



EL PASO BAR JOURNAL

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An Update of Events and Information

September 2012

**Practicing law may
be a family affair
At Least in El Paso,
Texas**

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**Why join The
El Paso Young
Lawyers
Association**

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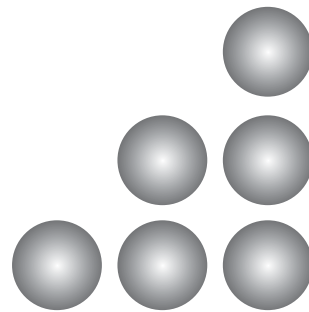
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State Bar of Texas Awards
 Award of Merit
 Star of Achievement
 Outstanding Partnership Award
 Outstanding Newsletter
 Publication Achievement Award
 NABE LexisNexis Awards
 Community & Education Outreach Award
 -2007, 2010 & 2012
 Excellence in Web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

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"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!"

From the first time I served on the Board of Directors, I have suggested and participated in various efforts to reach out to different members of the Bar. Yet, I know that there are many lawyers who feel that this organization is for other lawyers; one new Board member said she thought the Bar was elitist. While I cannot change everyone's mind, it is my goal to continue the efforts of past administrations to include all lawyers in the Bar's activities from the monthly meetings and social activities to the Law Day banquet and Vegas CLE.

Our first meeting will feature our newest federal judge, Judge David Guaderrama, which should appeal to every member but certainly to our federal practitioners. In November, president of the State Bar Buck Files returns to El Paso as part of his commitment to stay connected to all lawyers. Importantly, Files is a criminal defense lawyer and definitely not typical among the Bar's recent presidents. He is committed to continuing education and regularly writes about the ethics and practice of criminal defense work.

Among our reaching-out efforts, we are creating a mentorship program which will be coordinated by Jeff Ray. If you want to serve as a mentor or have a mentor assigned to you, contact him directly. Also, upon request, I have established an immigration law section; contact me or Nancy Gallego if you want to join.

We still have two Boot Camps scheduled for Sept. 14th (criminal—plea negotiations/trial prep) and Sept. 28th (appellate brief writing). These nuts-and-bolts sessions should be of special interest to young lawyers or lawyers interested in venturing into new areas of practice. All approved for CLE credit, these sessions are for members only.

Of course, the award-winning, highly acclaimed Access to Justice and El Paso Lawyers for Patriots committees provide an outlet for lawyers wanting to serve these unique populations. We need your help!

The Bar has just about everything for everyone. This Bar's for You!
 Let's make it a great year!

~maria

JUDGE MARIA SALAS MENDOZA

Cover: Photo by Judge Carlos Villa: "Family Lessons" a child's appreciation of life's simple pleasures reminds us to stop and smell the flowers.

EL PASO BAR ASSOCIATION

September Bar Luncheon

Tuesday, September 4, 2012

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

Guest Speaker will be

Honorable David Guadarrama and his staff,
who will talk about the *Federal Court System*,
What to Do, What Not to Do and Voir Dire Examinations

Approved for .50 hours of Participatory Ethics

Door prize provided by Enriquez Law Firm

**Please make your reservations by Friday, August 31, 2012 at 1:00 p.m.
at nancy@elpasobar.com or ngallego.epba@sbcglobal.net**

El Paso Bar Association Wins LexisNexis Community and Educational Outreach Award

The El Paso Bar Association won the 2012 LexisNexis Community and Educational Outreach Award for the El Paso Lawyers for Patriots Legal Clinic. The award was presented at the ABA/NABE Annual Meeting in Chicago on Thursday, August 3, 2012. The award was presented to SBOT Past President Bob

Black, who picked up the award on our behalf.

We want to thank Donald Williams, Chair of EPLP, Bruce Koehler, Past President of the El Paso Bar Association and the Officers and Board of Directors of the El Paso Bar Association for their continued support of this program which benefits the veterans in El Paso County.



2012 LexisNexis Community & Educational Outreach Award, El Paso Lawyers for Patriots, Bruce Koehler, Judge Angie Juarez Barill, Donald L. Williams

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CALENDAR OF EVENTS

PLEASE NOTE: Please check the Journal for all the details regarding all above listed events. If your club, organization, section or committee would like to put a notice or an announcement in the Bar Journal for your upcoming event or function for the month of October/November, 2012, please have the information to the Bar Association office by Friday, September 7, 2012. In order to publish your information we must have it in writing. WE WILL MAKE NO EXCEPTIONS. We also reserve the right to make any editorial changes as we deem necessary. Please note that there is no charge for this service: (915) 532-7052; (915) 532-7067-fax; nancy@elpasobar.com - email. If we do not receive your information by the specified date please note that we may try to remind you, but putting this journal together every month is a very big task and we may not have the time to remind you. So please don't miss out on the opportunity to have your event announced.

September, 2012

Monday, September 3
EPBA Office Closed Labor Day
 Tuesday, September 4
EPBA Monthly Luncheon
Guest: Honorable David Guaderrama & staff
 Wednesday, September 5
FBA Workshop
 Thursday, September 6
EPYLA Monthly Meeting
 Thursday, September 6
EPWBA Meet & Greet
 Tuesday, September 11
Patriot Day
 Wednesday, September 12
EPWBA Monthly Meeting
 Friday, September 14
EPBA Boot Camp Seminar

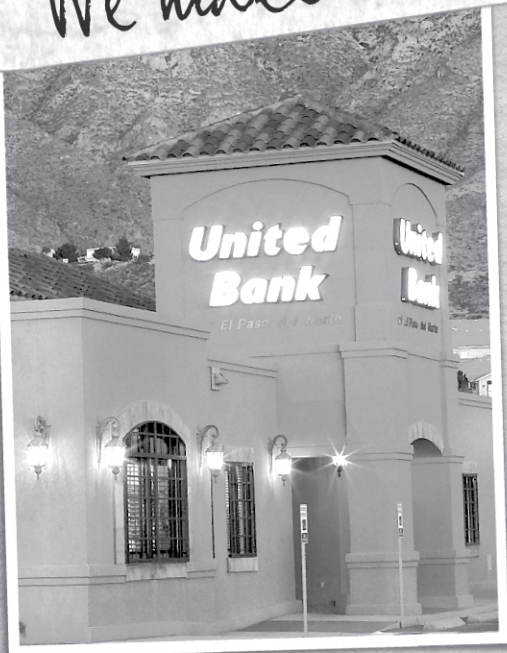
Criminal Law

Thursday, September 20
EPPA Monthly Meeting
 Thursday, September 20
FBA CLE
 Friday, September 28
EPBA Boot Camp Seminar
Appellate Brief Writing
 Saturday, September 29
Probate Bar Wills Clinic

Upcoming Events:

Friday, February 15, 2013
17th Annual Civil Trial Seminar
Monte Carlo Hotel & Resort Casino
Las Vegas, Nevada
 Saturday, February 16, 2013
17th Annual Civil Trial Seminar
Monte Carlo Hotel & Resort Casino
Las Vegas, Nevada

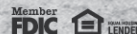
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Practicing law may be a family affair At Least in El Paso, Texas

BY CLINTON F. CROSS

In many jurisdictions, a dark cloud has been cast over the legal profession. The economy is shrinking, and so, it is said, is the profession. The cost of going to law school is enormous; graduates are desperate for jobs; courtesy and collegiality are declining. Some law graduates are even suing their *alma maters*, claiming they were misled into pursuing a heavenly life that turned out to be hell.

There is evidence in El Paso that practicing law is still an interesting and rewarding profession. For one thing, a number of lawyers are raising children who also want to practice law. For instance, in May 2008, Christopher Anchondo obtained his law license and joined his father, former County Attorney and former Democratic Party Chair, Danny Anchondo, in the general practice of law. And, of course, Danny's brother, Bobby Anchondo is the presiding judge of County Criminal Court at Law No. 2. At the same time, Veronica Lerma began practicing criminal law with her father, Ed Lerma. A few months later in the same year, Michaela Ainsa began practicing real estate and business law with her father Mike, bringing the Ainsa clan in the legal profession to four. In May 2009, Jim Scherr's daughter Maxey joined the litigation firm of Scherr and Legate. In the same month, Joshua Spencer joined his father's, Joe Spencer's, firm. Joe's niece, Rebecca Tavitias, practices criminal defense in the County Public Defender's Office. In October, 2010, Gabriel Bombara joined his mother Rebecca Reyes (who is married to Margarito Rodriguez, a federal public defender) in the practice of criminal law. In a few months, Gabriel's sister Nicole plans to join the firm. In November 2011, Jessica Kludt joined her mother Stephanie-Townsend Allala, focusing on probate and elder law. Also, "Jeep" Darnell, son of criminal defense lawyer, Jim Darnell, took up the pursuit of defending the accused. Daniela Chisolm, licensed May 4, 2012, has been seen on a daily basis in the



courthouse tagging along with her father, Hank. Similarly, a few months ago Linda Estrada began practicing with her father "Nacho," who is also a criminal defense lawyer. Perhaps the most recent addition to El Paso's "family of lawyers" is "Beto" Feuille's son, James M.H. Feuille. M.H. Feuille graduated from the University of Texas School of Law and just this month became an associate in the ScottHulse law firm.

In many ways we are all members of a larger community responsible for nurturing the growth and success of our fellow practitioners. Judges, adversaries, and associates, as well as parents and brothers and sisters, all play a role in preparing the new members of our profession and each other for the positions of trust and responsibility that we all have every day in our practice. We can expect tomorrow's generation of lawyers to be better lawyers, judges and community leaders than we were. They should be: after all, we will mentor them.

CLINTON CROSS is an Assistant County Attorney responsible for prosecuting criminal Deceptive Business Practice cases.

And by the way...

It is not unusual for recent law school graduates to return to El Paso to practice law in the same legal community with other members of their family. The following list of biologically related lawyers (spouses not necessarily included) who have practiced, who are now practicing, or who will soon practice in El Paso is illustrative:

About/Abraham/Al-Hanna/Elias/Esper/

Safi/Salloum/Farah: too many to count—almost all lawyers in El Paso of Syrian descent, except criminal attorney Kathleen (“Kamie”) Salome Smith and TRLA attorney Soraya Yanar-Hanshew, are related to each other one way or another. Almost all their ancestors came from the same town in Syria. (Salena Ayoub’s ancestors did not come from Syria; they came from Lebanon). Lawyers of Arabic descent who are more closely related to each, other than as a cousin or as cousins, are specifically identified in alphabetical order with other El Paso lawyer families below;

About: two, brothers Russell and Associate Family Court Judge Gary About;

Ainsa/Grambling: four, siblings Frank, Mike and Richard; Mike’s children, Andrew and Michaela Ainsa Grambling; and Frank, Sr., deceased;

Anchondo: three, Danny, his brother Judge Robert Anchondo, and Danny’s son Robert;

Anderson: four, siblings Steve, a former Justice of the Peace (whose wife Cindy is also a lawyer), Greg and Kathleen (who is now practicing in Bastrop); and their father, Charles, deceased;

Armendáriz: two, Albert and his father Albert, Sr. deceased, a former Justice of the 8th Court of Appeals;

Arditti: three, Regina, a State District Court Judge, her brother David, and their father Victor;

Bombara/Reyes: three, Gabriel, his sister Nicole (arriving in a few months), and their mother, Rebecca Reyes (a former federal public defender);

Bean: three, Woodrow III; his father, a former State District Judge, and his grandfather, a former El Paso County Judge, both now deceased;

Beltran: two, Teresa, a mother, who became a lawyer after her son Hector obtained his law license;

Bernal: two, Jo Anne Bernal, the County Attorney, and her brother A.B.;

Bernat: two, Julian and son Marc;

Bramblett: three, Kit Bramblett, Hudspeth County Attorney, his son Coll, and his nephew

Patrick;

Briggs/Gutiérrez: three, siblings Mark, a former Assistant El Paso City Attorney and part-time judge, John, an Assistant District Attorney, and Allison Gutiérrez;

Broaddus: two, Francis (“Skippy”), and his cousin J. Morgan Broaddus;

Burges/Kerr/Howe/Kemp/Broaddus/Perrenot: ten, Francis (“Skip”) Broaddus and his cousin J. Morgan Broaddus; Crawford Kerr, and his son, J. Crawford Kerr; and the following deceased relatives: William H. Burges, Richard F. Burges, Alfred R. Burges (siblings); Walter Howe (former judge of the 34th District Court), who is “Skip” Broaddus’ grandfather and J. Crawford Kerr’s maternal great grandfather; Walter Howe, Jr.; and Maury Kemp. Maury Kemp, Walter Howe, and Richard Burges married sisters. “Skip” Broaddus, one of the founders of the Mayfield, Broaddus, and Perrenot firm, is Walter Howe’s grandson. Burges Perronet, also a founder of the Mayfield, Broaddus, and Perrenot firm, is a grandson of Richard Burges. Greg Pine is married to Richard Burges’ great granddaughter.

Butterworth: two, Denise, an Assistant District Attorney; and her father George, deceased;

Caballero: two, Theresa, and her father Ray;

Callan: two, Jim, an Assistant District Attorney, and his father Sam, deceased, a former State District Court Judge;

Chapman: Jack, and his son Jason;

Chisolm: two, Hank and his daughter Daniela;

Chew: three, siblings Linda, a State District Court Judge, Patricia, a Probate Judge, and David, a retired Chief Justice of the 8th Court of Appeals; and their father Wellington, deceased.

Coldwell/Navidomskis: eight, Colbert N. Coldwell and his cousin Wes Navidomskis, a Deputy Public Defender; and six who are now deceased, including one former Texas Supreme Court Justice (Colbert Coldwell), one former City Attorney William Michie Coldwell), one former District and County Attorney (Nathaniel Colbert Coldwell), one County Judge (Colbert Coldwell), and one—Bill Coldwell Collins—who served as President of the El Paso Bar Association;

Contreras: two, siblings Richard; and David, a Deputy County Public Defender;

Copeland: three, Weldon, Sr. and his sons William and Judge Weldon, Jr. (who now practices in McKinney);

Cox: three, Sanford and sons Curtis, an Assistant District Attorney, and Chris;

Crowson: two, Harold and his son Walker (who is married to a lawyer, Jennifer);

Darnell: three, Jim and his brother Eric; and Jim’s son “Jeep”;

Ehrlich: two, Herb and his son William;

Escobar: five, brothers David, Carlos, and Jose, now deceased; and cousins Peter and Paul;

Esper: two, brothers Mickey and Richard;

Estrada: two, Ignacio (“Nacho”) and his daughter Linda;

Ferrell: two, David, a former Assistant Texas Attorney General; and his daughter Wendy;

Feuille/Leachman: six, Richard Feuille and his children Robert (“Beto”) Feuille and Margaret Leachman, former chief of the U.S. Attorney’s office in El Paso; Beto’s son, James M.H. Feuille, who is a new associate in the ScottHulse law firm; and three who are now deceased, Frank Feuille I, Frank Feuille II, and Frank Feuille III.

Gabaldón/Sánchez: two, Child Protection Court Judge Oscar Gabaldón, and his cousin Texas Rio Grande Legal Services (TRLA) attorney Jaime Sánchez;

Gándara/Durán: two, Jaime Gándara, a Deputy County Public Defender; his uncle, Alex Durán, recently deceased; and Jaime’s great-grandfather, Jose María Gándara, deceased, who was Mexican lawyer as well as a Texas and who for many years represented ASARCO.

García: three siblings, State District Court Judge Patrick García; and Deputy County Public Defenders Ralph and John; two other brothers are judges in California so are not counted in this list as members of the El Paso legal community;

Grambling: three, one, Randy, President-elect of the El Paso Bar Association; and his father John, and his grandfather Allen, founder of one of El Paso’s largest law firms, both deceased;

Hardie: three, Bill, a mediator and a former U.S. Attorney, his father Bill, and his grandfather,

Thornton, who served as Chairman of the Board of Regents of the University of Texas, both deceased;

Hughes: two, David, and his father, Clark, a former County Court judge,

Juvrud: two, Bill, a former Deputy Public Defender; and his father Dwayne;

Kern: two, David and his mother Ruth, deceased, one of the first women lawyers to practice in El Paso;

Kerr/Howe: three, Crawford; his son J. Crawford; and Walter Howe, Jay's maternal great-grandfather, deceased, former judge of the 34th State District Court;

Koehler: two, Bruce, the immediate past President of the El Paso Bar Association President (who is married to Lee Ann, a lawyer), and his father Ward, a retired State District Court Judge;

Leeper: three, Towner, deceased, and his sons David; and John;

Lerma: two, Ed and his daughter Veronica;

Lettunich/Ivey/Pennies: four, Paul, a former Assistant District Attorney, and cousins Brandon, Ben Ivey, and Michelle Pennies;

Martin: three siblings, Pedro; Julia, a Deputy County Public Defender; and Enrique, an Assistant Texas Attorney General;

Macías: three, Patricia, a State District Court Judge; and her cousins Frank and Fernando

Roman Macías (who are brothers);

Martinez: two, Mario, a former U.S. Attorney; and Ashley, an Assistant District Attorney;

Moody: two, State District Court Judge Bill Moody; and his son Joe, an Assistant District Attorney and former Texas State Representative;

Neill: two, Bob; and his son Alex, President of the El Paso Probate Bar Association;

Olivas: two, brothers Jaime and Jesus;

Ortega: two, Lina; and her cousin, Steve, a City Councilman;

Osborn: two; Mark, a partner in a distinguished El Paso law firm (who is married to Cynthia, an Assistant City Attorney); and his father Max, deceased, former Chief Justice of the El Paso Court of Civil Appeals;

Palafox: two, siblings Gina and Patricia;

Parra: two, brothers Manny and Victor;

Paxson: two, Sam, a retired District Judge; and his son Kurt, a prominent litigator;

Pearson: two, Robert, a Justice of the Peace; and his father Ray, deceased;

Poissant: two, Robert, and his son Andre;

Ramos: two, Robert, and his son Ray;

Rey: four, Joe, Sr. deceased; Joe, Jr.; and Joe, Jr.'s sons, James and Randy;

Reyes: four, brothers Hector, and Salvador; and their sons, Daniel and Gabriel;

Rodríguez: two, George, the first Hispanic State District Court Judge in El Paso, now

deceased; and his son George, Jr., a former El Paso County Attorney;

Rosales: three, brothers Joe and Marc; and their cousin Yvonne;

Safi/Hobson: two, siblings Tony Safi and Leila Hobson;

Salas: Ralph, and his brother Victor;

Shapleigh: two, Ballard, an Assistant District Attorney (whose wife Cheri is also an Assistant District Attorney); and his younger brother Eliot, a former Texas State Senator;

Sipes: three, Sam, and Doris, one of the first female Assistant District Attorneys in El Paso; and their daughter, Allison;

Spector: two, Carlos, and his father Irwin, deceased, a former Assistant County Attorney;

Spencer/Tavitas/Vásquez: five, Joe and his son Joshua; and cousins Ed and Joe Vasquez; and Rebecca Tavitas, who is a Deputy Public Defender;

Townsend-Allala/Kludt: two, Stephanie Townsend-Allala and her daughter Jessica Kludt;

Yetter: two, Richard; and his son Bruce, an Assistant County Attorney.

Note: The editor would appreciate being notified if he failed to identify a biologically related family of lawyers practicing in El Paso County so the oversight can be noted. Thank you for your cooperation.

MY STORY

BY MALCOLM MCGREGOR (1929-2003)
Written in 1991

I was born January 22, 1929 in El Paso, Texas. My father operated farms in El Paso County and Dona Ana County and my uncle operated the ranches in Dona Ana and Otero Counties in New Mexico. They were also part of the family business, Mc Gregor Land and Cattle Company. My uncle was J.D. McGregor, Jr. and because I was more interested in the ranches, I spent as much time as possible on the one near Oro Grande, New Mexico which is now part of the McGregor Missile Range. By the time I was eleven, I was spending the entire summers there. The ranch contained about 193,000 acres and would run about 2,000 head of cattle.

The families lived in El Paso and the ranch was run as a bachelor outfit, much like the

cartoons of J.R. Williams in the little comic strip "Out Our Way" which appeared in newspapers in the '30's. Upon graduating from high school, I entered Texas A&M hoping to major in animal husbandry. I soon switched to agricultural engineering and hoped to go an extra year to get a degree in civil engineering and practice awhile before going back to the ranch.

In 1948 the Army began acquiring ranches for what would become the White Sands Missile Range, the McGregor Missile Range, and the bombing ranges north of Alamogordo. This acquisition had been triggered by the development of the atom bomb which was tested in 1945 at a deserted area northwest of Alamogordo.

It was the summer between my junior

and senior year when I was scheduled to attend summer camp at Fort Sill, Oklahoma. I postponed the camp until after I graduated in May of 1950, then went to the summer camp during which time the Korean War broke out. I returned to the ranch knowing that I would be called to active service in the near future.

The Army had been using the ranch on a co-lease basis since '48 but they were now authorized to start their acquisition. I was called into the service as a Second Lieutenant in March of 1951 and served first in the school troops that were operating the firing ranges at Fort Sill. I volunteered for airborne duty and attended jump school at Fort Benning, Georgia in the summer of '51. Upon completion of the four week course I was assigned to the 82nd Airborne Division at

Fort Bragg, North Carolina where I served first as a Second Lieutenant forward observer with the 376 Airborne Field Artillery then as an executive office and First Lieutenant before completing my two year tour of duty. Upon discharge I returned to the ranch for the final roundup as the Army had purchased it and we were in the process of delivering possession.

I took delivery of the young steers, I built a small feed lot and fed them and sold them in the spring of 1954. Getting up at four o'clock in the morning and shoveling feed for 200 growing steers twice a day turned my mind to other occupations.

In the service I served with the Princeton ROTC Cadets who had graduated in 1951 and had been exposed to their post graduate plants. I decided in about March of '54 to run for the Legislature and attend law school when I could get my cattle sold. This I did, being elected to the Legislature from El Paso County in May of 1954 and entering law school at the University of Texas in June.

At that time there were no Republican primaries and the May election made every Democratic selection unopposed in the November general election. When I went to Austin to begin Law School, I had already been selected to an interim committee known as the Hale-Akin Committee to study education reform. It was during these hearings that the Texas Observer's ace Reporter Larry Goodwin began interrogating me.

He was greatly surprised at my non-agricultural interest as we had been classmates in the same Battery at A&M. He was a sophomore when I was a freshman and he exercised his privilege by berating me with a large board. As a result, I got off to a slow start with Goodwin. Larry and I later became very close friends and he handled my publicity in my runoff campaign for Congress in the summer of 1964.

Needless to say, being in law school and the Legislature considerably broadened my horizons. Perhaps the process started in my campaign for the Legislature when I met one Larry King who was Slick Rutherford's Administrative Assistant. Slick had been elected to Congress largely by the trucking industry who vigorously opposed his opponent, Congressman Kin Reagan, a railroad man. Both industries had been strong in West Texas, but that election probably signaled the change in political power from railroads to trucks.

King had been a reporter for the Odessa American, a paper whose conservatism was so pure that it opposed public education. King as a reporter had been able to work for Rutherford during the campaign and remedy



some of Rutherford's...deficiencies in reading and writing.

King was rewarded with the position of Administrative Assistant and at the political rallies he and I would watch from the back and sometimes discuss books. I was supposed to be a black letter conservative, but I had read too much and my family had benefited from Roosevelt's agricultural policies.

I was further lead astray by Don Kennard, the representative from Fort Worth, a strong labor supporter. During this period, I got to know and associate with some of the faculty members at the University who had been recruited by Harry Ransom, John Silver in Philosophy, Roger Shaddock in Romance Languages, and John Sullivan in Classical Languages. I became acquainted with John Henry Fault and Ronnie Dugger, the editor of the Texas Observer.

When Willie Morris returned from Oxford, he and I became close friends. His grasp with history and politics was incredible and his manner of imparting it delightful. During the next ten years some outstanding liberal members were elected to the Legislature. Bob Eckhart and Bill Kilgarlin from Houston, Franklin Spears from San Antonio, Bob Wheeler from Tilden, Bobby Mullin from Alice, Barefoot Sanders from Dallas, Don Gladden from Fort Worth and many, many more.

We met frequently with the faculty members and gradually formed a liberal group of perhaps 30 to 35 members. We could see Texas becoming increasingly conservative and the growth of the Republican Party began to change profoundly Texas politics.

When Kennedy was elected in 1960 we thought we could see the proverbial light at the end of the tunnel. His assassination turned the light into the headlight of a locomotive. When Johnson became President, he was able to shed a lot of his southern baggage but he never embraced organized labor the liberals who

found themselves increasingly isolated.

I graduated from law school in January of 1957 and opened an office in El Paso as a solo practitioner. I was primarily interested in politics and was able to be re-elected without any serious opposition. I enjoyed greatly my life in Austin and El Paso, but I remained kind of an amateur lawyer.

In 1957 I married Bobba Ann Hadlock, a native of El Paso and we had two sons, Malcolm III born July 17, 1959 and Robertson born April 7, 1962.

Kennedy's assassination occurred during the Thanksgiving weekend in 1963. Slick Rutherford had been defeated by a Republican, Ed Foreman, in 1960. With Johnson in as President, it became possible to defeat Foreman within the conservative West Texas District which included Midland and Odessa. I knew that I would have to run with little prior planning or support. We had a wonderful politician in El Paso named Woodrow Bean who described his preparation for a race like this: "I have had a lot of requests, but I am going to run anyway." I ran and was defeated by Richard White who then served for over sixteen years after beating Foreman in the general election.

I became a full time lawyer and concentrated on workers' compensation and personal injury cases. I did serve a couple of years as a part time referee in bankruptcy.

When I was in the Army and jumping out of airplanes, I got interested in landing one. I took lessons and purchased a World War II trainer, a Stearman, but I sold it when I got out of the service.

I had a dear friend, an architect named David Hilles, who encouraged me to buy an old home here in El Paso which was built in 1908 in the style similar to Frank Lloyd Wright. He also designed a house for a lot that I had purchased on an airstrip in a fly in community at the edge of El Paso.

I had wanted a weekend cottage; his design called for three airplanes in the living room. The completed structure made several publications but perhaps the most graphic appeared in the Examiner, a tabloid circulated mainly through grocery stores. Near the center section on the left hand page appeared the headline "Two Headed Boy Jumps off Space Ship." On the right hand side the heading read "Man Lives with Airplanes in the Living Room."

MALCOLM MCGREGOR was a solo practitioner in El Paso for many years. He is buried in the Texas State Cemetery; his tombstone simply states in Latin "Like Water in the Desert."

The Benefits of Being a CASA

BY CHARLES W. SKINNER

For recent law school graduates and newly licensed lawyers, thinking about being in front of the judge can be a terrifying experience. You think to yourself “I don’t know what to do,” “I don’t know where to stand” or maybe even “I’m not good at public speaking so all I want to do is transactional practice.”

For you newly graduated attorneys who may not have taken the bar yet or those who just finished it (congratulations on surviving) but have not yet received your results, you might be asking yourself “what do I do now?” or better yet “what can I do to prepare so that when get my license I can hit the ground running?”

Let me make a suggestion to you: Consider volunteering with the CASA program.

While waiting at the elevators on the third floor of the County Courthouse, you may have noticed the CASA for Children banner hanging from the ceiling toward the Atrium and wondered what it is that they do.

The Court Appointed Special Advocates for Children is a 501(c)(3) nonprofit organization that trains citizen volunteers to be appointed as Guardians ad litem (GAL) to represent the best interest of children who have been removed from their home due to abuse or neglect.

In these types of cases, the child who is the subject of the case as the victim of the abuse or neglect has an Attorney ad litem appointed by the court, and the child is the attorney’s client. Because of this particular posture, the attorney is bound by both law and ethics to argue for the child’s desired outcome. We all know that what a child wants and what is in a child’s best interest are often two very different things. This is where a CASA comes into the picture.

A CASA is a volunteer appointed as a Guardian ad litem by the court to advise the court as to what is in that child’s best interest. This volunteer need not be an attorney or have any specialized training but as attorneys we are uniquely suited to this type of work given our law school training and exposure to the legal system. The individual CASA volunteer is supervised by the professional staff at the CASA office which acts in a supportive role as necessary. I like to describe it this way: you are entitled to know everything that a parent would be entitled to know, and to advise the Court accordingly, as if you were the child’s

parent, regarding what decisions should be made on the Child’s behalf. As a CASA, you have access to:

- The Child Protective Services (CPS) caseworker’s file and all Court documents
- The child’s medical, educational and mental health professionals and information
- The right to be present at court hearings, CPS planning meetings, mediations and other proceedings.
- Also, as the Child’s CASA you have investigative duties:
 - Regularly visit with the child (they are your client)
 - Visit with the Foster Home or Relatives with whom the child is placed

The above bullet points only scratch the surface of the powers and duties you have as a CASA. The other thing to consider is this: start to finish, you will likely be the most informed person about this child in the entire proceeding. The County Attorney is handling hundreds of these cases at any given time. The CPS caseworker probably has dozens of individual cases assigned to them and is running hard just to keep up. The child’s attorney likely has at least several cases plus other legal cases that they are working on.

You are assigned, at the most, to one family at a time and often to only one child and you are going to be in their lives for a minimum of 12 to 18 months.

I’ll divide up the three main benefits to the recent graduate or newly licensed attorney which are provided by the CASA program this way: practical experience; record keeping experience; and service to the Community.

The first benefit is one of practical experience to the recent graduate or newly licensed attorney. As a CASA volunteer, you will receive a LOT of training. The initial training is a 40-hour program that covers a lot of material, including your role as a CASA, the Child Protective System and the Courts, cultural competence (dealing with different cultures), understanding family dynamics and how different stressors affect those dynamics, child development, and communication development. Five of the training hours are court observation of ongoing

CASA cases.

If you didn’t learn client interviewing skills while you were in law school, this is a fantastic way to learn them because of all the different parties you will be interacting with. You will learn how to read verbal and non-verbal communication cues when you are interviewing people. The child may or may not be able to tell you much, as CASA volunteers may be appointed for children from newborn to 17 years old. You will need to develop a complete picture of this child’s life in order to advocate on his or her behalf, so you’re going to be talking to a lot of people: definitely the parent’s attorney(s), almost always the parents themselves, the CPS caseworker, the County Attorney, the Child’s attorney, the child’s doctor or treatment team, the child’s teacher or school counselor, the child’s therapist, and the child’s foster parent, and many other individuals. Sometimes the parents have their own Guardians ad litem, depending on the parent’s mental health status,

Often the training includes presentations from representatives of the Attorney General’s Office, the County Attorney’s Office and current Child Abuse and Neglect Investigators. These trainers discuss the way a cases often develop before your court appointment.

Beyond the initial training, as a CASA you are also required to take 12 hours of continuing “in-Service” education every year. CASA usually offers two training opportunities to its volunteers per month. Topics for these trainings include items such as Mental Health Advocacy: Understanding the DSM (Diagnostic & Statistical Manual of Mental Disorders) and Advocating in the Family Court System. In-Service trainees sometimes also visit places like the El Paso County Juvenile Justice Center and the Center Against Family Violence.

You will develop practical experience as a CASA is by appearing in Court. As the Child’s Guardian ad litem you will be present in court hearings. Although you are not a party to the case, you will be an integral part of the proceedings. Other parties may question your recommendations and/or the Judge may ask you what you think should be done (because he too knows that you are likely the best informed person in the room about that child). You are

present in the courtroom to confer with the parties to the case, and to provide information to the child's Attorney ad litem. If the case goes to a trial on a parental termination, you will almost certainly be called as a witness by one side or the other to give your recommendation and to discuss your reports. Few lawyers have had the opportunity to be a witness in court, but testifying can be an invaluable experience and will help you appreciate your future client's anxiety and fear of being questioned on the witness stand.

The amount of exposure to facets of the Family Court System is part of what makes CASA volunteering such a great fit for the recent graduate or newly licensed attorney.

The second major benefit to volunteering as a CASA is the record keeping and scheduling skills that it will teach you. A CASA appointment involves a 12 to 18 month commitment and you're going to be talking to a whole lot of people. The information you are developing will be presented to the court in the form of reports submitted to the court (through the CASA office) and other documents that you will create throughout the case.

Having been through law school, the recent graduate or newly licensed attorney will know how to write well and cite authority, but he or she may not know how to write to convey information in an easy and simple to understand format. CASA will train you, will review your submissions to the Court prior to filing them and will discuss changes with you if necessary.

This is not like writing a legal brief. This is about communicating with the Judge and the other parties in a straight forward, easy to understand manner that you can persuasively defend. Remember, you will be in court and may be cross-examined. Being able to write clearly and succinctly about the good, the bad and the ugly of who, what, where, when, why and how can go a long way toward heading off those questions.



The CASA volunteer is required to submit a monthly "Contact Log" detailing your contacts with the Child, the support structure of the child (parents, attorneys, CPS, Doctors, Educators, etc...) and time spent on reports, investigation and training in regard to the case. In addition, CASA volunteers must submit court reports at least ten business days prior to each hearing. This is practice for future billing of clients in your career as a lawyer. You need to keep very exact records of whom you spoke to, when, where and at what time, and you will be providing those records to be reviewed by the CASA staff every month. This is especially a benefit for those attorneys who are solo practitioners who are going to be billing their clients directly for services provided, because it will teach you to be exact in your billing practices, listing everything you do separately and being able to justify it.

For those of you who were disciplined in law school about outlining and boiling down your notes to a condensed format, the record keeping requirements of being a CASA volunteer will be a good refresher. For those of you who didn't learn those record keeping skills, CASA is a great way to learn them.

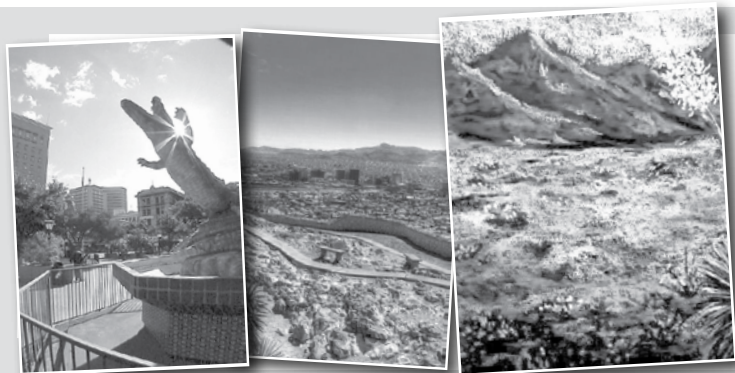
The final major benefit to volunteering as a CASA is that you're providing a service to one of the most vulnerable populations in El

Paso: abused and neglected children. These are usually kids who have NO ONE. Their parents? They are almost always the ones who are accused of having abused or neglected them. The child may not have any other family in the local area. While in Foster Care, these children may not have any sense of permanency and may have to be moved many times to different foster homes, may have been forced to change school districts and may even be represented by several different CPS caseworkers during the life of the case. Even the child's attorney is only legally required to see their client before every hearing, which may be stretches of months at a time. You, as the CASA, may be the only person who regularly sees that child and acts as a stable influence in that child's life until the case is over. There are countless stories about a CASA volunteer being the person that changed the trajectory of the life of the child they represented.

There are also benefits to you as the CASA for performing this type of service to the community. One of the biggest benefits is the networking opportunity it presents. In the course of your investigative duties, you are going to meet a vast number of people including doctors, educators, mental health professionals and CPS staff. In the course of your Court appearances you are likewise going to meet a large and varied number of individuals in the legal field with whom you will likely be working once granted your license to practice law including lawyers, judges and Court staff. This type of networking can open a lot of doors down the road.

In closing, being a CASA is more than just an opportunity to provide service to abused or neglected children in the community. It is also an opportunity to learn how to practice law, to gain real court experience, and network with many legal and non-legal professionals.

CHARLES SKINNER is a recently licensed El Paso attorney, a solo practitioner, arbitrator and mediator.



BE OUR COVER:

The El Paso Bar Journal is accepting submissions of photos or other art by its members to serve as the cover of the Bar Journal. This is an exciting opportunity for El Paso lawyers to exhibit their artwork and is designed to inspire and expose the talents of El Paso Bar members. To have your art considered, please send your submission to Nancy Gallego, 500 E. San Antonio, L 112, El Paso, Texas 79901 or e-mail it to her at ngallego.epba@sbcglobal.net, no later than the 10th day of the month preceding publication.

HAVE YOU HEARD? The Creation of Super-Accelerated Appeals in Certain Family Law Cases

BY KAY WATERS

The Texas Supreme Court has been busy this year making changes to the Texas Rules of Appellate Procedure and the Rules of Judicial Administration. Changes to the appellate rules typically require adjustments for the intermediate appellate courts and practitioners, but the addition of TRAP 28.4 and TRJA 6.2 has created “super-accelerated” appeals in parental termination and child protection cases. A “parental termination case” means a suit in which termination of the parent-child relationship is at issue. Tex.R.App.P. 28.4(a)(2)(A). A “child protection case” means a suit affecting the parent-child relationship filed by a governmental entity for managing conservatorship. Tex.R.App.P. 28.4(a)(2)(B). Intermediate appellate courts must now dispose of these cases within 180 days after the notice of appeal is filed. Tex.R.Jud’l Admin. 6.2(a). As some practitioners have already noticed by a reduction in time to file briefs and denial of requests for oral argument, the Eighth Court of Appeals has made some adjustments to help move these cases smartly along the appellate path.

Any discussion of accelerated appeals must begin with TRAP 28 which governs accelerated, agreed, and permissive appeals. An accelerated appeal must be perfected by filing a notice of appeal which complies with TRAP 25.1 within 20 days after the judgment or order is signed. Tex.R.App.P. 26.1(b), 28.1(b). The time for perfecting appeal is not extended by filing post-trial motions or requesting findings of fact. Tex.R.App.P. 28.1(b). The record is due to be filed within 10 days after notice of appeal is filed. Tex.R.App.P. 28.1(e), 35.1(b). In these super-accelerated appeals, the appellate court may grant an extension of time to file a record under Rule 35.3(c), but the extension cannot exceed a total of 30 days. Tex.R.App.P. 28.4(b)(2). The time for filing the appellant’s brief is also shortened in an accelerated appeal to 20 days after the record is filed. Tex.R.App.P. 28.1(e), 38.6(a). The appellee’s brief is due to be filed 20 days after the appellant’s brief is filed. Tex.R.App.P. 38.6(b).

To illustrate the impact of TRJA 6.2(a), assume that the world is perfect and the notice



of appeal in a parental termination case is timely filed on the 20th day after the judgment is signed, the appellate record is filed on the 10th day after the judgment is signed, and the appellant and appellee file their briefs without requesting an extension. If the appellate court immediately sets the case for submission without oral argument after giving the parties the required 21 days’ notice, the case will be 91 days old and the court of appeals will have 89 days to read the briefs and review the record, research the issues, write the opinion, circulate the opinion to the panel for approval, and prepare the opinion to issue.

The world is rarely perfect and delay is an expected part of the appellate process. For a more realistic example, assume the notice of appeal is filed on the 35th day after the judgment is signed (20 days plus a 15 day extension), the appellate record is filed on the 40th day (10 days plus a 30 day extension), the appellant’s brief is filed 40 days after the record is filed (20 days plus a 20 day extension), and the appellee’s brief is filed 40 days after the appellant’s brief is filed (20 days plus a 20 day extension). If the court immediately sets the case for submission without oral argument after the required 21 days’ notice, the case will be 176 days old and the court will have exactly 4 days to issue the opinion.

To be fair, Rule 6.2(a) does provide that these cases must reach disposition within 180 days “so far as reasonably possible”, but in this era of shrinking budgets and legislatively imposed performance measures, the courts cannot view the 180 day deadline as merely a suggestion. Moreover, parental rights are of constitutional

magnitude and every parent facing termination is entitled to the effective assistance of counsel both at trial and on appeal. The goal is to balance the rule requirements with the rights of parties.

When a notice of appeal is filed, the Clerk of the Court sends a notice to the parties advising that the court is strongly discouraging the parties from requesting any extension of time to file the brief. Nevertheless, some appellate practitioners, citing the Eighth Court of Appeals’ Local Rules, have filed multiple extension requests. Local Rule 38.2(a) provides that: “Barring unusual circumstances, a movant will receive a 45 day extension upon first request, and a 30 day extension upon the second request.” Although the Rules of Appellate Procedure authorize an appellate court to extend the time for filing a brief, a court is also authorized to shorten the time for filing briefs and submission of the case in the interests of justice. Tex.R.App.P. 38.6(d). These cases certainly present “unusual circumstances” and a party should not expect the court to grant any, much less multiple, extension requests.

In the past, the court has liberally granted requests for oral argument even though TRAP 39.1 authorizes the court to submit a case without oral argument if it decides that the appeal is frivolous, the dispositive issue or issues have been authoritatively decided, the facts and legal arguments are adequately presented in the briefs and record, or the decisional process would not be significantly aided by oral argument. Tex.R.App.P. 39.1. More recently, the court has begun screening cases to determine whether a request for oral argument should be granted. Given the time frame imposed by TRJA 6.2(a), it is possible that the court could deny requests for oral argument except in the most compelling cases. If a party believes that oral argument is essential, the brief should include a detailed statement explaining why oral argument would aid the decisional process.

Kay Waters is Chief Staff Attorney for the 8th Court of Appeals

SENIOR LAWYER INTERVIEW

JUDGE JOSÉ BACA

■ BY CLINTON F. CROSS

I recently visited with former District and County Court Judge José Baca in his home in West El Paso and asked him to share with me his thoughts about his life and legal career.

CROSS: *Tell me about your parents, your siblings.*

BACA: My father Macario and mother Maria Amada García Baca emigrated from Durango, Mexico in 1938. I was four years old, the second youngest. I had two older sisters, Victoria Dennis, now living in Celine, Texas; Teresa Apodaca, deceased; and one younger brother Adrian Emilio. My father farmed and owned La Feria Grocery in El Paso and all four of us children grew up helping in the grocery business. At one time my brother was a grocer and Mayor of Anthony, Texas.

CROSS: *Where did you go to school?*

BACA: My parents both valued education in spite of having been denied the opportunity for an education themselves. My father taught himself to read.

I started school at Sacred Heart Elementary on South Oregon as a non-English speaking child. I graduated from Morehead Grammar School, and went on to El Paso High. In the tenth grade I went to New Mexico Military Institute in Roswell, New Mexico, where I graduated from High School in 1954 and New Mexico Military Institute Junior College in 1956. Thereafter, I attended the University of Colorado in Boulder. I graduated with a Bachelor of Science degree in Business in 1956.

CROSS: *What did you do after that?*

BACA: I joined the army as a second lieutenant, serving six months active duty and eight years reserve. I was honorably discharged as a Captain in the Armor Division in 1969. Upon returning to El Paso I was employed for five years with Goodyear, four years with Popular Dry Goods, and then five years with Farah Manufacturing.

CROSS: *When did you go to law school? And where?*

BACA: At the age of 35 I was influenced by a fellow New Mexico Military Institute graduate, my compadre, Tati Santiesteban. He inspired me



Judge José Baca

to follow in his footsteps.

In 1970, I entered St. Mary's Law School in San Antonio, Texas. I took the Bar exam when I was still in law school and obtained my license before I graduated in 1972.

CROSS: *What did you do after you graduated?*

BACA: I came back to El Paso and went to work for County Attorney George Rodríguez, Jr. In 1978 I was elected as downtown Justice of the Peace. After serving one term, I opened my private practice. In 1983 then Governor Mark White appointed me Judge of the newly created 346th District Court. I ran five times unopposed for that Court.

As judge of the 346th District Court, I established three unwritten local rules:

1. Be on time,
2. Be prepared, and
3. Don't B.S. the Court.

If you followed these three simple rules you would never be in trouble with the Court.

In 2003, I was elected Judge of County Court 7 where I adopted the same rules. I retired from that Court in 2005.

CROSS: *Are there any cases that you recall with particular fondness?*

BACA: One of the most interesting cases that I presided over was the State of Texas vs. Martin Silvas. In that case the State of Texas alleged that the defendant (a previously duly appointed war captain to the Tigua tribe) had stolen a sacred war drum and other items. Evidence showed that the Tiguas believed the drum was a living spirit and its price way beyond imagination. The charge was theft over \$200,000, but the jury found Mr. Silvas not guilty. Evidence showed that there were warring factions in the tribe bringing about these charges.

Another case of interest was Leonard Wood's recent claim that he was being held against his constitutional rights. Mr. Woods is presently serving 50 years for aggravated rape that the court had imposed before he was tried for capital murder, so he could not get out of prison anyway.

CROSS: *Tell me about your family.*

BACA: My first wife Rebecca and I had three sons and one daughter—José Baca II, Bernadette Carter, Daniel Baca, and Gabriel Baca. I love my sons and daughter and the grandchildren they have given me. I am married to Elaine Needham Creighton-Baca.

CROSS: *As a lawyer or judge, did you do any community service?*

BACA: I was one of the founders and second president of the Mexican-American Bar Association of El Paso. I served for many years as Chairman of the District 17 Commission on Admissions for the State Bar of Texas. I was on the advisory board for Project Amistad and the Advisory Committee for Services to the Aged and Disabled of the Texas Department of Human Resources in Austin, Texas. I served on UTEP President Dr. Haskell Monroe's committee to advise him on Hispanic affairs. At the time of twenty years of dedicated service to the community, I received the El Paso Del Norte Award. I served the community for 28 years.

CROSS: *Any advice for young lawyers, beginning their careers?*

BACA: I think it is important for lawyers to at

all times respect the profession, the law, and the courts. If you do that, you respect yourself. In addition, I believe lawyers should always focus on their clients' best interest, and not their own, though sometimes there may be a conflict. For instance, a lawyer can often make more money stirring up litigation than by trying to negotiate a peaceful resolution of a dispute. While the litigation may profit the lawyer, it may not be in his or her client's best interest.

CROSS: *Now that you are retired, how do you spend your time?*

BACA: Since retiring, I have fulfilled a long standing desire of fiddling with cars. My experience in the Army and having run a Goodyear Service Store gave me a lot of mechanical know-how and with the help of my best friend, Karl Widjaja who is truly a mechanical genius, we have restored classic Mustangs for all my grandchildren.



Judge José Baca and his grandson Marcus, standing beside the Judge's '65 Mustang

CROSS: *Anything else that you would like to say?*

BACA: My proudest moment in life was at the age of eighteen when I became a United States citizen. I am an American of Mexican descent,

and proud of it.

CLINTON CROSS is an Assistant County Attorney responsible for prosecuting criminal Deceptive Business Practice cases.

ADVANCE SHEET, 1203 A. D.

BY CHARLES GAUNCE

A Morality Play for New Attorneys: The Case:

“The assize comes to recognize if William son of Fulk, and father of Mabel the wife of David Read, was seised in his demesne as of fee of half a carucate of land with the appurtenances in Sutton, which land Avice, widow of Warin son of Fulk, holds. [Avice] comes, and says that she claims no right in that land, except through Warin her son, and Leonine his brother, who is within age, and who ought to have a share of the land of their father, together with the eldest son, as of gavelkind, and she claims his age. David says that his age ought not to be waited for, because [Leonine's] father never had any entry in the land, except through the chief lords, while Mabel was in wardship to the Earl of Albemarle, and within age, and thereof he craves a jury. [David] says, moreover, that Robert de Leybourne drew Warin, the father of Warin, in a plea touching the same land, and [Warin] vouched to warranty thereof the said Mabel, as she whom he

had in wardship, and, by the voucher he made, he had peace. On the other hand, Warin [the son] says that Robert de Leybourne granted the land to Warin his father for his homage and service, and for ten marks of silver which he gave him; and he proffers [Robert's] charter, which he made to [Warin] and, if necessary, he will vouch to warranty the son of Robert de Leybourne who is within age and in wardship to the King. Moreover Avice says that Mabel has a brother, and therefore she ought not, etc.; but against this Mabel says that he is a leper.”

Comment:

The selected case comes to us from the civil pleas of Easter Term, A.D. 1203, before the Justices of the Bench in the Reign of King John.

Many of you reading this will recall that it was in 1215 that King John granted concessions to his barons on the banks of Runnymede. It is a shame that the barons did not use the opportunity to clean up what then passed for a pleading and practice code, instead of seeking to feather their own nests through Magna

Carta.

It is possible to decipher the relationships and claims of the disputing parties in our case. I present the case not for the points of law presented, but as an exercise in drama. The television drama “Dallas” did not present a story-line as convoluted for the simple reason that no one would believe it. And “Dallas” was clearly presented as fiction.

To say that this is a civil plea is to really overstate the case: it is readily apparent that there is nothing within this family that is civil. I get the distinct impression that Warin [the father] knew he was getting the better end of the deal by simply dying. I further suspect that the barons of King John took another 12 years to realize that they were better off fighting a rebellion against the king than trying to reason with their own subjects.

The real lesson here is that you, as a newly practicing attorney, owe it to all of your clients to encourage them to have a last will and testament prepared. Given half a chance, children and their spouses will fight. History proves me correct on this point.

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

Why join The El Paso Young Lawyers Association

BY ALDO LÓPEZ

The El Paso Young Lawyers Association (“EPYLA”) is open to any lawyer who is either thirty-six years old or younger or in their first five years of licensure. The mission of EPYLA is: (1) to serve the public interest in the El Paso, Texas area by facilitating the administration of justice, promoting reform in the law, foster respect for the law, and advancing the role of the legal profession in serving the public and (2) to serve young lawyers in the El Paso, Texas area by activities which will be of assistance to their practice of law, undertaking projects and programs which will be of benefit to young lawyers, and establishing a close relationship among young lawyers in the El Paso, Texas area.

EPYLA’s service to the community focuses primarily on coordinating events for local students and/or underprivileged members of the community. EPYLA members participate in various events including acting as teen court judges, hosting and coaching the high school mock trial competition, Law Day events to

encourage students to consider the practice of law, Christmas of Hope (providing gifts and a party with Santa Claus for patients of the Children’s Hospital at University Medical Center and their families) among others.

EPYLA’s service to young lawyers includes CLE programs, networking events, and joint participation with other bar associations and their projects. EPYLA holds a monthly lunch meeting and a monthly happy hour, where the members have an opportunity to connect outside of the courtroom. EPYLA also holds an annual golf tournament, Night at the Comic Strip, a seasonal Lawyers Basketball League, and events for summer clerks and interns.

Apart from the great opportunities to give back to the community through the projects we participate in, I believe that the best reason to join the El Paso Young Lawyers Association is the chance to connect with other young lawyers. It is an opportunity to meet attorneys who practice in different areas of the law, and a chance to have someone to refer to

when a question comes up about something you may not be familiar with or in area in which you do not practice. I have both received from and given referrals to attorneys I met through EPYLA.

It is a way to get to know other young attorneys in a social setting. In that environment it is also a way to share stories with older attorneys who used to be members. I have heard stories from aged-out attorneys about the shenanigans they used to pull as young attorneys at meetings or happy hours, the battles they used to have in the Lawyers League, and the lasting friendships they made through their involvement with the group.

This year we plan on continuing our traditional events, and would like to expand to include more family-friendly events, additionally community service projects, and a wellness program for young lawyers.

If you are interested in joining the El Paso Young Lawyers Association, feel free to contact me at 532-3911, alopez@jghpc.com, or through the EPYLA Facebook page, where membership forms are available.

Aldo López is an El Paso attorney in the firm of James and Haugland; he is also President of the El Paso Young Lawyers Association



HELP!



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, such as the article by Janet Monteros published in the Journal’s April/May, 2012 issue.

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. 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.

Defining the ideal and honorable lawyer

JUDGE OSCAR G. GABALDÓN, JR., CWLS

“The qualities of a great man are vision, integrity, courage, understanding, the power of articulation, and profundity of character.” This description by David Dwight Eisenhower regarding the qualities of a great man can just as easily be the description of the ideal lawyer. Often times, newcomers to the practice of law are advised by more seasoned lawyers of the lawyer’s primer: “If you don’t have the law, you argue the facts; if you don’t have the facts, you argue the law; if you have neither the facts nor the law, then you argue the Constitution” (Jason Laumark).

When exploring what it means to be an ideal lawyer, however, we must move onto a more profound, serious, and meaningful level of analysis and reflection in order to truly grasp the notion at its core.

The ideal lawyer knows all too well that the practice of law always entails the ability to define a vision centered on serving the needs of others. That is why the law profession is considered to be one of the helping professions.

Unfortunately, there are those that choose to become lawyers not primarily because of this ideal to help the legally vulnerable and needy, but primarily to enrich themselves materially, by reputation, in power, in influence, and in societal status; even sometimes at the risk of losing their human nobility. These men and women are motivated to assist others only if they can prosper and make gains – along the likes of the main character in the story *A Christmas Carol*, old Mr. Scrooge, or the legendary King Midas. They are, in essence, known for being mainly takers, not givers.

However, there is absolutely nothing wrong with seeking to make a good living through one’s profession. Seeking a comfortable life for oneself and one’s family is a sound pursuit. The problem is when, while amassing the gold coins and having a desire for deference and prestige, the longing for other such mundane things become the primary motivation or impetus to serve others. When portfolios, appearances, and gold become the prime objectives and these things are raised to the altars of the gods, it is then that the lawyer loses moral fiber and declines in his or her magnanimity as a member of the human race. It is then that the polished nobility of the vision for the practice of law is placed in jeopardy, loses luster, and leads



all too often to professional and ethical near-sightedness and even blindness.

The ideal lawyer is consistently a person of integrity. No matter how financially successful the lawyer may become, that lawyer is in reality a very poor human being if integrity does not have a home in his or her heart, mind, and soul. Such lawyers lack meaningful value in their professional and personal life. They lack genuine humanity. They are devoid of the richness that only integrity can bestow on the individual. Their spirit is weak and in need of nourishment, the kind that only integrity can provide. They walk day in and day out with an absence of serenity in their lives. A void lingers, and always will, until that void is filled with integrity.

The ideal lawyer is one that is courageous, particularly courageous in the face of ethical and moral adversities. These lawyers will not flee, but will stand firm and take on the challenges brought forth by the temptations to act based on political correctness, popularity, fashionable trends, and other less than honorable motivations. They will raise their swords of humility and good character against the dragons of pride and self-centeredness. They will speak truth, admire honesty, prize principled-based decision making, and firmly stand their ground

to protect the principles of justice, fair play, and charity towards all – no matter what.

In the process of practicing law, the ideal lawyer never stops seeking to understand, for it is in understanding that the ideal lawyer is better able to more clearly capture the needs of the client, the essence of the opposing lawyer’s posture in a given case, the importance of the ever-present judicial processes, the spirit of the laws, and the overall pulse of the community’s overall legal health and orientations. In doing this, the ideal lawyer will acquire the benefit of seeing things for what they really are, and thus be in a better position to then articulate view points, sound-based solutions, and well-reasoned argumentation. Understanding begets transparency, and transparency is no longer feared. Thus, understanding is a necessary and very useful trait in the effective practice of law.

All these qualities defining the ideal lawyer are cradled in the arms of good character. It is good character that will, as they say, determine one’s destiny. It is character that serves as the Herculean pillar supporting the whole notion of what it means to be an ideal lawyer. Without good character, the lawyer is nothing more than a hallow embodiment of legal knowledge, deficient humanity, and of limited positive force. Still, some will continue to value reputation more than character; worrying more about what their fellow men think of them. In this regard, the English-American political activist Thomas Paine (January 29, 1737- June 8, 1809) poetically observed: “Reputation is what men and women think of us; character is what God and angels know of us.”

Hence, character, above all else, will truly define whether or not an ideal and honorable lawyer graces us with his or her presence. The renowned missionary George Dana Boardman (February 8, 1801 – February 11, 1831) succinctly sums it up this way: “Sow an act, and you reap a habit; sow a habit, and you reap a character; sow a character, and you reap a destiny.” It is what it is.

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 Child as a Child Welfare Law Specialist (CWLS).

EPYLA SPOTLIGHT



Alyssa Nava

BY PATSY LÓPEZ

This issue, the El Paso Young Lawyer's Association is spotlighting Ms. Alyssa Nava. Alyssa is a native of El Paso and we are happy to have her involved in the organization as an officer this year.

After graduating from Eastwood High School, Alyssa completed her undergraduate studies at Texas A&M in 2008. Upon graduating from Texas A&M, Alyssa moved to Austin where she attended the University of Texas at Austin School of Law and graduated with her J.D. in 2011. She then returned to El Paso and began working with her current firm; Mounce, Green Myers, Safi, Paxson & Galatzan where she practices civil litigation.

Alyssa was raised with a very strong sense of family values and community awareness, which is apparent in everything she does in both her professional and personal life. Alyssa joined the El Paso Young Lawyers association immediately after returning to El Paso with a

goal of becoming as involved as possible and accomplished that goal promptly.

Within months of joining the organization Alyssa was assisting in organization projects and became a regular attendee of all of our events. Alyssa wasted no time in running for office and was elected President-Elect of EPLYA for the 2012-2013 year. As such, she has worked on organizing the Annual Summer Clerk Mixer which was held at Cohen Stadium in July 2012. Alyssa is actively planning the organization year with the rest of the EPLYA board and we are excited to get the year's activities underway!

We are proud to call Alyssa a friend and a colleague. She is hard working and dependable and we are sure that her work ethic will help assure a fun and successful year for EPLYA.

PATRICIA LÓPEZ is an Assistant El Paso County Attorney responsible for prosecuting juvenile cases

“Paperless”,

Is It Still In Our Minds and Not In Our Office?

BY DAVID J. FERRELL
djf@elpasolaw.com

We have all had sufficient time to think about what “paperless” means in our law practice. There are pros and cons BUT MOSTLY PROS. My office is almost completely “paperless” but I still have tons of paper. So, “paperless” really means “less paper” or digitization (scanning) of your paper in an organized manner. That means you and your staff can find the digitized paper with ease when you need it and it is safe from unauthorized acquisition.

The key to “incoming paper” is, scanning all documents that you receive relating to your law practice (you don't have to scan the junk mail). That means all mail, all court filings, and every other piece of paper has to cease being a piece of paper alone and it must also become a digital file in your computer system. Each person in your office that receives a piece of paper needs to have a good scanner or easy access to a scanner. The process of digitization has to be organized, easy, secure and dependable. There are many ways to deal with the “paper” once



it is digitized.

When I started my “paperless” experience, my main impediment was staff inertia. Sir Isaac Newton said, “Things at rest want to stay at rest”. Change takes energy. My energy was, nobody had a choice, WE WERE GOING “paperless”. The process started painfully, but after a while the process caught on and those who were most reluctant became energetic advocates of how great it was to have the “stuff”, that is the

paper, available without having to physically find it, get up and get it and take it to where it was needed. And, all appropriate persons had access to the material.

This article has to be short because of space limitations of the El Paso Bar Journal. If you are interested in an in depth analysis with multiple access points to the PAPERLESS journey, review the paper I wrote for the June 2011 Texas Bar convention in San Antonio. I changed that paper into a webpage. The topic I presented was “Document Retention”. That webpage is still available online at <http://www.elpasolaw.com>, fourth link in the left hand margin “DOCUMENT RETENTION”. If you are interested in digitization, scanning, paperless, etc. go to that webpage and spend some time going through the multiple links, or have a staff member review the materials. Caveat, I have not updated that paper in over a year.

DAVID J. 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.

Association News

Probate Bar Association

The Probate Bar Association will hold a Wills Clinic on Saturday, September 29, 2012 at 9:00 a.m. in San Elizario. If you would like to volunteer on that day, please call Alex Neill at 533-2739.

El Paso Young Lawyers Association

The El Paso Young Lawyers Association will hold their next monthly meeting on Thursday, September 6, 2012 at 12:00 noon at Mesa Street Bar & Grill, 2525 N. Mesa. Please call Aldo Lopez at 532-3911.

El Paso Women's Bar Association

The El Paso Women's Bar Association will be holding a Meet & Greet celebrating "Women's Equality Day" on Thursday, September 6, from 5:30 to 7:30 p.m. Contact Janet Monteros at 546-2081.

The El Paso Women's Bar Association will hold its next monthly meeting on Wednesday, September 12, 2012 at 12:00 noon in Room L-106 of the El Paso County Courthouse. Monthly meetings are the 2nd Wednesday of each month.

El Paso Paralegal Association

The El Paso Paralegal Association will hold its September general meeting on Thursday, September 20, 2012 at 12:00 noon at the El Paso Club, 201 E. Main, 18th Floor. Guest Speaker will be Daniel Caudillo who will speak on the Dream Act of 2012. Please RSVP for the luncheon to Peggy Dieter at 546-5267.

The EPPA will hold its Fall Seminar, "Dos and Don'ts of a Texas Notary Public", on Thursday, October 18, 2012 from 8:30 a.m. to 11:30 a.m. at the El Paso Club, 201 E. Main, 18th floor. Guest Speaker will be F. Henry Garcia, President and Director of Notary Insurance Services, Inc. and the Texas State Notary Bureau and Former Director, Uniform Commercial Code and Notary Public Division, Office of the Secretary of State. Continental Breakfast and parking validation will be provided. Registration fee is \$50 for EPPA members and \$60 for nonmembers. For more information contact Mariann Porter at 760-6880.

Federal Bar Association – El Paso Chapter

Workshop 4 for CJA Mentorship Program on Wednesday, September 5, 2012 from 12:00 – 1:00 p.m. at the U.S. Courthouse, Judge Briones Courtroom, 7th Floor.

Criminal Series CLE "Time Matters" on Thursday, September 20, 2012 from 12:00 – 1:00 p.m. at the U.S. Courthouse, Judge Briones Courtroom, 7th Floor.

CLASSIFIEDS

Central Office Space for Lease:

Office Space available, receptionist, runner, conference rooms, parking, etc. No lease or deposit required. Call Bob Earp or Larry Schwartz at 542-1533.

Child Abuse Expert to present at the 3rd Annual Child Welfare Law CLE

BY TRACY C. ALMANZÁN,
Assistant County Attorney

In 2010, child protection agencies throughout the country received over 3 million referrals for the abuse or neglect of over 5 million children. During the same year, in El Paso, Texas, Child Protective Services investigated over 160,000 allegations of child abuse or neglect. Over 39,000 cases were validated, which means that that Child Protective Services found evidence that abuse or neglect was inflicted upon these children. Unfortunately, over 66,000 El Paso children were abused or neglected causing the State of Texas to intervene on behalf of the children's best interest.

The El Paso County Attorney's Office is dedicated to the safety of El Paso's abused and neglected children. Family law courts provide a unique opportunity not afforded in other civil or criminal courts. As a team, Assistant County Attorneys work as part of a group with attorneys representing the mother, the father, and the children, and the Court to determine the best interest of these children. As part of the office's efforts, we are proud to host the 3rd Annual Child Welfare Law CLE for all interested attorneys. This year's CLE will highlight the medical aspects of child abuse and neglect. As the keynote speaker, we welcome Dr. Sandeep Narang J.D., M.D., from the Center for Miracles in San Antonio, Texas, to provide his unique expertise as both a lawyer and a physician. Dr. Narang is one of a few medical professionals board certified in Child Abuse Pediatrics. Additionally, Dr. Sitratullah Olawunmi Maiyegun, M.D., Assistant Professor of Pediatrics, from the

Paul L. Foster School of Medicine will be presenting on Child Maltreatment.

The CLE will take place on Wednesday, September 19, 2012, from 8:30 a.m. to 5:00 p.m. at the El Paso County Courthouse. The seminar includes presenters on topics such as, child maltreatment, an evaluation of the

Neeno case (involving soft science experts), an ethics game, and a caselaw update. The cost of the seminar is \$35 and this cost includes a CD with the day's presentations, breakfast, and lunch. The seminar will take place in Commissioners Court and pre-registration is required. The Seminar is currently pending approval for 6.75 hours of CLE, including 1 hour of Ethics.

Child abuse and neglect affects our entire community.

As a community, we should join together to find a way to end child abuse and neglect. United States President, Herbert Hoover, once stated that "children are our most valuable natural resource." The 3rd Annual Child Welfare Law CLE is the means through which we gain and expand the knowledge of the horrible impact that child abuse and neglect has upon our community. Only when we better understand child abuse and neglect, can we work together to prevent it.

Please contact Martha Alvarado at (915) 546-8160 or Martha.alvarado@epcounty.com to register or if you have any questions.

TRACY ALMANZÁN is an Assistant County Attorney responsible for prosecuting child abuse and neglect cases.



Dr. Sandeep Narang J.D., M.D.

CHILD WELFARE LAW CLE

Wednesday, September 19, 2012



LEARN ABOUT THE FOLLOWING TOPICS

- **Legal Aspects of Child Abuse and Neglect Cases** (presented by Dr. Sandeep Narang, J.D., M.D. from the Center for Miracles in San Antonio, Texas)
- **Child Maltreatment** (presented by Dr. Sitralullah Maiyegun, M.D. from the Paul L. Foster School of Medicine)
- **Introducing and Striking Experts in Child Abuse cases**
- **Ethical Dilemmas in Child Abuse cases**
- **Caselaw Update**

El Paso County Attorney Jo Anne Bernal invites you to the 3rd Annual Child Welfare Law CLE

- **6.25 HOURS OF TOTAL CLE** (Includes 1.0 hour of Ethics CLE, pending approval by Texas State Bar)
- **CEUs pending approval**
- **Cost: \$35 for attorneys and professionals or \$25 special price for CASAs**
- **Pre-registration and payment required**
- **Commissioners Court Chambers 3rd Floor, County Courthouse**

For more information or to register, call Martha Alvarado, at (915) 546-8160

www.epcounty.com/ca





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