to Laura Enriquez, Danny Razo, Jennifer Vandenbosch, Judge Laura Strathmann, and the CLE Committee for organizing an outstanding lineup of speakers. Please visit [www.elpasobar.com](http://www.elpasobar.com) to register and book your room at the Bellagio. If you are interested in sponsoring, please contact me, any Board member, or Nancy Gallego at 532-7052.

On behalf of the Association, I wish you all a safe and a healthy 2018!

**Mark D. Dore**

PRESIDENT

## Editorial

# Tax Code overhaul means a Merry Christmas—for tax attorneys

BY JESSICA KLUDT ALLALA

**T**he 115th United States Congress recently passed two bills, titled the Tax Cuts and Jobs Acts, significantly reforming the United States Tax Code. President Donald Trump recently signed the consolidated bills into law.

The tax plan has generated significant controversy, and many wonder what specific provisions are contained in the large overhaul legislation. Elder law attorney Jessica Kludt Allala offers her editorial take on the tax plan and provides an analysis of who will benefit—and who won't—under the proposal. —Eds.

It's beginning to look a lot like Christmas—at least for tax lawyers. If you think the chaotic legislative process in Congress will produce a chaotic tax bill, you are absolutely correct. Due to a lack of sufficient time to vet the bill in any sensible way, we can almost guarantee that tax lawyers will have a great Christmas.

The Republican Senate bill accomplishes two of the party's greatest wishes: repeal of the Affordable Care Act (ACA) health care mandate and a tax cut. The temporary and modest tax cuts for the middle class provide political cover for these moves. My estimate is that some form of the tax bill will become the law very soon.

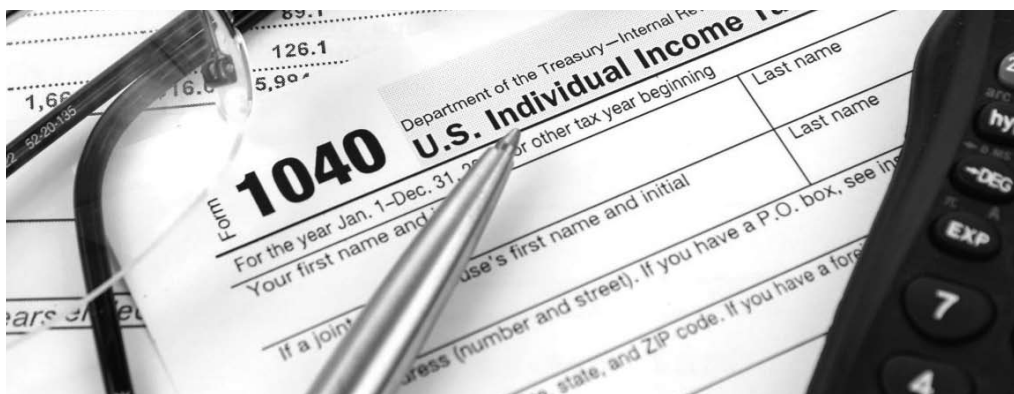
## So who are the winners and losers?

Big corporations and rich kids realize a windfall, dwarfing tax breaks to middle- or low-income individuals. All the cuts directed for the wealthy are permanent, but most cuts for the average taxpayer expire—several after the mid-term elections.

The nonpartisan Tax Policy Center estimates that households will have an average savings of \$1,200.00 in 2019 under the Senate bill. But because of expiration provisions in the bill, the Center estimates by 2027, the tax savings for households will fall to \$300.00.

## Possible Winners: Single People

A single person taking the standard deduction will see their deductions almost double to



\$12,200.00 in the House bill and \$12,000.00 in the Senate Bill. (The 2017 standard deduction for single people and married couples filing separately was \$6,350.)

Here's the catch: both bills do away with the personal exemption, relied on by large families and single parents, who currently take an exemption for each child. Proponents say an increased per child tax credit to \$2,00.00 per child (\$1,600 in the House bill) will offset the loss for middle-class families. Unfortunately, this increased child tax credit expires in 2025.

## Big-Time Losers: People Who Use Health Care

Under the House Bill, people with extraordinary medical expenses will lose their tax deduction. This will be devastating on families with disabled children and people in nursing homes. The Senate version actually makes the medical expense deduction more available to the average taxpayer until 2019, when it will return to where it is now. The Senate also includes a full repeal of the ACA mandate. The Congressional Budget Office says this will result in thirteen million fewer people having healthcare in ten years. This will also destabilize the insurance marketplace—a move estimated to increase premiums by 10%.

## Losers: Students with Debt

The House plan eliminates the student loan interest deduction. The Senate bill retains the deduction.

## Big Winners: Big Corporations and Rich Kids

The biggest winners are the billionaires. The House tax bill lowers corporate taxation from 39.6% to 25%, while the Senate bill lowers it to 20%. In both proposed bills, this tax cut is permanent.

Another huge win for the wealthy is the doubling of the estate tax exemption in the Senate bill. A single person could pass \$11 million dollars tax-free to their heirs, and \$22 million for couples. The House bill entirely repeals the estate tax, which would mean that a billion-dollar fortune could conceivably go to rich kids tax-free. The Tax Policy Center estimates that this will affect five thousand people in 2017, not exactly a tax cut for la gente.

The House version also entirely repeals the alternative minimum tax, which usually affects the very wealthy, while the Senate bill raises the exemption, making it more valuable to the wealthy.

At this juncture, the sticking point is likely a question of optics: the tax cuts for the rich are permanent, and the tax cuts for normal people expire. Proponents have begun their defense, stating that they expect future congresses to make the cuts permanent, though with little explanation of why the cuts for the rich do not expire as well.

**JESSICA KLUDT ALLALA** is an elder law/probate attorney in El Paso.

# State Bar of Texas Appellate Section Heads West!

The State Bar of Texas' Appellate Section made the journey out to El Paso as part of a statewide continuing legal education initiative. The CLE event, held August 24 in the Eighth Court of Appeals Courtroom, featured presentations on the Texas Standards of Appellate Conduct given by Justice Gina Benavides from the Thirteenth Court of Appeals in Corpus Christi; Lawyering in the Digital Age by Kirsten Castañeda, Appellate Section councilmember from the Dallas appellate boutique firm of Alexander Dubose Jefferson & Townsend; and Brief Writing by Steve Hayes, then-Chair of the Appellate Section of the State Bar of Texas and solo appellate practitioner from Fort Worth.

The event was followed by a Bench/Bar Mixer at International, the new "modern industrial" bar and restaurant located in Downtown El Paso across the street from San Jacinto Plaza. Sponsored by the El Paso Young Lawyers Association, the mixer featured special guests Chief Justice Ann McClure and Justice Gina Palafox of the Eighth Court of Appeals and State Bar Appellate Section councilmember Kirsten Castañeda.

*From left—Justice  
Gina Palafox,  
Kimberly Norvell,  
Chief Justice Ann  
McClure*



*Photos by Monica Perez/Associate Attorney at Mounce Green*



*From left—Kirsten  
Castañeda, Andrew  
Velazquez, Kirk  
Cooper, Robert  
Almonte*



*From left—Richard Clifton, Patsy Lopez, Will Aldrete,  
Benjamin Gutierrez*

## YOUNG LAWYER SPOTLIGHT:

# Raymond Baeza

BY KIRK COOPER

### *Are you originally from El Paso?*

I was actually born and raised in Hobbs, New Mexico.

### *When did you decide that you wanted to be a lawyer?*

I've always wanted to be a lawyer, even as a little kid. I grew up watching Matlock and all the lawyer shows. In high school, I was involved in the Teen Court. My mom knew the director, and so she suggested I check it out. I was shy and didn't like public speaking at first, but it really helped me come out of my shell. I did Teen Court for two years. That experience solidified my dream to become a lawyer.

I am the first lawyer in my family. No other lawyers. I'm also the oldest of four kids. Two sisters, one brother.

### *Explain a little bit about what Teen Court involved.*

Basically, as a high school student, you volunteer as an attorney—either a prosecutor or defense lawyer. You represent your peers who receive Class C citations. So instead of paying a fine, they sent them to Teen Court in front of a volunteer lawyer who acts as a judge. I did both prosecution and defense sides. I liked both roles. Plus I learned how to cross-examine witnesses.

In high school I did other extracurricular activities, but Teen Court was really my focus. It was every Tuesday, I did 200+ hours of community service a year, from 5 to 8 p.m. We mostly held court in Hobbs, but sometimes we'd do it in smaller towns around New Mexico like Lovington.

### *So after you graduated from high school, where did you go to college?*

Texas Tech, in Lubbock.

### *Were you a Double Raider?*

I was. Texas Tech for undergrad and law



salsa and bachata and meringue. I did that for two years.

### *What did you do in law school? Any good stories?*

So I was president of the Hispanic Law Student Association. We needed a guest speaker for our banquet. I picked up the phone, looked up former attorney general Alberto Gonzalez's phone number, and I cold-called him to see if he would come. His wife answered. I asked if we could have the first Hispanic attorney general attend our dinner. I got him to waive fees and came and spoke to association as our guest speaker. We raised a lot of money. We also got Eva Guzman, the first Hispanic Supreme Court justice, to attend one of our big events.

### *How did you end up in El Paso?*

My wife, Melissa, is originally from El Paso. I met her my senior year of college. We had a speaker that was going to speak to the Hispanic Student Society, and that was going to speak at the Hispanic Law Student Society. When I dropped that speaker off at the law school, that's when I saw Melissa. I told her I was going in the fall. She was a 1L and I was a senior. So we were in law school together at the same time. I was on the Texas Tech Administrative Law Journal. She was Law Review.

Melissa graduated a year before me, I followed her after. I got to El Paso in the summer of 2010. I worked for a labor and employment firm on the plaintiff's side for almost two years. And then I moved to Farmer's Insurance.

### *What do you do over at Farmer's?*

I'm a trial lawyer. I try cases. I represent Farmer's insureds when they are sued for a variety of different cases. I've dealt with car accidents, slip-and-fall cases, injuries in houses, accidents at restaurants for our commercial

school.

In undergrad, I was a political science and Spanish double major. I was active in the Hispanic Student Society, and eventually became president. I was a senator in the Student Government Association. I also worked at the English department as a student assistant.

### *You also told me that you used to teach salsa dancing, is that right?*

(Laughs) That's true. I worked part-time as a Latin dance instructor.

### *Tell me about that. How did that happen? Did you dance when you were a kid?*

Not at all. At Tech, the Hispanic Student Society would have a salsa fundraiser once a month, so I taught myself how to dance. Eventually, the female salsa instructor at the Rec Center saw me at one of the events, and she asked if I would like to be a salsa instructor. I taught at the Rec Center twice a week, beginning and intermediate levels, focused on

policy-holders. I'm licensed in both Texas and Mexico, so I handle cases for all of West Texas—Lubbock, Midland, Odessa, El Paso—and Southern New Mexico. I travel probably a week out of every month for work.

***So when you got to El Paso, you started becoming active with the local bar associations.***

That's right. I've been a member of the El Paso Young Lawyers Association since I moved here in 2010. I wanted to meet other young lawyers, and when I came to El Paso, I didn't have a job, so I wanted to make contact and network. I have been treasurer twice, vice president once, and then I've been a board member the rest of the time.

***You're also the current vice president of the Texas Young Lawyers Association. Tell me about that.***

I have been on TYLA Board for four years now. Vice President and before I was District 14 director, where I helped with a project focusing on bullying. I have chaired the Law Focused Education Committee for TLYA, it focuses on educating the general public and the community

in a variety of ways tied to the legal field. Last year our project was "I Was The First, You Can Be A Lawyer, Too," a series of different video documentary style that discuss what some distinguished first generation lawyers did and talk about their accomplishments. The goal is to show that to junior high and high school students to inspire them to become lawyers.

This year, I'm working on a HIPPA Guide for lawyers and a privilege guide for lawyers (i.e. attorney-client, doctor-patient, etc.). I'm also excited about the Spanish for Lawyers web site, where we will have a series of videos that a professor of University of Houston will teach beginning and intermediate Spanish with a focus on legal terminology so that lawyers will be able to interact better with their clients. It will be available through TYLA next year hopefully. We're filming in January, so we should hopefully have the web site done in spring.

***You're very involved. Why is that?***

I think my main driving force is that there were so many people that helped me along the way, when I was either in high school and college, where so many people helped me on my

journey. I want to help people along the way.

***Tell me about your family.***

Melissa is a shareholder at Scott Hulse, construction law. My son Ethan Raymond Baeza is two years old. He's sleeping wonderfully, we are resting now, and now we can't get him to sit down. He enjoys playing with his construction trucks.

***How do you like El Paso?***

I love it. I never dreamed that I would be here in El Paso, but it has definitely grown on me. The food is my number one thing. In El Paso, it's unique because we have very good relationships with opposing counsel. We are friendly with each other, we see each other out of town. We may disagree, but we always do it in a respectful and friendly manner. I have other cases with lawyers outside of El Paso who aren't like that.

**KIRK COOPER** is the senior staff attorney to Justice Yvonne Rodriguez at the Texas Eighth Court of Appeals. He is editor-in-chief of the El Paso Bar Journal.

## Borderland Teen Court offers alternative to juvenile defendants

BY MARIANA MONTES

**B**orderland Teen Court was founded by five driven young adults and a dedicated mentor with the help of the El Paso legal community. The founders of BTC met through the LSPI High School Law Camp at UTEP in the summer of 2016. These students came from schools all over El Paso, but they came together to take what they had learned a step further with the help of their mentor, Danny Razo. By August of 2016, planning for BTC was underway and by September of the same year BTC took on its first cases with Judge Elia Garcia. Since then BTC has partnered with Judge Daniel Robledo and Judge Bonnie Rangel to continue to help the community.

What these five students created was a non-profit organization directed at offering insight into the field of law for young adults while also providing a positive influence on at risk youth. Borderland Teen Court is providing a second chance for at-risk youth through an alternative

court process. The organization takes on cases of teens with Class C misdemeanors that are in the punishment phase. As the name implies, this alternative court process is run almost entirely by teens. Borderland Teen Court partners with schools or local courthouses to get cases, a court room, and a presiding judge, but the trials are made up entirely of teenagers, with the exception of the presiding judge and some witnesses. The prosecution, defense, and jury are all made up of teenagers. This not only helps those who are participating to develop their litigation, case-building, and public speaking skills, but it creates an environment for the defendant to view law in a different light.

The hope is that being represented by their peers allows these young people to see the path they could be taking. Teen Courts in other places have had lower rates of recidivism because of this peer dynamic.

Additionally, the organization is placing

responsibility on the person who has made a mistake rather than placing fees on the family. Rather than paying a fee, the defendants must complete the community service determined at BTC within 90 days. If completed, the family not only avoids having to pay money for their mistake, but the teen gets the misdemeanor removed from their record. For many, that is a reason to turn their life around. The teens aren't going through a system that would label them as criminals. They are going through this alternative court process where they can learn from that mistake.

Borderland Teen Court hopes to continue to provide an accessible opportunity for at risk youth to rethink their choices while enriching the legal community with capable young minds.

**MARIANA MONTES** is secretary of the board of the Borderland Teen Court.





*Mark Dore and Bruce Koehler*

# EL PASO BAR ASSOCIATION ANNUAL HOLIDAY PARTY

held on December 7, 2017 at the  
El Paso Community Foundation Room



*Aldo Lopez and Samantha Link*



*Nancy Gallego, Executive Director, El Paso Bar Association*

# EPYLA holds annual Columbus Day Golf Tournament

The El Paso Young Lawyers Association wrapped up the Columbus Day Golf Tournament, held this year at the Coronado Country Club. The Tournament, which is EPYLA's biggest fundraiser of the year, featured several teams. The "Franklin High School Class of 2004" team. The event was catered by Tacos Don Cuco, and members of the Woodhouse Spa provided players with complimentary massages after the match.



Photos by David Lopez/Associate Attorney, Mounce Green



# 14 new attorneys participate in swearing-in ceremony

By KIRK COOPER

**F**ourteen young men and women who passed this summer's Texas bar exams were sworn in as El Paso's newest attorneys during a November 8th ceremony at the Texas Eighth Court of Appeals courtroom.

The event, presided over by Chief Justice Ann McClure and Associate Justices Yvonne Rodriguez and Gina Palafox, is a long-standing tradition in the El Paso legal community. Although the Texas Supreme Court holds a mass swearing-in ceremony for new lawyers in Austin, many soon-to-be attorneys with ties to El Paso often opt to be sworn in at this local ceremony held twice a year in July and November, shortly after bar examination results are released. The event allows new attorneys and their families the opportunity to meet and take pictures with the three justices, as well as to receive information from various local bar associations. Court officials described this November's standing room-only swearing-in event as the largest in recent memory.

"This is one of the few times a year where everyone in our courtroom is happy," Chief Justice McClure told audience members.

After all attorneys in the courtroom rose as Chief Justice McClure administered the oath to the group of fourteen applicants, each justice took the opportunity to congratulate the new lawyers and impart advice.

Justice Rodriguez admonished the new attorneys to always keep their word even in times of difficulty, to not let their duty to be zealous advocates engage in underhanded or unethical tactics, and to guard their reputations well, as "once you lose your reputation, it's hard to regain trust."

Justice Palafox stressed the roles of the eventgoers as part of a team in the legal system, and she reminded the new attorneys to not let success in the practice of law come at the expense of their own physical and mental well-being, saying that much like with "the oxygen mask theory" on airplanes, attorneys must adequately take care of themselves before being able to help others effectively.

And Chief Justice Ann McClure, who gave advice "wearing three hats" as "an attorney, a judge, and a mother," told attendees to thank their families and friends for support, and to choose their mentors wisely.

The swearing-in was followed the next day by a congratulatory event at the International bar, sponsored by the El Paso Young Lawyers Association.

**KIRK COOPER** is the senior staff attorney to Justice Yvonne Rodriguez at the Texas Eighth Court of Appeals. He is editor-in-chief of the El Paso Bar Journal.

## LIST OF ATTORNEYS:

Anna Armistead,  
WAKE FOREST UNIVERSITY  
Mikka Amelia Burrell,  
MICHIGAN STATE  
Cris Estrada,  
SOUTH TEXAS  
Frederick Clark Hutterer, III,  
TEXAS TECH  
Samantha Katherine Link,  
PENNSYLVANIA UNIVERSITY  
Martha Parie Pose,  
TEXAS TECH  
Ana Luisa Zabalgaitia,  
ST. MARY'S  
Roberto Nicholas Ballesteros,  
THURGOOD MARSHALL  
Jenee Duran,  
TEXAS TECH  
Jordan Hartshorn,  
TEXAS A&M  
Jon Joseph,  
NORTH TEXAS COLLEGE OF LAW  
David Rolando Lopez,  
MOUNCE GREEN  
Elisa Monique Samaniego,  
LOUISIANA STATE  
Fred Franklin Zoch, II,  
UT



L-R, State Rep. Cesar Blanco, Col. Larry Downend, Judge Angie Juarez Barill, 346th District Court and Laura Enriquez

EL PASO LAWYERS  
FOR PATRIOTS LEGAL CLINIC  
held on Saturday, November 4, 2017  
Valle Verde Campus, El Paso  
Community College

# CONFLICTS? RESOLUTIONS!

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## My dog is better than your lawyer

BY STEVE FISCHER

Excuse me for bragging. However, as State Bar Director Andrew Tolchin announced in a Facebook discussion group for attorneys, S. Roosticus Fischer of my law firm was just nominated by “Lawyers of Distinction” for ranking in the Top 10 percent of all American attorneys.

Unbeknownst to the presenters, Shasha-roosticus, although very special, is . . . my dog. Lawyers of Distinction doesn’t care. Pay the \$475 for the plaque and you (or your dog) can be the greatest.



Andrew Tolchin  
11 hrs · Angleton

This dog nominated to “Lawyers of Distinction.” Their response:  
Priceless. 😊



Like Comment

Similarly, I was also awarded “One of the five best family lawyers in the State of Texas.” That, too, sounded good, until fellow El Paso attorney Ouisa Davis remarked that she—and it looks like at least five other local attorneys—received the same offer. You gotta love El Paso, but when at least six of the five best Texas Family Lawyers are here, something is wrong, and I wasn’t going to pay \$200 to fix it.

Some companies allow attorneys to vote on who is best, and “Super Lawyers” says no campaigning, but of course it still may happen. Dale Felton, an attorney in Navasota, believes that one attorney paid \$45,000 to be featured in their large photo ad. Local newspapers and weekend magazines also solicit votes for best local attorney, just as they do for local restaurants, but the ensuing campaigning among lawyers is not appetizing.

Austin attorney Rekha Akella posts that her old firm emailed all its attorneys saying, “everyone needs to start an account and vote for so-and-so for this award.” This included urging members to sign into newspapers in

places they didn’t live to vote for local partners there as “Best Attorney.”

Attorneys know they are taking part in a scam, but laypeople do not and are completely deceived. I find it hilarious when attorneys post on Facebook, “I am so humbled to be honored as one of the top ten attorneys in Texas.” Their friends chime in, “So well deserved!” “I knew you could do it!” “I’m so proud to call you my friend!” Unfortunately, after a few minutes of laughing, I’m struck with a sense of revulsion.

Avvo.com, while not perfect, seems have the best and most thorough methodology. They present client and peer reviews, publications, honors, and experience. If you see a “Pro” designation, however, it means those attorneys have paid to be listed first. I use Avvo myself when I need attorneys in distant locations. I like Avvo, and just coincidentally, they rate me highly as well.

Well, maybe it’s not such a coincidence, as Houston appellate attorney Scott Rothenberg notes: “Attorneys seem to like the services which rate them the highest.” Okay, so I’m busted. In fact, this column isn’t going well, either for me, or my dog.

Is there a solution? Once again, attorney Dale Felton: “About six years ago, a group of lawyers were getting thoroughly slobbered in Katz’s on Westheimer in Houston. They took a vote and declared each ‘Voted One of Houston’s Top Lawyers.’ They put this on their letterhead and on their websites.”

On a positive note, Fort Worth attorney Stephen Tatum, chairman of the State Bar of Texas Attorney Advertising Committee, will have his members investigate.

This may make Roosticus and I “persona (and dog) non grata” among this industry, and our respective ratings may plummet. We do, however, own a pistachio orchard outside of El Paso, and even though we have several thousand trees, I’m certain we would be dealing with a lot less nuts.

**STEVE FISCHER** is a family law attorney, columnist, and former member of the State Bar of Texas Board of Directors. This column originally appeared on TribTalk.org. Reprinted with permission.

# SELF-RESPECT: The Keystone Of The Virtuous

BY OSCAR G. GABALDON, JR., CWLS

*It is the highest form of self-respect to admit our errors and mistakes and make amends for them. To make a mistake is only an error in judgment, but to adhere to it when it is discovered shows infirmity of character. — DALE E. TURNER*

Most of us consider self-respect to mean having self-confidence in an honorable and dignified manner; a manner that incorporates feelings of self-worth and self-approval. Self-respect actually encompasses a much greater reality than what this description provides. It includes not only our right to be who we are, but also the “duty” to be the best we can be within the realm of all that is good. If we keep in mind that our existence has value to us and value to others that often encourages us to stay focused on the importance of reaching out beyond ourselves to do authentic good for our others.

The celebrated American television personality Fred Rogers was insightful when he said, “if only you could sense how important you are to the lives of those you meet, how important you can be to people you may never even dream of. There is something of yourself that you leave at every meeting with another person.” Since we are all unique by virtue of our existence and individuality, caring for ourselves is caring for the gift that we are to the world.

In the odyssey of our lives in the search for happiness, we mostly find morsels of happiness; however, we keep hoping that at some point, we will find complete happiness. Our ability to amplify genuine happiness in our lives is closely linked to our self-respect, so that the fullness of happiness can elude us if we do not first secure a healthy self-respect. It is by loving ourselves first that we can better love others. In the same way, it is by respecting ourselves first that we can better savor the coveted nectar of the Holy Grail we so desire — unsullied happiness.

The famed motivational speaker and author John C. Maxwell observes that some persons confuse self-respect with a sense of superiority, which often cherishes the company of conceit and arrogance. True self-respect is in harmony with a healthy sense of pride that interlaces with our dignity. The more we respect ourselves,



*When we disrespect others by what we say, do, or fail to do, we chip away at our self-respect, which is supposed to be the rock on which we rely on to built a virtuous life.*

the easier it becomes for us to not become entrapped in a limbo of one-upmanship in order to feel superior to others.

On our journey to enhancing our self-respect, life summons us to continually seek to become better than who we have formerly been. In this way, we are better able to escape the self-pity that sometimes creeps up upon us when we sense that we are neglecting to work more assiduously at improving the quality of our humanity. Harry Emerson Fosdick, a prominent religious figure, fosters this idea when he observes that “self-pity gets you nowhere. One must have the adventurous daring to accept oneself as a bundle of possibilities and undertake the most interesting game in the world making the most of one’s best.” So long as we breathe, an opportunity to continue to nurture and grow in our self-respect is ready to be seized.

When we disrespect others by what we say, do, or fail to do, we chip away at our self-respect, which is supposed to be the rock on which we rely on to built a virtuous life. By the same token, we sometimes do everything in our power to nurture, grow, and maintain our self-

respect, only to be tempted by others to forego our self-respect. In this case, we need to recall that no one can take our self-respect without us allowing that to happen. No friendship or relationship is worthy enough for us to give up our self-respect for. Giving up our self-respect for another allows us to become a prisoner of that person’s imposition.

Self-respect must be practiced day in and day out. Our self-respect is infused with life only when we care enough to work at making it a staple in nourishing our daily existence with quality living. Ancient Chinese philosopher Lao Tzu describes the pragmatic dimension of self-respect by saying that “because one believes in oneself, one doesn’t try to convince others. Because one is content with oneself, one doesn’t need others’ approval. Because one accepts oneself, the whole world accepts him or her.” Let us, therefore, remain resolute in our allegiance to never sacrifice our self-respect for anyone, no matter what.

OSCAR GABALDON is an assistant city attorney for the City of El Paso.

## CASA needs volunteers to help make a difference in a child's life

All throughout the year, CASA of El Paso is raising awareness about child abuse and neglect in the community and the need for more CASA volunteers to help make a difference in a child's life.

Court Appointed Special Advocates, or CASA volunteers, are individuals from all walks of life who speak up for a child or sibling group's best interests while they are in the care of the state.

According to the Department of Family & Protective Services (DFPS), there were 800 victims of child abuse or neglect and a total of 635 children in the child protection system in El Paso County last year.

"CASA's role is more important than ever with all of the challenges currently facing the child protection system," said Lisa Saucedo, executive director of CASA of El Paso. "It is our goal to be able to provide every child with a voice in a court to ensure that they do not get lost in the system."

In December 2015, U.S. District Judge Janis Jack ruled that the Texas child welfare system fails to protect kids in the long-term care of the state – ultimately violating their constitutional right to be free from an unreasonable risk of harm. The challenges and struggles plaguing the

system continued, leading to Gov. Greg Abbott naming CPS reform his No. 1 emergency item for the 85th Legislative Session.

CASA volunteers work on a case-to-case basis, getting to know the child and everyone involved in that child's life, including family members, foster parents and teachers, so that they can represent the child's best interests in court and other settings until the child reaches a safe, permanent home.

Last year, 270 CASA volunteers served 714 children in the child welfare system in El Paso County, but 150 children still need a volunteer to advocate for their best interests. Consider making a difference for these children by becoming a CASA volunteer

"Our top priority is always the best interest of the child," said Saucedo. "We will continue to provide the highest quality of advocacy for our most vulnerable children in care until the day comes that we are no longer needed because every child has the happy, safe home they deserve."

### How to Help

To learn how you can help children in your community, look up [CASAofElPaso.org](http://CASAofElPaso.org). Volunteers must be 21 years of age or older

and willing to commit to at least 18 months of advocacy. No special educational background or experience is required.

If you see abuse, report it to 1(800)252-5400 or go to [www.txabusehotline.org](http://www.txabusehotline.org). If a child's life is in danger, call 911. For more information on CASA, visit [www.BecomeaCASA.org](http://www.BecomeaCASA.org) or [www.casaofelpaso.org](http://www.casaofelpaso.org).

### About CASA of El Paso

CASA (Court Appointed Special Advocates) of El Paso is part of the statewide organization of 72 local Texas CASA programs that recruit and train volunteers to advocate for the children in the child protection system.

CASA volunteers are everyday members of the community doing extraordinary work by choosing to speak up for abused and neglected children in their communities. They are screened and trained, then appointed by the court to advocate for the best interests of a child or sibling group in the foster care system. Often the CASA volunteer is the one constant in a child's life while he or she goes through the overburdened system. CASA volunteers work to move the children through foster care and into safe, permanent homes as quickly as possible.

### EL PASO BAR ASSOCIATION APRIL BAR LUNCHEON

Tuesday, April 10, 2018

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

Guest Speaker TBA

**Door prizes will be given out**

Please make your reservations by Monday, April 9, 2018 at 1:00 p.m. at [nancy@elpasobar.com](mailto:nancy@elpasobar.com) or [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)

### EL PASO BAR ASSOCIATION MAY BAR LUNCHEON

Tuesday, May 8, 2018

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

Guest Speaker TBA

**Door Prizes will be given out**

Please make your reservations by Monday, May 7, 2018 at 1:00 p.m. at [nancy@elpasobar.com](mailto:nancy@elpasobar.com) or [ngallego.epba@sbcglobal.net](mailto:ngallego.epba@sbcglobal.net)

EL PASO BAR ASSOCIATION  
**22<sup>TH</sup> ANNUAL CIVIL & CRIMINAL TRIAL PRACTICE SEMINAR**  
*February 8, 9 & 10, 2018*  
**Bellagio, Las Vegas, NV**

Approved for 14.25 hours of MCLE, including 3.5 hours of Ethics by the SBOT, pending approval by State Bar of New Mexico and State Bar of Nevada.

**SCHEDULE**

**THURSDAY, FEBRUARY 8, 2018**

6:00 - 8:00 p.m. **Legal Legends**, Live Interview of Judge Javier Alvarez by Judge Francisco Dominguez; Live Interview of Carl Green by Kurt Paxson

**FRIDAY, FEBRUARY 9, 2018**

7:00 - 7:45 a.m. **Registration & Sign In**

7:45 - 8:00 a.m. **Welcome**

You can pick to go to the Civil Track or the Criminal Track

**CIVIL TRACK:**

8:00 - 9:00 a.m. **Appellate Update** - Kirk Cooper, 8TH Court of Appeals

9:00 - 10:00 a.m. **Labor Law Update**-George Andritos, Law Office of George Andritos

10:00 - 10:15 a.m. **Morning Break**

10:15 - 11:15 a.m. **Medical Damages**-Kurt Paxson, Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. and Ruben Robles, Robles, Bracken & Hughes, P.C.

11:15 - 11:45 a.m. **Family Law Update**-Nora Artalejo, Law Office of Nora Artalejo

12:00 - 1:00 p.m. Luncheon Program - Ethics in Communication with the Court- U.S. Magistrate Judge Leon Schydlower, Judge Maria Salas-Mendoza and U. S. Magistrate Miguel Torres

1:00 - 1:45 p.m. **Removal and Federal Court Practice**- Marissa Ybarra, Ray, McChristian & Jeans, P.C.

1:45 - 2:45 p.m. **Trucking Litigation and the Federal Motor Carrier Act**-Darryl Vereen, Mounce, Green, Safi, Paxson & Galatzan, P.C.

2:45 - 3:00 p.m. **Afternoon Break**

3:00 - 4:30 p.m. **Voir Dire Presentation**- Jeff Ray, Ray, McChristian & Jeans, P.C. and Jerrod Mills, Trial Exhibits

4:30 - 5:15 p.m. **How to Obtain Records from the City** -City Attorney's Office

5:30 - 6:30 p.m. **Happy Hour**

**CRIMINAL TRACK:**

8:00 - 9:00 a.m. **Latest Developments in Surveillance & Search & Seizure Caselaw Update** - Cori Harbour-Valdez, The Harbour Law Firm and Charles "Ted" Asbury

9:00 - 10:00 a.m. **How to Challenge Scientific Evidence (blood draws)** - Joshua Spencer, Joshua Spencer, Attorney and Counselor at Law, PLLC

10:00 - 10:15 a.m. **Morning Break**

10:15 - 11:15 a.m. **Contempt and the Judge's Power to Ensure the Orderly Administration of Justice** - Judge Sam Medrano (Ethics)

11:15 - 11:45 a.m. **Post Conviction Writs** - Richard Esper, Law Office of Richard Esper

12:00 - 1:00 p.m. **Luncheon Program - Ethics in Communication with the Court**- U.S. Magistrate Judge Leon Schydlower and Judge Maria Salas-Mendoza

1:00 - 2:00 p.m. **Juvenile Law** - Working Your Way Thru JPD - Omar Carmona, Law Office of Omar Carmona

2:00 - 3:00 p.m. **Criminal Case Law Update** - Daniel Marquez, Law Office of Daniel Marquez

3:00p.m-3:15p.m. **Afternoon Break**

3:15 - 4:15 p.m. **Jury Selection and How to Preserve Error in Voir Dire** - Patrick Bramblett, Law Office of Patrick Bramblett

4:15 - 5:15 p.m. **Intersection of Criminal and Immigration Law** - Cynthia Canales

5:30 - 6:30 p.m. **Happy Hour**

**SATURDAY, FEBRUARY 10, 2018**

7:00 - 8:00 a.m. **Breakfast**

**CIVIL TRACK:**

8:00 - 9:00 a.m. **The Slip and Fall Case**- Connie Flores, Flores, Tawney & Acosta, P.C.

9:00 - 9:15 a.m. **Morning Break**

9:15 - 10:30 a.m. **Business Litigation**, Clyde Pine, Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.

10:30 - 12:00 p.m. **Ethics on the Day to Day Handling of an Automobile Case** - H. Keith Myers, Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. and James Kennedy, James Kennedy, P.C.

**CRIMINAL TRACK:**

8:00 - 9:00 a.m. **The Trifecta: Assult Family Violence, Protective Orders and Divorce**, Jaime Ray

9:00 - 9:15 a.m. **Morning Break**

9:15 - 10:30 a.m. **Criminal Law and the Military**, Sherilyn Bunn, Major (Ret.), Firth, Johnston, Bunn & Kerr P.C.

10:30-12:00 p.m. **Ethics on the Day to Day Handling of an Automobile Case** - H. Keith Myers, Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. and James Kennedy, James Kennedy, P.C.

End of Seminar

\*Please note that due to unforeseen issues we might have to move some of the programming around.

**Hotel Room Rates at the Bellagio are \$139 for 2/8/2018 and \$169 for 2/9 & 2/10/2018**

**Reservations can be made online at:**

**[https://aws.passkey.com/e/49392317?utm\\_source=4927&utm\\_medium=email&utm\\_campaign=276940479](https://aws.passkey.com/e/49392317?utm_source=4927&utm_medium=email&utm_campaign=276940479)**

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 E-Mail: \_\_\_\_\_  
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**Send check to:**

El Paso Bar Association  
 500 E. San Antonio, Rm. 1204  
 El Paso, Texas 79901

or pay online at:

[https://elpasobar.com/make\\_a\\_payment](https://elpasobar.com/make_a_payment)

**\$375** - EPBA Member  
**\$475** - Nonmember  
**\$200** - Paralegal



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The editors of the El Paso Bar Journal solicit your contributions dealing with substantive legal subjects or issues. We believe the interests of El Paso lawyers and law firms will be advanced by the publication of at least one or two articles in every Journal issue dealing with legal subjects and issues.

Good articles, of course, take time, thorough research and clear writing. In some instances, however, the research may be a product of your daily legal work--researching an issue or writing a brief. We invite you to share your work with the legal community in El Paso and wherever

the inter-net may travel. If issues of confidentiality are involved, the work usually can be sanitized to comport with ethical requirements, while at the same time sharing your hopefully brilliant work with the larger broader community.

Articles should be submitted by e-mail to **Nancy Gallego, Executive Director of the El Paso Bar Association**, at [nancy@elpasobar.com](mailto:nancy@elpasobar.com). They must be submitted at least one month prior to the proposed publication date, and they should not exceed 2,500 words unless the article is to be published in more than one issue.