



EL PASO BAR JOURNAL

June 2014



Black History Month: A Validation of the Lives, Experiences and Contributions of African-Americans

By Donald L. Williams page 15



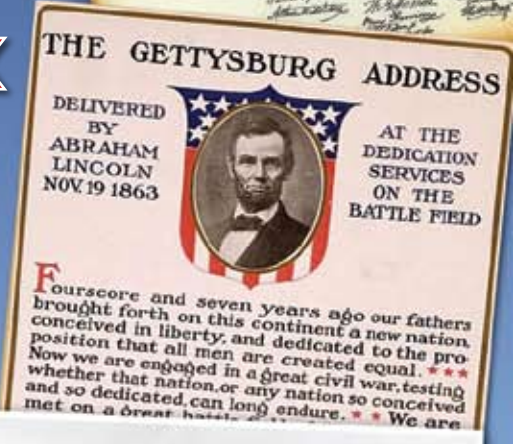
Supporting Community Development: United Bank of El Paso Del Norte An Interview with Lester L. Parker

By Clinton F. Cross page 10

SENIOR LAWYER INTERVIEW

JUDGE JOSÉ JUÁREZ

By Clinton F. Cross page 14



EFFECTIVE & EFFICIENT DISPUTE RESOLUTION



ANTCLIFF MEDIATION

221 N. Kansas, Ste. 1201
El Paso, TX 79901
www.antcliffmediation.com
(915) 533-1221

MEDIATION WORKS

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

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

Schedule your mediation today:
antcliffmediation.com/calendar

WE MAKE A STRONG CASE





Whether you're opening your first practice or growing with new partners, it pays to work with a bank that understands your profession.

In closing... we know what it takes to win.



WE BELIEVE IN THE COMMUNITY

unitedelpaso.com (915) 231-2500  

Downtown: 401 E. Main | West: 125 Mesa Hills Dr. at Mesa | East: 9801 Gateway West at McRae & 1726 North Zaragoza Road



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

Randolph Grambling, President
Laura Enriquez, President-Elect
Myer Lipson, Vice President
Christopher Antcliff, Treasurer
Mark Dore, Secretary
Judge Maria Salas-Mendoza, Immediate Past President

2013-2014 Board Members

George P. Andritsos
 Philip Mullin
 Charles Ruhmann
 Jessica Vazquez
 Donald L. Williams
 Brock Benjamin
 Ouisa Davis
 Soraya Hanshew
 Rene Ordonez
 Jeff Ray
 Melissa Baeza
 Daniel N. Hernandez
 Judge Miguel A. Torres
 Felix Valenzuela
 Sean C. White

Ex-Officios

SBOT Director, District 17, EPYLA, MABA, EPWBA, ABOTA, FBA, EPBF, EPFLBA, EPPBA, EPALP

Executive Director

Nancy Gallego

Editorial Staff

Clinton Cross, Judge Maria Salas-Mendoza, Nancy L. Gallego & Ballard C. Shapleigh

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

PRESIDENT'S PAGE



“This Bar’s for You”

The El Paso Bar Association had a wonderful 2013-2014 bar year. The successes of the EPBA this year should be gleaned from the entire year.

A historic event for the El Paso legal community took place when the United States Court of Appeals for the Fifth Circuit heard oral arguments in El Paso for the first time. Chief Justice Carl E. Stewart, Judge Carolyn Dineen King and Judge Edward C. Prado heard the oral arguments at the Albert Armendariz, Sr. U.S. Courthouse during

the week of September 3, 2013. The El Paso Bar Association along with the Federal Bar Association had the privilege of co-sponsoring a Welcome Reception in honor of these visiting judges.

On September 23, 2013, the El Paso Bar Association presented a check for \$126,300 to El Paso County as a contribution toward funding the legal services provided by lawyers representing indigent persons in criminal matters. The EPBA Ethics Committee presented the annual Ethics Seminar on September 26, 2013, at the El Paso County Courthouse. Robert Dinsmoor was the featured speaker.

On October 25, 2013, the El Paso Bar Association, led by George Andritsos, with the support of the Texas RioGrande Legal Aid, sponsored the annual Access to Justice Fair at the Valle Verde Campus. The EPBA provided information and counseling to members of our community who cannot pay for legal services.

The EPBA continued its *pro bono* efforts in November through the work of El Paso Lawyers for Patriots. On November 16, 2013, the El Paso Bar Association under the guidance of Don Williams put together the annual El Paso Lawyers for Patriots Conference at the Transmountain Campus of the El Paso Community College which afforded counseling to Texas veterans. With great pride, the El Paso Bar Association held its November luncheon in honor of and salute to veterans. Star Chacon sang a wonderful rendition of our National Anthem. Thereafter, the special guest speaker was Col. Karen H. Carlisle, Staff Judge Advocate for the 1st Armored Division and Fort Bliss, Texas. Col. Carlisle’s presentation reminded us how the members of our Armed Forces, both active and veteran, have played such an important role in protecting the rights we enjoy on a daily basis.

The El Paso Bar Association hosted an informative seminar in December 2013 on mandatory e-filing, the Odyssey System and standard court procedures for attorneys and their legal assistants. Under the direction of Judge Maria Salas-Mendoza, the seminar was a huge success.

The Joint Bar Association Holiday Party in December was a great success thanks to the hard work of Yvonne Acosta and Kamie Smith. Those who attended the celebration had the great opportunity to enjoy their fellow colleagues’ company as well as the opportunity to bid on fabulous silent auction items. Proceeds of the silent auction benefitted the El Paso Bar Foundation.

Dan Hernandez and members of his committee did a great job in planning and hosting the El Paso Bar Association’s 18th Annual Civil Trial Practice Seminar held

in San Diego, California, on February 13-15th, 2014. The seminar was successful in providing pertinent, current and relevant continuing legal education to members of the EPBA. A diverse program was presented which included such topics as Preservation of Error, Consumer Law, HIPPA, Texas Supreme Court update, Estate Planning and Probate, Employment Law, Tax for Litigation, Jury Selection, Family Law and the Military, Commercial Litigation, Mediation and Mandatory E-filing.

The El Paso Bar Association had the honor of hosting the two candidates running for

President of the State Bar of Texas at its March monthly luncheon. Both Beverly Godrey and Allan DuBois made fine presentations on their own behalf.

The Law Day Banquet was a huge success and was well attended due to the hard work and efforts of President-Elect Laura Enriquez. Those who attended the law day banquet had the great opportunity to enjoy their fellow colleagues' company.

On May 17, 2014, Don Williams and the El Paso Lawyers for Patriots Committee presented a quality conference for Texas veterans and again addressed legal issues of

those in need.

As this is my last President's Page article, I want to thank the Officers and Directors for their service to the El Paso Bar Association. I also want to thank our Executive Director Nancy Gallego who made this year a wonderful year. The Association had a great year, and it is due to these individuals' hard work and dedication.

Randolph Grambling,
President

EL PASO BAR ASSOCIATION

June Bar Luncheon

Tuesday, June 10, 2014

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

Election and Swearing in of 2014-2015 Officers and Directors

Officers

Laura Enriquez – *President*

Myer Lipson – *President-Elect*

Christopher Antcliff – *Vice President*

Mark Dore – *Treasurer*

Jennifer Vandenbosch – *Secretary*

Board of Directors (3-year term)

Kristina Voorhies Legan

Aldo Lopez

David Mirazo

Janet Monteros

Philip Mullin

Awards and Recognition Presentation

Door prizes will be given out

**Please make your reservations by Monday, June 9, 2014 at 1:00 p.m.
at nancy@elpasobar.com or ngallego.epba@sbcglobal.net**

Please make sure you RSVP.

Articles published in the Bar Journal do not necessarily reflect the opinions of the El Paso Bar Association, its Officers, or the Board of Directors. The El Paso Bar Association does not endorse candidates for political office. An article in the Bar Journal is not, and should never be construed to be, an endorsement of a person for political office.

CALENDAR OF EVENTS

June 2014

Tuesday, June 3

EPBA BOD Meeting

Tuesday, June 10

EPBA Monthly Luncheon

Election and Swearing In of New Officers and Directors

Sunday, June 15

Father's Day

Thursday, June 19

EPBA Monthly Luncheon

Thursday, June 19

Juneteenth Day

EPBA Office Closed

Saturday, June 21

First Day of Summer

Upcoming Events:

Friday, July 4

Independence Day

EPBA Office Closed

Monday, September 1

Labor Day

EPBA Office Closed

Tuesday, September 2

EPBA BOD Meeting

Tuesday, September 9

EPBA Monthly Luncheon

Thursday, February 12-14, 2015

19th Annual Civil Trial Practice Seminar

Las Vegas, Nevada

STATE BAR OF TEXAS AWARDS

Our Bar Association will be commended at this year's State Bar of Texas Annual Meeting in June 2014 in Austin, Texas. The video project completed by former president Bruce Koehler and Board Member Felix Valenzuela "*Lawyers and Liberty...What Would You Do?*" will receive the Star of Achievement Award.

In addition, Publication Awards will be received for two series of articles that were published in the **Bar Journal**—in the Substantive Law area for the series of articles written by **Clara Hernandez** and **Carole Powell** of the El Paso Public Defender's office and in the Feature/General Interest area for the series of articles written by **Chief Justice Ann McClure**.

The awards will be presented at the SBOT Annual Meeting in Austin during the Bar Leaders Recognition Luncheon and will be accepted by President-Elect Laura Enriquez. Kudos!

Upcoming Holidays

The El Paso Bar Association office and the El Paso County Courthouse will be closed on the following holidays:

Thursday, June 19, 2014

Juneteenth Day

Friday, July 4, 2014

Independence Day

Monday, September 1, 2014

Labor Day

El Paso Bar Association 2014-2015 Membership Dues Statements

have been mailed out. Please fill out and send to our office by **July 1, 2014**

We have many great plans for the upcoming bar year, including FREE CLEs for members, the Annual Holiday Party and the Annual Civil Practice Seminar (we are going back to Las Vegas) and MUCH, MUCH MORE!!!

EL PASO BAR LAW DAY BANQUET

Photos Courtesy of Don Williams



**COUNCIL OF JUDGES ADMINISTRATION
EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO #101
EL PASO, TX 79901
(915) 546-2143 FAX (915) 546-2019**

TO: ATTORNEYS
FROM: MIKE IZQUIERDO, EXECUTIVE DIRECTOR
DATE: FEBRUARY 18, 2014
RE: E-MAIL ADDRESS OF ATTORNEYS IN DATA BASE

WITH THE IMPLEMENTATION OF THE COUNTY'S "ODYSSEY" SYSTEM, WE NOW HAVE THE ABILITY OF ADDING AN ATTORNEY'S E-MAIL ADDRESS IN THE ATTORNEYS DATA BASE. THE COUNCIL HAS BEEN UP-DATING AND ADDING NEW ATTORNEYS IN THE SYSTEM IN ORDER TO HAVE EVERYONE'S CORRECT MAILING INFORMATION.

WE NEED YOUR ASSISTANCE IN PROVIDING THIS INFORMATION TO THE COUNCIL, ESPECIALLY WHEN AN ATTORNEY MOVES TO A DIFFERENT LOCATION. SINCE THE E-MAIL PROCESS IS NEW, WE HAVE VERY FEW E-MAILS OF ATTORNEYS IN THE SYSTEM.

PLEASE PROVIDE US YOUR E-MAIL ADDRESS. MORE IMPORTANTLY, PROVIDE US WITH YOUR NEW ADDRESS WHEN YOU MOVE IN ORDER TO UP-DATE YOUR INFORMATION. BELOW IS THE INFORMATION WE NEED IN THE SYSTEM:

NAME (PRINT) _____
BAR # _____
ADDRESS _____ CITY, STATE, ZIP CODE _____
PHONE / FAX _____ E-MAIL ADDRESS _____ BIRTH MONTH _____

YOU CAN EITHER FAX THE ABOVE INFORMATION AT (915) 546-2019 OR E-MAIL IT TO THE COUNCIL TO MARTHA A. BANALES, OFFICE MANAGER, AT mbanales@epcounty.com.
IF YOU HAVE ANY QUESTIONS YOU CAN CONTACT MS. BANALES AT (915) 546-2143.

Texas RioGrande Legal Aid partners with American University College of Law for Human Rights Law Project.

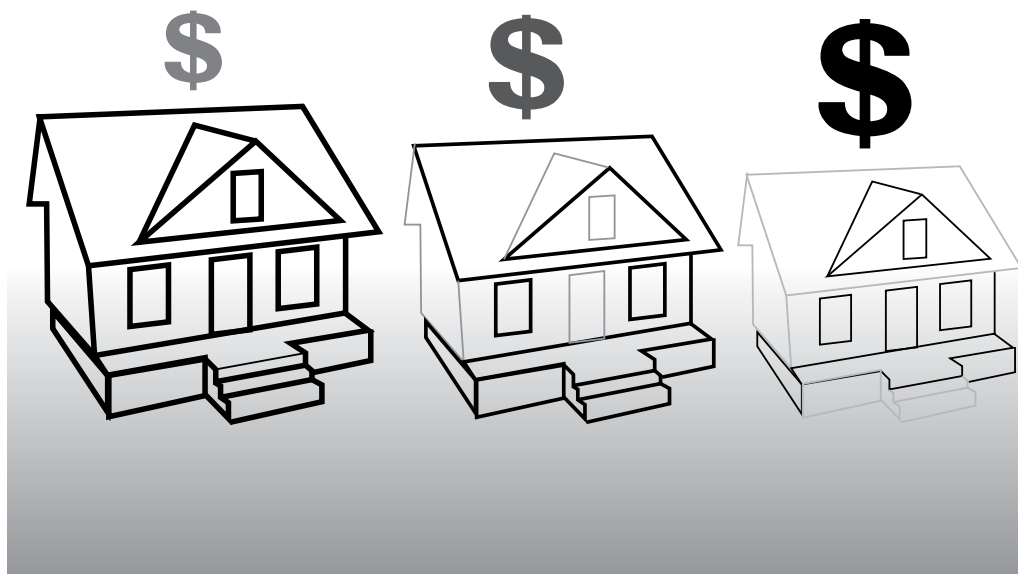
BY ALBERTO MEZA

A low-income family lives in an inexpensive apartment. The bedroom is small. A queen size mattress with no headboard lies next to the window. A drawer made of particle board along with a mirror fill the room. A plaid sofa donated by a cousin lies in front of a television. A breakfast table shares the living room that opens into the kitchen. A single mother resides there with her daughter. They left a marriage full of abuse. This apartment is the start of a new life. They have timely paid their rent, but their landlord told them that they must immediately leave the apartment. He has had it with her requests to fix the backed up plumbing. She doesn't know what to do. Where will her daughter and her go? She applies for legal assistance at Texas RioGrande Legal Aid.

As part of a new project, TRLA is providing training to its attorneys in implementing human rights law in their legal aid practice. The attorney reviewing the single mother's case will review the Texas Property Code's section on eviction and international human rights law on housing to defend the case.

In 2012, through a competitive process, TRLA was selected by American University Washington College of Law for their Local Human Rights Lawyering Project. The two year project seeks to enhance TRLA's attorneys' understanding of international law and the ways it can be applied in their work, seeking to bridge the disconnect between the U.S.'s promotion of human rights abroad and its adherence and appreciation for international law and standards as they apply within the U.S. This innovative project has received press coverage in the Huffington Post and the Washington Post.

The project promotes the idea that human rights law is part of international law and is designed to promote and protect human rights at an international, regional, and domestic level. International law is binding on state and federal courts through the Supremacy Clause of the U.S. Constitution and sources of international human right law serve as persuasive authority in U.S. courts and can bolster arguments based on



domestic law. As such, the U.S. Supreme Court has recognized that the laws of the U.S. should be construed with international law whenever possible. *See Murray vs. Schooner Charming Betsy*, 6 U.S. 64, 118 (1804).

In our example, the right to housing is considered a human right at the international level and in more than 100 hundred national constitutions in the world. The right to live in security, peace, and dignity requires adequate housing. The housing provided to the single mother is not meeting the human rights standard due to its unsanitary conditions. The landlord's self-help eviction is a violation of her human rights.

In analyzing the legal problem, the TRLA attorney should cite the Texas Property Code in addressing the illegal eviction and retaliation. Under the Texas Property Code, a landlord is not allowed to retaliate against a tenant for requesting repairs, or calling a government or nonprofit agency about a problem. The landlord is prohibited from self-help eviction. The attorney should then argue that that self-help eviction is contrary to human rights law. The attorney might cite the International Covenant on Civil and Political Rights, which was

ratified by the U.S. on June 2, 1992, and states that "no one shall be subject to arbitrary or unlawful interference with his[her]...home." Additionally, the United Nations' Committee on Economic, Social and Cultural Rights observed that "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment, and other threats." General Comment 4 U.N. Doc. E/1992/23 (1991). Thus, self-help evictions and retaliation violate not only Texas law but also international human rights housing law.

As part of the partnership with American University, TRLA will receive trainings, consultations, ongoing mentorship and litigation support. Since TRLA has more than three dozen practice areas in which its attorneys specialize and serves more than 25,000 clients per year, the opportunities to implement human rights law will be numerous.

ALBERTO MEZA, Jr. is the managing attorney for the El Paso office of Texas RioGrande Legal Aid, Inc., a non-profit organization that provides free legal services to low-income residents in sixty-eight counties of Southwest Texas.

The Selden Society in Texas

BY JOSHUA C. TATE

In 1887, the famous legal historian Frederic William Maitland founded the Selden Society “to encourage the study and advance the knowledge of the history of English law.” Named for the seventeenth-century English jurist and scholar John Selden, the Society decided that its goal could best be accomplished through the publication of an annual series of edited volumes of primary sources relating to English legal history. The first such volume, edited by Maitland himself, was published in 1887 and devoted to “pleas of the crown,” i.e., entries in the royal court records documenting criminal cases. This volume was the first in a continuous series covering a wide variety of topics that continues to be published under the Society’s supervision. Volumes typically include the original text of the sources, which is often in Latin, along with an English translation and detailed editorial commentary. Selden Society volumes have been cited in opinions by the supreme courts of several states and federal district courts, and in hundreds of law review articles. The current President of the Society, Igor Judge, Baron Judge, was until recently the Lord Chief Justice of England and Wales.

Although the Selden Society is based in England and has its annual general meeting

every summer at Lincoln’s Inn in London, the Council has appointed Honorary Secretaries and Treasurers in several other countries, including Australia, Canada, New Zealand, and the United States. Within the U.S., individual states also have Honorary Correspondents. The current Honorary Correspondent for Texas is Nelson R. Block, a shareholder at the Winstead law firm in Houston. Last year, the Selden Society Council accepted the resignation of Charles Donahue, Jr. of Harvard Law School, who served as Honorary Secretary for the U.S.A. for many years, and appointed Joshua Tate of the SMU Dedman School of Law as his successor. Thus, the U.S. branch of the Society will now be administered from Texas. The current U.S. membership stands at over 400, and worldwide membership exceeds 1,700. Clinton Cross of the El Paso County Attorney’s Office is also a member of the Society, and recently donated his volumes to the El Paso County Law Library.

The primary purpose of the Selden Society remains the publication of edited volumes relating to English legal history. Upcoming volumes include an edition of Edward Hall’s reading in Gray’s Inn on the statute of Henry IV confirming the first chapter of *Magna Carta*,

as well as an edition of the reports of Sir Peter King as chief justice of the Common Pleas, covering the period of 1714–1722. However, the new U.S. Secretary/Treasurer and the Texas Correspondent are open to other ideas for promoting the society for the benefit of future generations in Texas, such as possible events focused on next year’s 800th anniversary of the *Magna Carta* anniversary, or the 950th anniversary of the Norman Conquest in 2016. Current and prospective members of the Society are encouraged to share their suggestions with Professor Tate and Mr. Block. Membership is available to individuals for annual dues of \$65, and to institutions for annual dues of \$90. Members receive copies of the annual volumes as well as information about the Society’s activities, and are welcome to attend the annual meeting at Lincoln’s Inn, London, England, which will be held this year on July 9th at 5:30 p.m., and will feature a lecture by Dr. Neil Jones of the University of Cambridge.

JOSHUA C. TATE is an Associate Professor of Law at Southern Methodist University Dedman School of Law. He is a graduate of Pomona College, the University of Cambridge, and Yale University. He has been a member of the Selden Society since 2006.

Support the Selden Society

Researching and Publishing English Legal History

Individual memberships available.

For more information contact:

Joshua C. Tate,
Honorary Secretary and Treasurer
of the Selden Society in America

SMU Dedman School of Law
3315 Daniel Ave
Dallas, TX 75205



John Selden
(1584 – 1654)

Borrower and Lender Success Means Ridding Texas of Current Payday Lending Model

BY REBECCA LIGHTSEY

Race plays a significant role in where predatory lenders are setting up shop. Payday lenders are nearly eight times as concentrated in neighborhoods with the largest shares of African-Americans and Latinos compared with white neighborhoods. After controlling for relevant factors, the nearest payday lender was almost twice as close to the center of an African-American or Latino neighborhood as a white neighborhood.

These new businesses are not a sign of progress and don't help revitalize communities; instead, payday and auto title loans leave too many borrowers worse off, hurt local economies, and drain local, charitable resources when borrowers stuck in loans turn to them for help. The payday and auto title loan business model relies on a continuing cycle of debt to bolster profits — and these businesses particularly target Latinos, African-Americans, and low-income individuals. According to an analysis of loan transactions from a large Texas payday business, 78 percent of borrowers are African-American or Latino, with many earning \$35,000 per year or less. Anyone with a vested interest in ending racial income and wealth disparities should be highly concerned about these lenders' predatory practices.

Payday and Auto Title Lending in Texas

In Texas, there are nearly 3,400 payday and auto title loan locations where lenders offer loans that often carry rates of 500 percent APR or higher. There are more locations than the number of McDonald's and Whataburger combined. These businesses position themselves as offering short-term credit to assist with unexpected expenses. Yet, research shows neither is true. Most borrowers remain trapped in these "short-term" loans five months on average, and borrowers typically use the cash for recurring expenses, such as paying for food or rent.

Lax Oversight

Texas stands out as having some of the most lax oversight of payday and auto title lending in the country. Instead of breeding competition and an improved market, this lack of oversight has led to a proliferation of these businesses — selling loans that are among the

most expensive.

Texans pay more for payday loans than borrowers in other states.

(fees for a 14-day \$500 loan)

The lending works like this: If borrowers are unable to pay off the entire loan plus the fees in two or four weeks, or if they miss a payday or auto title loan installment payment, they must pay high fees to buy more time or refinance the loan. The fees that accompany each refinance never reduce the principal — meaning borrowers often pay them week after week, only to owe the same amount — in effect, trapping them in an endless cycle of debt.

In 2013, high-cost payday and auto title loans drained \$1.4 billion from the pockets of Texas families, and more than 37,000 families lost their cars to auto title lenders — 724 per week — often after paying more in fees than the value of the original loan. In El Paso, 23 families per week lost a vehicle to auto title lenders in 2013, and payday and auto title loan fees drained over \$36 million.

El Paso's Step Forward

El Paso is one of 16 cities in Texas to pass the uniform city ordinance to improve affordability of the loans and address the cycle of debt caused by payday and auto title loans. A violation of the ordinance is a criminal act and carries a penalty of \$500. El Paso made a great step forward when the city council acted to hold these lenders accountable and give borrowers a way out of the cycle of debt. Former City Representative Susie Byrd led the charge to pass the ordinance in 2012, with the support of the mayor and city council. In early 2014, the new mayor and council affirmed the ordinance and voted for immediate implementation. They took this step with encouragement of an array of local organizations including EPISO, Border Interfaith, AARP, and El Paso Affordable Housing. The local state legislative delegation, including Senator José Rodríguez and Representatives Márquez and Moody also supported the city effort.

El Pasoans Can Help

There are far better financial products on the market than payday and auto title loans, and there are a number of ways that El Pasoans

can advocate for fair lending. First, you can commend your local leaders who have taken a stance in support of financially vulnerable citizens of El Paso, and let state leaders and the Texas Congressional delegation know that they must do more. El Paso has made important progress to limit predatory lending by enacting a local ordinance. Now it is time for the Texas Legislature and the federal Consumer Financial Protection Bureau to build upon the important city-level work.

Additionally, you can help others realize that there is a racial and economic imbalance when it comes to predatory lenders. Empowering people with the facts can make them aware of the abuses of these lenders.

As community leaders, you can provide better solutions to those seeking loans than the payday and auto title products. Borrowing from family, seeking assistance from a bank or credit union, or cutting back on other expenses are better options than getting trapped in a presumably short-term loan that lasts far longer than borrowers expect. You can support community efforts to develop better loan products and offer basic financial education and counseling to those in need. The Texas Fair Lending Alliance (TexasFairLending.org) offers resources for Texans. Lastly, you can also inform citizens of how to challenge payday and auto title lenders who have violated the city ordinance or other laws. Whether lenders have violated the city ordinance, the Military Lending Act — which caps payday and auto title loans to the military at 36 percent APR — or fair debt collection laws issues, borrowers can seek help through the city and file a complaint via the Consumer Financial Protection Bureau, the Texas Attorney General, or the Texas Office of the Consumer Credit Commissioner.

New businesses that are showing up in strip malls and in underserved and predominantly minority neighborhoods don't need to be payday and auto title lending storefronts. Let's build community resources and advance lenders and businesses that promote economic success and financial stability in our communities.

REBECCA LIGHTSEY is Executive Director of Texas Applesseed, a non-profit organization that is committed to improving the system of justice for all Texans

Supporting Community Development: United Bank of El Paso Del Norte *An Interview with Lester L. Parker*

BY CLINTON F. CROSS

A few weeks ago I sat in El Paso Bar Executive Director Nancy Gallego's office chatting about many topics, then took a turn that rested on banking issues. Nancy suggested that perhaps I should interview Les Parker for an article in the Journal because he and his bank had done a lot for El Paso.

Cross: *To start with, I would appreciate it if you would briefly introduce yourself to our readers.*

Parker: I am Chairman, President and CEO of United Bank of El Paso del Norte. The bank is locally owned by some 540 shareholders from throughout our City – a community first! It was founded in 2001 to assist local businesses and professional firms with their financial needs.

Cross: *How long have you been involved in banking?*

Parker: I started my career in banking 52 years ago as a bank teller in Germany and moved to El Paso in 1964. I worked my way through college as a teller, then became an Army Officer serving overseas. Returning to El Paso, I joined Southwest National Bank (it later became First City National Bank of El Paso) where I was allowed to work in many areas throughout the bank. I earned a Masters degree in Economics and Finance from UTEP during that time and was selected by the First City Holding Company in Houston to open a new bank for them – their western most – which we called First City Bank – West, N.A. I Chaired the Board and served as President and CEO until leaving to work as a personal assistant to an El Paso family.

Thereafter, I served as President, CEO and a Director of Coronado State Bank. I developed the idea for Bank of the West in 1988 and formed the bank with John MacGuire and nine others, selling the stock to over 400 El Paso investors. I served the bank as a Director and President until the end of the century.

I formed United Bank of El Paso del Norte with thirty El Paso men and women who all felt strongly that the city needed a bank to support small businesses and professional



Lester L. Parker

offices in El Paso and further believed that such an institution should be broadly owned by a wide cross section of the community. I was elected President and CEO and was also named Chairman a number of years ago.

Cross: *Can you provide a brief overview of the different kinds of lending institutions that we are exposed to in the marketplace?*

Parker: The El Paso financial community is diverse, with commercial banks varying in both size and in marketing strategies. Only three in El Paso County, two in El Paso, and one in Fabens are locally owned. There are a number of savings and loans (which also call themselves “banks”), but only one of which is locally owned. Added to the mix are numerous credit unions, small loan companies, pawn shops, and so on. All are diverse, often targeting myriad markets.

Cross: *How do you see United Bank's role as a part of this community?*

Parker: Financial institutions of all types play critical roles within the economy of our

city; however community commercial banks such as ours GROW the larger community areas in which they operate if properly focused. We create money out of thin air whenever we loan into accounts in our bank and that money is then used by local businesses and professions to expand commerce in such a manner that it builds our city and the opportunities therein for all. Over time the loans are repaid with earnings while the good that they have helped create lingers.

United Bank focuses on trying to help El Paso entrepreneurs, businesses, and professionals succeed. We also help when danger looms. The 2008 “Great Recession” presented the bank with tough choices. Some of our El Paso customers could not repay their loans. We chose (as is our custom) to make every effort to help those customers through the tough times rather than accelerate the loans and foreclose on their assets. It was risky, and we had to convince bank regulators the wisdom of our approach, but by helping our customers through the tough times we both won...and El Paso preserved the businesses and jobs needed in our area.

Cross: *How do you see your own role as part of this community?*

Parker: As are your readers, I have been involved in many community activities – far too many to list here. I am on the Board of the Lee and Beulah Moor Children’s Home, a member of the Camino Real Regional Mobility Authority, the Advisory Board of the El Paso Assistance League, and a Director of the Humane Society Foundation. I chair the Business Advisory Council at the College of Business at UTEP and am a member of the Independent Community Bankers of America Minority Bank Council. I am also a multi-term Director of the Independent Bankers of

Texas and have served the Federal Reserve Bank of Dallas as a Director of its El Paso Branch. Lastly, I was founding Chairman of the Coalition for Affordable Housing in Greater El Paso and Chaired El Paso Project Arriba in its earlier years. Along the way were many, many more rich experiences working with the wonderful people of our El Paso community.

Cross: *In what ways have you been recognized for your work?*

Parker: I was recipient of El Paso’s Conquistador award and later received the El Paso SBA Lender of the Year award. I have been the Financial Services Advocate of the

Year for the State of Texas. There have been a number of others as many of us have had, so I should leave it at that.

Really, the most important thing that I have received from El Paso has been the opportunity afforded me as it has so many others. We are all very lucky to be living in this city of so many wonderful people, cultures, opportunities, great weather, and wondrous vistas. This city of El Paso is fertile ground with opportunity for anyone willing to work hard and to enjoy the chili. I was very, very lucky to come here long ago.

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

ADVANCE SHEET, circa 1215 A.D.

BY CHARLES GAUNCE

Whereas a theme of this issue of the El Paso Bar Journal is civil rights, and

Whereas the basis of civil rights among the English speaking persons is generally held to arise from a single document, and

Whereas many English speaking persons have never even read the referenced document,

Now therefore, and in consideration of the aforesaid premises, this column will briefly discuss a portion of the referenced document – *Magna Carta*.

Of course, we all know that *Magna Carta* was signed by King John and his barons on the bank of Runnymede. At the time, the governance of the Kingdom was more akin to royally licensed regional warlords with some fealty to the King being permitted to graze among the common folk as a means of raising revenue. The entire system was ably replicated in a slightly different form in Chicago during the American experiment with prohibition in the 1920’s. The system worked well when it was benevolently applied, but the governed tended to complain bitterly if their perception was that they just were not getting their fair due under the rules being handed

down. At one point, King John’s barons took umbrage and turned to force of arms to get a fair deal. A compromise was reached, a document was hastily prepared, the King signed it, and everyone went back to grazing upon the common folk, with some limitations.

Clause 17 of *Magna Carta* Provides: “Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.” Over time, a form of this agreement came to be adopted by another band of rebels, and is generally known as Article III, Section 2, Clause 3 of the United States Constitution: “The Trial of all Crimes...shall be held in the State where the said Crimes...shall have been committed...” Of course, criminal prosecutions are not quite the same as ordinary lawsuits. And the rules have generally been quite lax about where a person can be sued in an ordinary lawsuit, thus leading to quite a bit of jurisprudence relating to personal jurisdiction, proper venue, and forum non conveniens. But at least everyone could agree that a judicially recognized suit or trial would be held in a courthouse rather than on the banks of a meandering oxbow stream.

It wasn’t until 1977 that much of the promise of *Magna Carta* caught up to the common folk descending from that second band of rebels. Specifically, the Fair Debt Collection Practices

Act amendments of 1977, §811 of 91 Stat 874, codified at 15 U.S.C. §1692i:

“Any debt collector who brings any legal action on a debt against any consumer shall

(1) in the case of an action to enforce an interest in real property securing the consumer’s obligation, bring such action only in a judicial district or similar legal entity in which such real property is located; or

(2) in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar legal entity –

(A) in which such consumer signed the contract sued upon, or

(B) in which such consumer resides at the commencement of the action.

All of which goes to establish what is mostly lost in the recognition of *Magna Carta* as a basis for the written civil rights of the people. Yes, it was the beginning, but the barons meeting on the banks of Runnymede were far more interested in protecting their rights and property than they cared about the rights and property of those they were going to extract further revenues from.

Civil rights are always a work in progress.

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

The Ethical Family Law Practitioner

BY JUDGE OSCAR G. GABALDÓN, JR., CWLS

“What we are doing in our legal system is not working. Clients are unhappy with their lawyers, with the system, and with the outcomes of the process. Lawyers are extraordinarily unhappy or even impaired. Nonlegal dispute resolution mechanisms in society have failed and society is depending on limitative processes to resolve conflict. As a result, society in general is suffering from the effects of law’s overly adversarial, other-blaming, position taking, and hostile approach to conflict resolution. Perhaps in response to these developments, a number of alternative approaches to law practice are emerging to replace the old, outmoded monolithic system. All of these approaches attempt to optimize the well-being of the people involved in each legal matter and acknowledge the importance of concerns beyond simply strict legal rights.” -- Professor Susan Daicoff.¹

Professor Daicoff eloquently identifies and defines a reality that often exists in today’s practice of law, particularly in the area of family law. Lawyers that practice family law are quite familiar with the emotional and mental toll suffered by litigants having to go through domestic relations cases. Whether the case is a divorce case, a custody matter, an application for a protective order, or some other family-related legal matter, the stress these cases bring upon the litigants, and often times upon their loved ones, can be overwhelming and destructive. Many times the only voices of reason the litigants find are those of their lawyers. However, it is not uncommon for some lawyers to add to the overall grief and turmoil their clients’ experience. Lawyers can be either “God sent angels” or “demons in disguise.”

Ethical lawyers recognize that their license to practice law requires of them a dual role, namely that of attorney at law and counselor at law. Ethical lawyers are cognizant of their important role as counselors. They diligently exercise reasonableness, prudence, and common sense in advising their clients wisely. They are also fully aware of their clients’ feelings, concerns, and human limitations. They understand the critical importance of counseling

their clients with candor as to the merits of their cases, while making sure that the clients do not lose hope that justice itself is the ultimate jewel to be obtained at the end of the journey. Ethical lawyers steer their clients away from the human tendency to gravitate towards greed, avarice, materialism, revenge, and other often dangerous and less than noble pursuits. Ethical lawyers will keep their clients focused on the beauty of “just restitution,” fairness, truth, charity, and conduct that neither deviates from integrity nor taints good character.

On the other hand, the “not so ethical lawyers,” tend to focus on the alluring idea that “the more we get, the better off we are.” These lawyers encourage self-centeredness as a virtue. Blurring the line between right and wrong, they encourage their clients to think of amassing more toys for themselves, regardless of whether they are entitled to them. To these attorneys, the concept of fairness is a pleasant-sounding word that represents weakness. These lawyers lack character development and are flawed role models for future lawyers. They are unmoved by the prospect of their clients mimicking their visceral thinking and unapologetic conduct.

Even within the confines of the court room, some lawyers demonstrate a lack of moral focus. Judges are not interested in lawyers acting like thespians in a Shakespearean play or actors in a popular TV legal drama series. Lawyers who mock the opposing side’s attorney or who are curt or rude with a witness, litigant, or anyone else that appears to threaten their case are lawyers whose “ego is at the helm.” Posing objections unnecessarily or interrupting the hearing process with antics is not impressive. These behaviors may even work to the detriment of such lawyers’ clients. What is impressive to a judge and other attorneys is an attorney that is respectful of everyone’s time, is always prepared, and is a professional from beginning to end. Courteous behaviors, even-temperedness, solid commitment to fairness, maintaining a helpful disposition, and demonstrating genuine good will at all times, are some of the defining strengths of the ethical lawyer.

Instigating unnecessary litigation and encouraging anger, negative feelings, and sometimes even hatred, that litigants harbor are unethical behaviors no lawyer should entertain. Lawyers seeking to enrich themselves at their clients’ expense by egging them on to file pleadings and pursue litigation that is without merit is an ethical abomination that should land those lawyers in soulless prisons.

Lawyers have an ethical, moral, and even legal obligation to be peacemakers, to try to resolve litigation efficiently to achieve a just resolution that minimizes losses and reduces or eliminates the litigants’ grief and taxing of their emotions and sense of well-being. As peacemakers, lawyers should help alleviate the mental anguish that litigants experience. They should encourage their clients to adopt a cooperative and open-minded attitudes. The better lawyers are usually more successful in resolving disputes fairly, amicably, efficiently, and with positive outcomes; without damaging the litigants’ sense of dignity and fulfillment.

The trend today seems to favor integrative law, which proposes the integration and continuum of strategic and organizational skills to bring together holistic and peacemaking problem-solving dimensions into our legal frameworks. A noted leader in this movement is J. Kim Wright, author of the book entitled *Lawyers as Peacemakers: Practicing Holistic, Problem-Solving Law* published in April 2010 by the American Bar Association. The book discusses lawyers as peacemakers, problem-solvers, and healers of discord. This humanistic approach to the practice of law is making great head way, not only in our country, but internationally. The more lawyers come to realize that their ethical duty is to serve their clients’ best interests, the more lawyers will be inclined to apply Abraham Lincoln’s timeless sound advice: Discourage litigation. Persuade your neighbors to compromise whenever you can. As a peacemaker the lawyer has superior opportunity of being a good man. There will still be business enough.

Lawyers who are thirsty for justice and care about the plethora of legal plights that human

1. Susan Daicoff is a Professor of Law at the Arizona Summit Law School and author of the book *Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses (Law and Public Policy)*

beings encounter are essential to a peaceful society. Lawyers have unique skills, abilities, and talents that have helped to maintain the peacefulness of civilizations. American politician, diplomat and lawyer John W. Davis captured this sentiment when he stated:

True, we build no bridges. We raise no towers. We construct no engines. We paint no pictures--- unless as amateurs for our own principal amusement.

There is little of all that we do which the eye of man can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men's burdens and by our efforts we make possible the peaceful life of men in a peaceful state.

Considering this sound premise to be true, lawyers certainly provide a priceless contribution of vital value to the world, and

they will continue to do so for generations to come, as the ultimate peacemakers.

OSCAR GABALDÓN is an Associate Judge of the 65th District Court responsible for overseeing the trial of Child Abuse and Neglect cases. He is certified by the National Association of Counsel for Children and the American Bar Association as a Child Welfare Law Specialist (CWLS).

Law Day Chess Tournament

Our school districts serve children with varying intellectual abilities, some who also have language handicaps and other challenges. For some children, some perhaps struggling in school, chess provides children with the opportunity to excel in an intellectual arena. Chess also improves the ability to concentrate, solve problems, and think ahead. In addition, chess can improve a child's self esteem, especially if they can beat an older, established professional.

As part of its Law Day activities, the El Paso Bar Association sponsors a chess tournament for elementary and middle school children. The tournament pits children in each grade level against each other, where first and second place winners are given trophies and then get to play a lawyer. If they defeat the lawyer, they receive a medal with chess symbols that state "I Beat a Lawyer." In years past, Congressman Richard White, local judges, prosecutors, defense attorneys, private practitioners, and lawyers from Ft. Bliss all participated in the tournament.

This year the Bar Association team consisted of eight lawyers--Assistant District Attorney James Bonneau, Assistant County Attorney Clinton Cross, Deputy County Public Defender Gerald Georges, clerk for Justice Yvonne Rodriguez Aries Solis, and private practitioners Lilia Doibani, Paul Kubinsky, and Aldo Lopez.

Lilia Doibani and Gerald Georges won all their games.

Lilia, who is with Gordan Davis Johnson and Shane P.C., attended the University of Texas at Dallas on a chess scholarship. Before going to Texas Tech Law School she competed in chess tournaments throughout Europe and the United States. Gerald Georges is a former Colorado State chess champion.

The remaining members of the El Paso Bar Association chess team didn't do so well.



8th grader Diego Limón from Wiggs Middle and Lilia Doibani shake hands before starting match



5th grader Angelina Pallarez from Highland Elementary defeated Clinton Cross



Diego Limón, a member of the National Junior Honor Society, will be attending Cathedral High School in August.

SENIOR LAWYER INTERVIEW

JUDGE JOSÉ JUÁREZ

BY CLINTON F. CROSS

On Friday, May 23, I interviewed Associate Judge José Juárez at his office on the 11th floor of the El Paso Courthouse. A summary of the interview follows.

CROSS: Please tell me something about your childhood.

JUÁREZ: I was born in El Paso July 31, 1943, to Seferino and Concepcion Juarez. My father provided, but he did not have much education. My mother was from Durango, Mexico and never went to school.

I had three sisters and two brothers. I was second from the oldest. Two of us went to college; a third went to a trade school. We all did better than our parents, perhaps because our parents stressed the importance of education.

CROSS: Where did you go to school?

JUÁREZ: I went to Alamo Elementary, Bowie High School, and then to Texas Western. I majored in Government and minored in Spanish, and graduated in 1966. As a senior at Texas Western, I worked for Lydia Patterson Institute at night, and was given the title of Assistant Principal. After graduation, I went to work for the Ysleta Independent School District teaching fifth grade where I remained for two years. I entered law school in 1969 and graduated in 1971.

CROSS: And your family?

JUÁREZ: I married Yolanda Munoz in 1968. I'm still happily married to Yolanda.

We had our first child, Jose de Jesus Juarez, in 1969. We had another child, Alejandro, in 1972. Jose went to the University of Texas. He thereafter went to the University of Michigan where he obtained a Masters degree in business. He is presently working for a financial firm and is engaged in mergers and acquisitions. Alejandro went to UTEP and the University of Texas and works in Colorado for Hilti North America. His wife Carolyn is a lawyer.

CROSS: What did you do after you graduated from law school?

JUÁREZ: When I was in law school I

worked as a legislative assistant for State Rep. Jim Kaster. During that time, I met Rep. Tati Santiesteban. At his invitation, I looked up Tati when I returned to El Paso. Tati had a busy law practice. He was also preparing to run for the State Senate.

At that time there were four lawyers in his firm, Tati, Sam Paxson, Wesley Martin, and Bob Kennedy. Responding to Tati's initial invitation, I showed up at his office on the fourteenth floor of the El Paso National Bank building every day of the week. At some point Tati nicknamed me "la mosque." Finally he said, "I'm going to put you to work doing research. You can't do anything else because you still haven't passed the bar exam."

One day while engaged in legal research, Sam Paxson walked into my office and handed me a tube. I opened it and it was my law license. I don't know how he got it, instead of me. A few weeks later, Paxson once again came into my office. This time he handed me a file, told me to prepare the case, and be responsible for its outcome. I knew I had finally arrived.

Judge Jack Fant of the 65th District Court administered my oath of office. Tati was running for the Senate, and I had the good luck to be responsible for covering most of his court appearances.

CROSS: Any notable cases?

JUÁREZ: Shortly after I got my law license, Tati and I had a difficult criminal case in Judge Ernest Guinn's court. After the trial began, Tati had an emergency and I had to finish the trial on my own. After the trial ended, Judge Guinn complimented me, saying I had done "a heck of a job." I still have bad dreams about that case.

CROSS: How long were you with Tati's firm?

JUÁREZ: I remained with the firm until Governor Dolph Briscoe appointed Sam Paxson a District Judge. The firm then divided, with Kennedy and Wesley Martin going out on their own. I stayed with Tati for another five years, and then went out on my own.

CROSS: How did you get into public service



Judge José Juárez
(a few years ago)

work?

JUÁREZ: I got into public service by working for the Child Support Division of the Texas Attorney General's Office. Two years later, Judge Fred Chavez asked me to serve as his associate. I served as an Associate Family Court Judge for eight years, then left the job and returned to private practice where I labored on my own for another four years. When the Associate Judge's position re-opened, I re-applied for the job and I was hired.

CROSS: Any observations about how the practice of law has changed since you began?

JUÁREZ: I think there has been progress in a number of ways, and perhaps some decline in other ways. It used to be easier to settle cases when I started the practice of law. It is now a bit more contentious, requiring more formal procedures. For instance, today lawyers file motions for continuance when years ago we could simply agree. In addition, the cost of justice has risen, creating resentment by the average consumer of legal services. Unhappy with the justice system, the public is less likely to support it with adequate funds, making the system even less responsive and effective.

The larger culture is also changing. The stable, nuclear home is becoming a rarity. In too many cases, parents put their own perceived interests ahead of even their children's best interest. Step brothers and sisters are becoming the norm.

If in the years ahead we hope to maintain for our citizens the promise in the Pledge of Allegiance of "justice for all," the politicians and lawyers have a lot of work to do.

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

Black History Month: A Validation of the Lives, Experiences and Contributions of African-Americans

BY DONALD L. WILLIAMS

Black History Month is an attempt to validate the lives, experiences and contributions of a people that have been systematically erased, distorted, and ignored by the prevailing customs, traditions and practices of the dominant society. Black History Month is designed to assimilate this forgotten portion of history in the missing pages of our rich American history. This writing is a condensed historical version of one such life.

I was born May 22, 1951, in Houston, Harris County, Texas, to Robert L. and Lanora “B-Baby” Williams. Robert, a World War II army veteran, was attending Texas Southern University and working as a delivery “boy” for a local pharmacy. B-Baby owned her own beauty salon. This period of time was known as part of the “Jim Crow” era in the South.

I was old enough to experience first-hand the moral and spiritual degradation caused by the “separate but equal” doctrine. I attended the all Black James D. Burrus Elementary School and Booker T. Washington Jr. High School. I remember boarding the city buses with my mother and proceeding, “by law,” to the back of the bus, passing empty seats at the front. I drank from the “colored” water fountains, used the “colored” restrooms, sat in the “colored” waiting room at the doctor’s office, was entertained at the “colored” movies or sat in the balcony for “coloreds only” at others. I need not tell you that the quality and conditions of the “colored” facilities were often substandard, inferior and abysmal.

Regardless of the outside environment, my parents always stressed education, hard work and self-confidence.

How vividly I remember the incident that happened in Crockett, Texas, at the age of five. My cousin and I went into a drug store, sat on stools at the counter and ordered a soda. The young white waitress informed us that “we don’t serve ‘niggers’ here.” Dejectedly we left and for some reason never discussed this matter again.

As an elementary school pupil, I questioned why our “new” textbooks had other names in them and why they had the name-stamp of some of the white schools. I didn’t understand the concept of educational hand-me-downs. I



didn’t understand that white schools got at least five times more money to educate each white student as opposed to each black student. As early as elementary school we knew about *Brown. v. Board*, and yet we saw no changes in our school district. Every school was segregated, and the Black schools were woefully inferior in physical structure and under-funded, at least from 1956 until 1965, when I left Houston and went to live in Germany as an army dependent.

Black schools and teachers stressed historically significant Supreme Court cases and other civil rights laws; therefore, I knew early in life of the *Dred Scott* decision that affirmed that Blacks were property and not citizens; *Plessy v. Ferguson* that established the “separate but equal” doctrine; *Shelley v. Kraemer*, the removal of racial restrictive covenants from housing; *Sweatt v. Painter*, the case that led to the creation of the Texas Southern law school that eventually led to the admission of Heman Sweatt to the University of Texas at Austin School of Law as its first Black law student. Last, was *Brown v. Board of Education of Topeka* that effectively overturned the “separate but equal” doctrine.

As a student at the UT law school, I was part of a program that brought Heman Sweatt to the school as a guest. He told of the silent treatment he received from his fellow students

and professors. He described how professors would not look at him if they talked to him in the hall. He re-lived the in-class segregation, the hate mail and threatening phone calls, the bomb threats and damage to his car and the taunting every day. Heman Sweatt left UT Law with a nervous breakdown. He lost his wife and children and did not graduate. His courage opened the door and brought down the barriers, making it possible for me and for others to acquire a quality legal education. Ironically, some of the same professors that taught Heman Sweatt in the late 40s and early 50s taught me in the 70s.

My parents and others told me about the poll tax, the grandfather clause and literacy tests: measures devised to dissuade the Black vote. My father laughingly told me about a white lady that was grading a literacy test but she couldn’t read.

Long trips by automobile were limited because hotel and eating facilities did not readily welcome Blacks. I shared the fear of police in our neighborhood; brutality and murder by those who were “to serve and protect” was commonplace. I shared the fear as I overheard my parents discuss how white youth had accosted one of our neighbors, beat him, hung him by his feet and carved KKK on his stomach. There was constant fear as I heard discussions and saw pictures of Emmett Till, a 14 year old Black boy, beaten beyond recognition and killed because it was reported

that he whistled at a white woman. The church burnings and school bombings, the attacks on Black students integrating white schools, the brutality against lunch counter "sit-ins," the murders and bombings of black and white civil rights workers were other aspects of experiences along this journey.

In May 1962, at my 6th grade graduation, a Black female attorney was the keynote speaker. She was stately; she was intelligent; she was articulate; she was inspiring. She was Barbara Jordan. The theme was "We Strive for Excellence." Barbara Jordan's message instilled meaning, passion and significance in my life. I then confirmed that I wanted to be a lawyer. I realized, through her speech, that we could overcome obstacles and shortcomings through study and hard work.

As I watched the young Black and Jewish lawyers on the news arguing their cases before the various courts, I saw *de jure* segregation slowly eroding but *de facto* segregation was still the order of the day.

In 1965, I moved from an all-Black environment in Houston, Texas, to an all-white environment in Germany, literally overnight. I ran into certain negative attitudes first-hand and every day. As I enrolled at Bitburg American High School, I was told by my counselor not to expect to make A's because the standards there were so much higher, insinuating that I was coming from an inferior, all-Black school in the South. Additionally, she unsuccessfully tried to guide me toward the vocational arts as opposed to college preparatory courses.

Two years later, I was the first Black student inducted into the National Honor Society at Bitburg, the first Black Sophomore and Junior Class President, and the only student from that school to win All-Europe Oratorical Speech honors. At Burges High School where I attended my Senior year, I became the first Black Student Body President, and I was the first Black student to win district, regional and second in State in a speech tournament. Additionally, I was informed that I was the first Black student to get an appointment to the United States Military Academy at West Point from Burges.

At UTEP, I became the first Black Student Body President and one of two Black students at the time that made Top Ten Seniors. At law school, I was listed in *Who's Who Among Students* and later became the first Black Assistant County Attorney in Travis County, and then the first and only Black Senior Defense Counsel at Ft. Bliss, Texas. In 1992, I was appointed the first African-American associate municipal court judge in El Paso, and in 1995, appointed the first African-American associate family law court judge in El Paso county.

At the age of 25, I returned to Crockett, Texas, to visit my cousin. We went back to the drug store and sat at the same counter we had sat 20 years previously. My cousin then pointed out a middle-aged white woman waiting tables and asked if I remembered her. I did not. He reminded me that she was the young woman who ran us off and didn't serve us and used the racial slur to add emphasis.

At that time in my life, I was an army captain, had two degrees, a professional license, had traveled halfway around the world, received national and international honors and she was still there waiting tables. My eyes filled with tears as I witnessed how hate and bigotry can stifle one's personal growth. I couldn't help but wonder how many Black children's lives she had destroyed; how many dreams, goals and aspirations had she stolen? How many children had failed to succeed because she had infused them with self-doubt? How many?

As a licensed, practicing professional, I too got bogged down in the every day grind of making a living and rearing a family. I forgot my purpose and lost the vision instilled by Barbara Jordan when one day a Black gentleman approached me. He told me that his mother was jubilant when she learned that I had been appointed an Associate Judge. With tears in her eyes, she proclaimed that she never thought that she would live to see the day that a Black man would don the robe of a judge in El Paso County.

That example and many others remind me that my role is to give hope. I strive to be a beacon to others, just as Barbara Jordan was to me.

DONALD L. WILLIAMS is an El Paso Attorney specializing in Family Law. He received this year's El Paso Bar Association's *Pro Bono* Award for his leadership in planning and executing the El Paso Lawyers for Patriots Legal Clinic

EL PASO LAWYERS FOR PATRIOTS &
THE EL PASO BAR ASSOCIATION PRESENT:

FREE LEGAL CLINIC FOR ALL VETERANS

ACTIVE DUTY MILITARY PERSONNEL
& THEIR FAMILY MEMBERS

SATURDAY MAY 17, 2014 | 9:00 A.M. to 2:00 P.M.
EP COMMUNITY COLLEGE TRANSMOUNTAIN CAMPUS
9570 GATEWAY BLVD. NORTH | EL PASO, TEXAS 79924



Join us for FREE legal consultations, referrals, and
informational presentations on a variety of resources available to
veterans and active duty military in the El Paso area.

SPONSORED BY

EL PASO BAR ASSOCIATION	EL PASO PRIVATE BAR ASSOCIATION
STATE BAR OF TEXAS	EL PASO FAMILY LAW BAR ASSOCIATION
THE TA DELTA LAMBDA CHAPTER	EL PASO WOMEN'S BAR ASSOCIATION
ALPHA PI ALPHA FRATERNITY, INC.	AMERICAN GULLON TEXAS SOFT VETERANS HON.
JUDGE MARIA SALAS-MENDOZA	JUDGE ANGE JIMAREZ BARRILL
CHARLES CARDENAS	JUDGE EDUARDO BARRICA
CHANEL CREWS	MYER LIPSON
BRUCE ROEBLER	TEXAS BIG DAWG LEGAL ADO, INC.
EL PASO COUNTY DOMESTIC RELATIONS OFFICE	EL PASO COUNTY ATTORNEY'S OFFICE

FOR MORE INFORMATION, CALL 915-532-7052
OR VISIT FACEBOOK.COM/ELPASOLAWYERSFORPATRIOTS

El Paso Lawyers for Patriots Legal Clinic held on Saturday, May 17th at Transmountain Campus of El Paso Community College.

CONFLICTS? RESOLUTIONS!

Solving Problems--Closing Cases

Patricia Palafox

*Bilingual Attorney
Mediator-Arbitrator*



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

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



Mediation, Negotiation
and Arbitration Training

Harvard Law School

The Attorney-Mediators Institute

Texas Wesleyan University
School of Law

The National Mediation Academy, Inc.

32 Years of Legal Representation



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

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

Adobe Acrobat WRITER

Solving Bates Numbering Nightmares

BY DAVID J. FERRELL

I learned about bates numbering (what I call bates-stamping) in a case that produced seventy four banker boxes of documents. I had to produce a fraction of the materials. Redaction was also required but was not difficult regarding my client's material since it was minimal, but bates-stamping was a nightmare.

In ancient times normal bates-stamping required a mechanical stamp that needed to be re-inked and required a PERSON to physically stamp each page so each individual page could be identified, indexed and found in a document intensive case. My above-mentioned nightmare case was in the 1980s and few things were "computerized" like today.

After the release of Adobe Writer 7.0, Ross Kodnar, a renowned techie attorney, was added to the technical board of Adobe Systems and made sure Adobe Acrobat Writer 8.0 had attorney tools built into the program. Bates-stamping and redaction were two of these lawyer tools. Adobe has included these tools in Adobe Acrobat Writer 11.0 which is the newest version. Adobe Acrobat Writer 8.0 was the first Acrobat program I purchased and I have upgraded to every new version. Adobe Acrobat READER (for PDF files) is free to download and almost everyone has access to it and uses it (<http://get.adobe.com/reader/>).

What do you do today if you need to bates-stamp documents? The Adobe Acrobat Writer's bates-stamp protocol is super easy to use and allows you to set-up your own formula on what you want the bates-stamp to include (such as party, date, court, numbering sequence, etc.). The first thing you do is scan your documents in

order (make them PDF compatible). Then you use the Adobe bates-stamp protocol to identify and print on each page its bates-stamped name. You can choose how the bates-stamp reads on each job, *i.e.* "Jones Discovery, June 1, 2014, 00001." The next page will automatically read "Jones Discovery, June 1, 2014, 00002." You can place the bates-stamp wherever you want on the page and it looks like you bought a specially made mechanical bates-stamp for the case (a good one costs about \$230).

You then test the placement and configuration of the bates-stamp on, let's say, ten pages. You can adjust the bates-stamp parameters until you are satisfied with what you produce.

Then you execute the bates-stamp protocol on the entire set of documents, how about 1250 pages, and the last page reads "Jones Discovery, June 1, 2014, 01250."

Now what is nice at this point is you e-mail the discovery to the other party's attorney in PDF format and let him/her use their paper and ink to produce the final set of documents.

Lastly, redacting is just as easy, if you need to remove sensitive/confidential data. All these and other Adobe Acrobat Writer features are easily learned in the "Classroom in a Book" series published by Adobe with step-by-step instructions including a CD ROM with aids to master the program.

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

*Have a great summer
and if you are traveling out
of town, be safe and have fun!!!*

Nancy Gallego
Executive Director
El Paso Bar Association

W. Reed Leverton, P.C.
Attorney at Law • Mediator • Arbitrator
Alternative Dispute Resolution Services

300 EAST MAIN, SUITE 1240
 EL PASO, TEXAS 79901
 (915) 533-2377 - FAX: 533-2376
 on-line calendar at: www.reedleverton.com

Experience: Licensed Texas Attorney; Former District Judge; Over 900 Mediations

Commitment to A.D.R. Processes: Full-Time Mediator / Arbitrator

Commitment to Professionalism: LL.M. in Dispute Resolution

Your mediation referrals are always appreciated.

There is only ONE choice when it comes to Arbitration and Mediation.

T | A | M | S

Texas Arbitration Mediation Services, Inc.

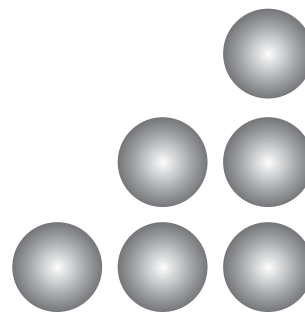
Voted 2010 "Texas Best"
 Best ADR Mediation Firm
 - Texas Lawyer

TEXAS LAWYER
 Texas'
 Best 2010

TAMS is a professional firm of retired judges, former judges, experienced litigators and certified mediators committed to resolving your dispute. We are located on the 6th floor of Wells Fargo Plaza in the heart of downtown El Paso. TAMS is within walking distance of the Federal Courthouse, the El Paso County Courthouse, major law firms, hotels and fine restaurants.



221 N. Kansas Suite 609 * El Paso, TX 79901
 915-533-8267 * www.eptams.com



RESULTS

HARDIEMEDIATION.COM

info@hardiemediation.com
 (calendar)

845 6400

- Estate Planning
- Estate Settlement
- Retirement Planning
- Trusteed IRAs
- Asset Management
- Special Needs Trust for children & adults
- Local Presence
- Personal Service
- Privacy

Ensuring CONTINUITY through generations of your family.

Trust & Investment Services
MEMBERS[®]
Trust Company

MEMBERS[®] Trust Company has experienced financial professionals acting in your best interest without influence or personal bias.

We understand the importance of family relationships and the fiduciary obligation that is owed to you and your family.

Let's work together to ensure continuity and financial success for yourself and your loved ones. We pride ourselves on face-to-face personalized service.

915.774.4741
 7227 Viscount Blvd. • El Paso, Texas 79925
 Located at the GECU Branch on Viscount

The El Paso *Trust Team...* is here to help you, please give us a call.



Judy Monteleone
 CTFA, CFIRS
 MTC • VP El Paso



Linda Ontiveros
 Senior Trust Officer



Ercilia Short
 Trust Administrator

Se Habla Español

Nondeposit investment products available through MEMBERS[®] Trust Company are not deposits of or guaranteed by the trust company, a credit union or credit-union affiliate; are not federally insured or guaranteed by the NCUA, FDIC or any other government agency; and, are subject to investment risks, including possible loss of the principal amount invested. MEMBERS[®] Trust Company is a federal thrift regulated by the Office of the Comptroller of the Currency. For legal advice, please consult your attorney and/or accountant.



EL PASO BAR ASSOCIATION
500 E. San Antonio L-112
El Paso, Texas 79901
(915) 532-7052

PRESORTED
STANDARD
U. S. POSTAGE
PAID
EL PASO, TEXAS
PERMIT NO. 2516

The El Paso Bar Association and the El Paso Young Lawyers Association
want to congratulate all the Law Day Award Winners!!

**EL PASO BAR ASSOCIATION
LAW DAY AWARDS:**

DUANE A. BAKER PROFESSIONALISM AWARD
Carlos Eduardo Cardenas

PRO BONO AWARD
Donald L. Williams

HONORABLE ENRIQUE H. PENA
Mediator of the Year
Thomas E. Stanton

OUTSTANDING FEDERAL ATTORNEY
Reginaldo Trejo

OUTSTANDING STATE ATTORNEY
Denise Butterworth

**EL PASO YOUNG LAWYERS
ASSOCIATION AWARDS:**

OUTSTANDING YOUNG LAWYER
Aldo Lopez

HONORABLE SAM PAXSON OUTSTANDING JURIST
Chief Justice Ann McClure

OUTSTANDING SENIOR LAWYER
S. Anthony Safi

OUTSTANDING LAWYER
George Andritsos

CORI HARBOUR OUTSTANDING PRE-LAW STUDENT
Stephanie Lopez

LIBERTY BELL AWARD
El Paso Juvenile Court Staff