

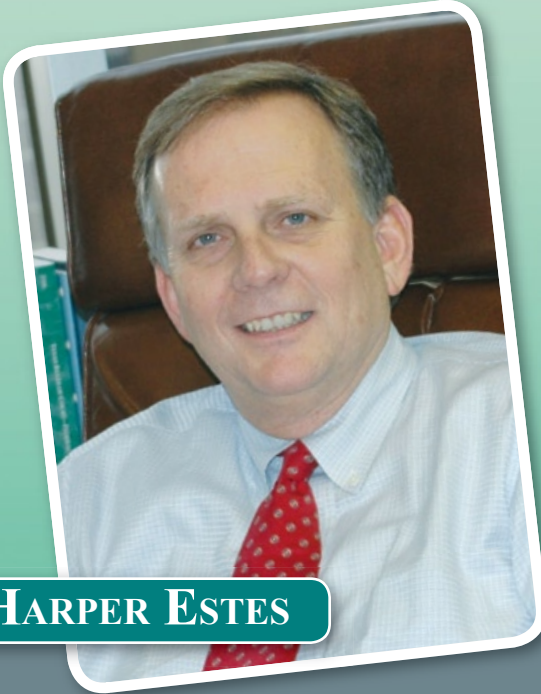


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# The Bar Bulletin

*A Monthly Update of Events and Information,*

**February 2007**



**HARPER ESTES**

- Harper Estes is a shareholder with Lynch, Chappell & Alsop in Midland.
- He obtained his undergraduate degree from Texas Tech University in 1977 and his law degree from Baylor University School of Law in 1979.
- Board Certified in Civil Trial Law by the Texas Board of Legal Specialization, Harper's principal practice areas are trial, appellate and alternative dispute resolution.
- Harper served on the Board of Directors of the State Bar of Texas from 1999 until 2002. He is a past president of the Midland County Bar Association, a former director of the Texas Young Lawyer's Association, and a former member and chair of the District 16B Grievance Committee.
- In 1992, he was named the Outstanding Young Lawyer by the Midland County Young Lawyer's Association.



**MARK OSBORN**

- Mark Osborn is a partner with Kemp Smith's Litigation Department.
- He obtained his undergraduate degree from Rice University in 1981 and his law degree from the Texas Tech University School of Law in 1984.
- A substantial portion of his practice is in the areas of financial, real estate, contract, trademark, copyright, trade secret, and unfair competition litigation, and trademark and copyright registration.
- Mark recently completed a three year term on the Board of Directors of the State bar of Texas. He is a past president of both the El Paso Bar Association and the El Paso Young Lawyers Association.
- A former director of the Texas Young Lawyers Association and the El Paso Legal Assistance Society, he is a member of the College of the State Bar of Texas and a Fellow of the Texas Bar Foundation.

## MEET THE CANDIDATES FOR STATE BAR PRESIDENT-ELECT

***Tuesday, February 13th, Noon at the El Paso Club***

**W. Reed Leverton**  
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The El Paso Bar Bulletin is a monthly publication for the El Paso Bar Association. Articles, notices, suggestions and/or comments should be sent to above address to the attention of Nancy Gallego. All the submissions must be in the office on or before the 10th of the month preceding publication. You may either fax or email your submission. Articles published in the Bar Bulletin do not necessarily reflect the opinions of the El Paso Bar Association, its Officers or the Board of Directors. Calendar listing, classified ad, display ad, and feature articles should not be considered an endorsement of any service, product, program, seminar or event. Please contact our office for ad rates.

## THE PRESIDENT'S PAGE

### PUTTING THE PROFESSIONAL BACK IN THE PROFESSION

# “S” Is For Self-Reflection

Many of us have become self-absorbed. We worry about billing time. We stress out when the phone rings too often, and we worry when it doesn't ring at all. We're afraid to reach out to our peers because we don't want to look weak. Heaven forbid, don't tell anyone you're depressed or that you're taking Paxil, or Zoloft, or Wellbutrin. Don't let anyone know when you're diagnosed with a chronic condition. Folks will think you're not up to the task. Clients may doubt your ability. Colleagues may think you're not partner material. Someone might decide you're not up to running a serious re-election campaign. Maybe it's not that we're self-absorbed. Maybe we just don't trust each other. Maybe we don't even know each other. Maybe that's the problem.



Once upon a time, El Paso was small enough that you knew all the other lawyers in town. Handshake deals were honored. A lawyer called opposing counsel to remind him that discovery was overdue. No one thought of checking vacation letters just so you could

set a case for trial on the Monday after your adversary got back to town. Read Clinton Cross's interviews with our sterling senior lawyers. Practicing law back then was fun. I don't hear too many lawyers say that any more. We've lost that friendly feeling.

To the attorneys, I ask that you look honestly at your tactics and methods. Choose your mentors well. I've observed young attorneys become associated with practitioners who regularly and purposefully walk right to the edge of the ethical line, and at times cross it. These young lawyers are learning the tricks, tactics and tantrums of their employers. Some realize it, some don't. But the integrity and credibility of a professional is often judged by the company she keeps. Bluntly put, you can't take a bath with a hog without getting dirty.

Remember that your word is your bond. Even if you don't think so, the person to whom you gave your word certainly does. Lawyers quickly learn whom they can trust to adhere to an agreement. Attorneys quickly learn who plays hardball, who hides the ball, and who negotiates in good faith. They also learn that they had better paper the file when dealing with others. Your reputation and your credibility are sewn to the nape of your

*Continued on page 4*

EL PASO BAR ASSOCIATION  
**February Bar Luncheon**  
 Tuesday, February 13, 2007

El Paso Club 201 E. Main, 18th Floor, Chase Bank  
 \$14 per person. 12:00 Noon

CANDIDATES FOR PRESIDENT-ELECT OF THE STATE BAR OF TEXAS,  
*Mark Osborn, El Paso and  
 Harper Estes, Midland*

Please make your reservations by Monday, February 12, 2007 at noon  
 by calling Nancy at 532-7052 or via email at [nancy@elpasobar.com](mailto:nancy@elpasobar.com)

## “S” Is For Self-Reflection

neck by very fine fibers, and when you rip off the cape, you are exposed and your soul laid bare. Not to be melodramatic, but folks won't trust you anymore. Not lawyers, not judges, not even clients. Quoth the raven, "Nevermore". Need a discovery extension? No way. Need a continuance? Nope. Forget to list yourself as an expert on attorney fees? Surely you jest.

Give your client reasonable expectations. Don't protract the litigation to inflate your fee. And don't appeal a case that doesn't present viable issues for review. I also recommend that you control the client from the beginning. Matters of courtesy and cooperation should not require client approval. At-

tach a copy of the Texas Lawyers Creed to your fee contracts. If a client balks at giving you the discretion to make accommodations, it's better to know it up front. Zealous advocacy does not require a scorched earth policy. While we owe a duty to each client, we also owe a higher duty to the administration of justice. Clients must grasp this concept from the beginning.

And to the judges, I say the robe means something to me. Every time I slip it on, I remember my oath – a vow "to preserve, protect and defend the constitution and laws of the United States and of this state." If ever I look in the mirror and see a judge who has ruled on the basis of politics, expedi-

ency, or personal gain rather than the rule of law, it is time to remove the robe and leave the bench. The citizens of this state deserve nothing less. Judicial accountability arises in part from a justifiable concern for the relationship between judicial conduct and public perception. We must control the behavior in the courtroom, control our behavior in the courtroom. The lawyers are watching. The juries are watching.

Coming next month: "S is for Self-Control".

ANN MCCLURE  
**President**

# CALENDAR OF EVENTS

## FEBRUARY, 2007



**Tuesday, February 6**

*EPBA Board Meeting*

**Thursday, February 8**

*EPYLA Monthly Meeting*

**Thursday, February 8**

*EPYLA Happy Hour*

**Friday, February 9**

*EPCLSA Monthly Meeting*

**Friday, February 9**

*11th Annual Civil Trial Seminar,  
Las Vegas*

**Saturday, February 10**

*11th Annual Civil Trial Seminar,  
Las Vegas*

**Tuesday, February 13**

*EPBA Monthly Luncheon*

**Thursday, February 15**

*EPPA Monthly Meeting*

**Thursday, February 15**

*FBA Brown Bag Luncheon*

**Monday, February 19**

*President's Day, EPBA closed*

**Friday, February 23**

*Family Law and the Military Workshop*

*PLEASE NOTE: Please check the Bulletin 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 Bulletin for your upcoming event or function for the month of March, 2007, please have the information to the Bar Association office by Friday, February 9, 2007. 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 bulletin 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.*

## CALL FOR NOMINATIONS

The Bar is now soliciting nominations  
for the prestigious

### Armendariz Award.

The award, created in 2006, is named for the first recipient, Albert Armendariz, Sr. It is intended to recognize a lawyer's dedication to equality of justice, principles of humanity, and spirit of public service.

Send your nominations to [nancy@elpasobar.com](mailto:nancy@elpasobar.com).



"The investiture of Judge Maria Salas-Mendoza".

# Rediscovering The Beauty Of *Self-reflection*

■ By JUDGE OSCAR G. GABALDÓN JR.

“The outward freedom that we shall attain will only be in exact proportion to the inward freedom to which we may have grown at a given moment. And if this is a correct view of freedom, our chief energy must be concentrated on achieving reform from within.” With these words, political and spiritual leader of the Indian Independence Movement, lawyer Mahatma Gandhi, laid out an important and basic principle of self-awareness and self-reflection: Our views about ourselves, and our commitment to pursue positive change from within, affects the perception others may have of us and may affect the everyday conduct we manifest to others. Thus, being aware of, and reflecting on, who we are at the core, at the very essence of our self, and reaching deep within our very souls with a candid and open mind, we can place ourselves in a better position to entertain and make needed changes in our personal and professional lives. The objective must be on honestly evaluating and assessing our values in order to improve ourselves. However, care should be taken to not fall into the temptation of measuring our self-worth and self-identity by comparing ourselves to others. Nobel Prize winning novelist, William Faulkner, quite succinctly points us to what our attention should focus on: “Don’t bother just to be better than your contemporaries or predecessors. Try to be better than yourself.”

In the legal and judicial professions, self-reflection is many times a luxury we believe we do not have time for. The everyday hustle of the law practice, of moving the docket along, and of trying to squeeze in a full day’s work, often leave lawyers and judges devoid of self-reflection. It seems that self-reflection just doesn’t fit into our busy lives. Yet, the drawbacks of not giving time for self-reflection can be monumental. There is so much to be lost by not pausing a while, in the humdrum of our personal and professional lives, to evaluate, or re-evaluate, our priorities and overall value systems.



*There is so much to be lost by not pausing a while, in the humdrum of our personal and professional lives, to evaluate, or re-evaluate, our priorities and overall value systems.*

We are human beings, and as such, we are possessed of numerous gifts, such as the ability to conceive abstract concepts like love and justice, the ability to be empathetic and compassionate, the ability to categorize and perceive, and then some. These are extremely important abilities, which we must not take for granted. These sorts of abilities should be embraced and used to help make the world and ourselves a bit better. However, unless we stop and reflect on the best way to succeed, in applying such human capabilities, we will short change ourselves as lawyers, as judges, and as human beings.

Thus, if a judge excels as a jurist, and is regarded as possessing a keen legal mind, yet lacks the proper temperament on the bench, it is self-reflection that brings to that judge the first step towards pursuing and achieving balance as a judge. That is,

for that judge to improve his or her overall fitness as a judge, by having both a good legal mind as well as a good temperament, it all needs to start with self-reflection. Once the judge reflects and recognizes that he or she is deficient as a judge, due to a lack of balance between having a good legal mind and a good temperament, he or she can move forward towards positive change. The change will not occur until the judge first recognizes, through self-reflection, that the change is needed. Not stopping to self-reflect is a risk and a gamble that may lead to a failure to improve as a judge and as a human being. The consequences of such a failure can be detrimental to that judge’s integrity and character, as well as to those persons the judge is supposed to serve through quality administration of justice. Unfortunately, we sometimes avoid self-reflection for fear of

discovering what we believe to be little value in ourselves. Avoidance of self-reflection then becomes the norm.

“Without some measure of self-worth, life can be painful. Unlike animals, we can be so aware of ourselves that we can develop an identity and give it value. That is, we have the ability to know who we are, and then decide if we like or do not like who we are. If we reject a part of ourselves, it causes pain.”<sup>1</sup> This fear of pain is sometimes the reason we fail to engage in self-reflection. We do not want to discover or see who we really are inside our very hearts and minds; therefore, we may cowardly avoid self-reflection. The end result of this may be the taking of less social or career risks in life, or

we may limit our ability to solve problems, to accept criticism, or to seek help from others. This, in turn, may lead to the building up of barriers of defense, such as blaming others or the making of excuses. “The good news, though, is that how we perceive and feel about ourselves can change. When change begins, because you will it so, it has a ripple effect. One begins to sense more and more freedom... The determining factors for one’s self-esteem is one’s thoughts.”<sup>2</sup>

Seek the opportunity for self-reflection like a treasure lost and found again. “Make statements to yourself that are strong and positive, for example, ... ‘I am interested in life,’ or ‘I am fine just the way I am’ ... By being more compassionate with yourself, you

will be more compassionate with others, and vice versa... You are worthwhile because you live and feel. You are unique and valuable. Sure, you will make mistakes, but you do the best you can within the limits of your awareness. Love yourself, mistakes and all. You learn from your mistakes, and are free to make them. Today, like yourself more than yesterday, and tomorrow you will like yourself more than today.”<sup>3</sup>

1 Gabaldón, Oscar G., Jr. “Rediscovering Our Self-esteem,” October 1996.

2 Ibid.

3 Ibid.

**DISTRICT 16** | PARALEGAL LEGAL DIVISION  
STATE BAR OF TEXAS

## NUTS AND BOLTS OF APPELLATE PROCEDURE

**Friday, February 23, 2007, Noon to 1:00 p.m.**

Stewart Title, 415 N. Mesa, El Paso, Texas 79901

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Civil Appellate Law, Texas Board of Legal Specialization

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*Congratulations, Nancy!*

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## SPOTLIGHT SERIES

■ By Stephanie Townsend Allala

## KITTY SCHILD

**K**itty Schild recently put the finishing touches on a brief to the United States Supreme Court, when it struck her that she had done so only once before—in the case of *Roe v. Wade*. “(Attorney) Sarah Weddington got University of Texas law students involved,” back in 1971, Schild said. She learned two things: the impact on society of her work, and the power of her mentor. “How many women attorneys have role models who are real heroes?”

Her first Supreme case became the entrée into the modern Women’s Movement, and provided a foundation for Schild to forge her own path for women in West Texas: She became only the fifth woman to practice as a lawyer in El Paso. Schild and Janet Reusch became the first female judges in the history of El Paso with their appointment in 1977 as Associate Municipal Court Judges. Schild became the first female elected judge in 1981.

When asked at what point she decided to become a judge, Schild reflects before answering, “There was no ‘Eureka’ moment, but at some point I decided to be a judge.” Today, she works in the Civil Litigation Unit at the El Paso County Attorneys office.

She is the second daughter of a UT physics professor, who fled Istanbul and landed at a Canadian POW camp at the beginning of the Second World War. He went on to found the Relativity Center at UT. Mom and dad Schild always pushed their kids to succeed, and lavished their girls with pride over their

accomplishments. “Our parents really pushed us to get graduate degrees,” she said, so she decided to focus on law. Immediately after law school, she found no law firm would interview women lawyers, so the only jobs were in government

back then.

Within a few years, she watched a man with much less experience get promoted above her. Never one to settle for second class status, she struck up her own firm and took cases that motivated her, like child support enforcement and employment discrimination.

Schild continues working for women’s rights, as a major supporter and source of strength for the El Paso Women’s Bar Association. In the past 35 years, she’s learned it’s not only law firm execs and judges to blame for disparities related to gender in the law. She recognizes some sexism can be client driven. “There is still sexism. It’s less obvious, but I do also think there’s less of it than there used to be. To some extent there’s probably a pay disparity, but it’s not what it was 30 years ago.”

In the midst of her women’s rights work, she also represented some high-profile men. Boxing promoter Don King is one of those clients. She represented him when he was sued by an El Paso boxing promoter and a boxer. The case eventually settled, which leads her to one of her favorite words of wisdom, something that transcends gender barriers: “Don’t spend it until it’s in the bank! I once was about to settle a case and

fell in love with an expensive ring. I got the ring, but the case took another year and a half to settle.”

And as someone who has heroically paved the way for others, who does she think of as heroes? “Albert Einstein, Eleanor Roosevelt, Gloria Steinem, and my parents!”





## SENIOR LAWYER INTERVIEW

■ By Clinton Cross

# Enrique Peña



*I started as an Assistant County Attorney, working for Jack Fant. When Jack decided to run for the 65th Judicial District Court, I ran for County Attorney. I defeated Ralph (Skip) Scoggins, who at that time was a member of the Texas Legislature.*

**I**nterview this month former County Attorney and Judge Enrique Peña.

Judge Peña modernized family and juvenile law in Texas. He pioneered in the development of mediation and alternative dispute resolution in this State. In 1991 Judge Peña co-founded the Texas Arbitration Mediation Service, Inc. (TAMS), an organization that provides professional arbitration and mediation services throughout Texas and New Mexico. Since then he has arbitrated and mediated over seven thousand cases.

I knew Judge Peña when he was County Attorney, and when he was a judge. He worked tirelessly every day, usually coming to work at 6 a.m. to read the advance sheets. He expected much of the lawyers who appeared before him. He expected no less of himself.

**Cross: Tell me about your parents.**

**Peña:** My father was born in Chihuahua, Mexico. At the time, my grandparents were fleeing from the Mexican Revolution to the United States.

My mother was born in El Paso. She grew up in Chihuahita, where her parents lived.

I was born at the Freeman Clinic (also known as the Newark Clinic) in El Paso. However, for a number of years when I was young I lived in Ciudad Juarez, Mexico, where my father had a hardware business.

My father moved back to El Paso at the beginning of World War II, and tried to join the army. However, he could not pass the physical exam. He then got a job working nights at the Southern Pacific Railroad. At the same time he attempted to maintain his hardware business in Juarez.

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

**Peña:** I attended San Jacinto Grade School and Cathedral

High School. I graduated from Ysleta High School in 1954. I attended Texas Western College, and graduated in 1958. In 1959 I entered the University of Houston School of Law. I graduated in 1962.

**Cross: After you graduated, what did you do?**

I returned to El Paso and opened my law office. I shared office space with Judge Robert J. Galvan, who became one of my

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mentors. John Whitaker also had an office in the firm, and he became another mentor and good friend.

**Cross: How did you get involved in public service?**

**Peña:** I started as an Assistant County Attorney, working for Jack Fant. When Jack decided to run for the 65th Judicial District Court, I ran for County Attorney. I defeated Ralph (Skip) Scoggins, who at that time was a member of the Texas Legislature. I served as County Attorney from 1969 until June, 1971.

**Cross: What happened then?**

**Peña:** I was appointed by Governor Preston Smith to the Court of Domestic Relations.

**Cross: I've never heard about that Court. Tell me about it.**

**Peña:** The Court was created because the juvenile justice system at that time was in chaos.

The problems included the issuance of agreed orders of commitment to the Texas Youth Council without the benefit of court hearings. In 1971, in response to this problem, Steve Bercu, a lawyer with El Paso Legal Assistance Society, initiated a class action suit (*Morales v. Turman*) that challenged that practice, and marked the beginning of sweeping changes in the Texas juvenile justice system.

The Texas legislature responded quickly, and in June, 1971 created the Court of Domestic Relations.

When I took over this Court (that ultimately became the 327th District Court) there were a lot of problems with the juvenile justice system in El Paso. In addition to agreed commitments, for instance, children who had not committed any crimes were often detained (often because they were allegedly truants).

To top it all off, Doris Sipes with the District Attorney's office convicted Morris Railey, the Chief Probation Officer, of theft. Joe Lopez, an excellent probation officer, became one of the de facto leaders of the Department—but overall, there was a serious absence of leadership in the entire juvenile justice system.

One of the first orders of business was to build a new Juvenile Detention facility. I organized a volunteer ad hoc committee to obtain funding for a new building. Committee members included Royal Furgeson (at that time with Kemp, Smith, Duncan, and Hammond, now a federal judge); Jim Phillips, now with the Wells-Fargo Bank; Art Aguirre, former judge; and many others.

*As a result of this committee's work, the current El Paso Juvenile Detention Facility was built. This facility was a "state of the art" juvenile correctional facility at the time: It was the first facility to have a half-way house and a boot camp. We also stopped the detention of status offenders, such as truants, who had committed no crimes.*

As a result of this committee's work, the current El Paso Juvenile Detention Facility was built. This facility was a "state of the art" juvenile correctional facility at the time: It was the first facility to have a half-way house and a boot camp. We also stopped the detention of status offenders, such as truants, who had committed no crimes.

At that time, I wrote and helped enact new laws (predecessors to what is now Chapter 263, Texas Family Code) relating to judicial review of children in placement. The laws mandated that the courts periodically review the placement of children in foster care. I also extended that principle to review the placement of juveniles on probation.

By the way, the Morales litigation evolved, and in 1974 the federal court ruled that a number of practices at Texas Youth Council facilities constituted cruel and unusual punishment that violated the Eighth Amendment to the United States Constitution. The judge also ordered the state to develop community alternatives to large juvenile penal institutions. This lawsuit had a lot to do with changing the juvenile justice system in Texas.

Although Steve Bercu initiated the Morales case, he got a lot of help from the National Center for Youth Law in San Francisco, California. The National Center for Youth Law was at that time, and still is today, an important institution advancing juvenile and family law justice throughout the United States.

Getting back to my career, the Texas Legislature eventually abolished the Court of Domestic Relations and replaced it with the 327th Judicial District Court. Thereafter I ran unopposed for that Court, with the exception of one time when I and several other judges in Texas had to run as write-in candidates for Domestic Relations Courts as a result of a miscalculation in the filing for that office.

**Cross: Any other positions?**

**Peña:** I served as a member and director of the National Council of Juvenile and Family Court Judges, located in Reno, Nevada; on the faculty of the Texas Bar and the National Council of Juvenile and Family Court Judges;

and on a national board examining the public issues on alternative dispute resolution--at a time when no one had considered the use of mediation and other forms of alternative dispute resolution in the judicial system.

I also served on the Board of Directors, and thereafter as President of the Board, of the National Center for Youth Law.

**Cross: Have you been involved in any particularly interesting cases worth mentioning?**

**Peña:** The Chagra case comes to mind. Lee Chagra, a brilliant and well known criminal defense lawyer, was gunned down in 1978 in a petty robbery at his office located a few blocks from St. Patrick's Cathedral. I presided over the capital murder case of one of his alleged killers, who was eventually convicted and sentenced to death for his role in the murder.

I also presided over the trial of William Mallow. That case ultimately involved Charles Harrelson, who was, by the way, the father of the actor Woody Harrelson. The facts of the case involved a meeting between Mallow and Harrelson at a local El Paso motel with Joe Chagra, brother of Lee and Jimmy.

The day after the meeting, as Mallow and Harrelson were leaving the motel, they saw a security guard. Thinking the security guard was a policeman, they started shooting at him. The security guard escaped. The police arrived, and they shot and captured Mallow.

Harrelson fled the motel. Using a vehicle belonging to Virginia Farah he made his way towards Van Horn, Texas. He was stopped by law enforcement. Before being arrested, he threatened to commit suicide. He didn't do it--living to commit another crime, on another day.

In the case I tried, Joe Chagra defended William Mallow but he lost and Mallow was found guilty and sentenced to prison.

**Cross: Your family?**

**Peña:** I have four children from a former marriage. I am currently married to Guillermina Peña. We have one child, Carmen McCabe. She is an immigration lawyer in Dallas, Texas.

# Trivia Quiz

## THE ANSWER

No one answered the Trivia Quiz question posed in December and repeated in the January Bar Bulletin. Therefore, Clinton Cross and Nancy Gallego have committed themselves to drinking up the reward as soon as possible: four bottles of wine.

The Trivia Quiz quoted a few sections of the Prologue to Las Siete Partidas, a Castilian statutory code first compiled during the reign of Alfonso X of Castile (1252-1284). The Siet Partidas is considered Spain's most important contribution to the history of law, and was. It had significance in Latin America, and in the Southwestern United States (including El Paso) and Louisiana.

Each part of the Code begins with a letter of the name of the King, thus forming an acrostic of the name 'Alfonso.'

The Judge Robert A. Galvan County Law Library has a copy of Las Siete Partidas, for examination by anyone interested in spending a few minutes reading old law.

## El Paso Bar Association Holiday Schedule

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

**Monday, February 19, 2007**  
PRESIDENT'S DAY

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- Outpatient Treatment
- Child Care
- Recovery Support
- Employment Coaching
- Bus Transportation
- Relapse Prevention
- Spiritual Support
- Care Coordination
- Individual Recovery Coaching
- Life Skills
- GED Assistance
- Transitional Living

Referrals can be made by any El Paso County Court, Adult Probation and Child Protective Services.

# MICHELLE HILL:

## *Texas Narcotic Prosecutor of the Year*

■ BY KATARI BUCK

Michelle Hill was recently named the 2005-2006 Texas Narcotic Prosecutor of the Year by the Texas Narcotic Officers Association. The award, presented on August 9, 2006 in San Antonio, recognizes outstanding accomplishments in the area of drug enforcement.

Michelle, the proud daughter of the late Bobby Joe and Tina Hill, is currently the trial team chief for the 384th Impact Court, which specializes in prosecuting drug cases. Michelle supervises five attorneys and a six-person support staff, and she leads by example. She tries cases, assists in evidentiary hearings, and holds weekly attorney meetings to discuss the prior week's docket.

In addition to supervising the unit in its day-to-day commitments, Michelle also acts as a liaison and facilitator to various local, state, and federal agencies, including the El Paso Police Department, El Paso County Sheriff's Department, Texas Department of Public Safety, Federal Bureau of Investigation, Drug Enforcement Agency, and the United States Attorney's Office. She coordinates debriefings and cooperative agreements between the agencies and the District Attorney's office. Further, she educates law enforcement on Texas law regarding drug offenses and gives regular case law updates.

Michelle graduated from the University of Texas at El Paso with a bachelor of arts in Communications and from Texas Southern University, Thurgood Marshall School of Law. She began her legal career with the El Paso County District Attorney's Office in February 1997. During her nine-year tenure at the D.A.'s Office, Michelle has held positions in several sections, including intake, misdemeanor, felony and narcotics.

Michelle is a proud member of the University of Texas at El Paso Centennial Commission, the El Paso Women's Bar Association, and the Junior League of El Paso. She is married to Vincent and has a K-9 son, Leo!

In addition to the Prosecutor of the Year, the Texas Narcotic Officers Association also recognizes a Narcotic Officer of the Year, three Regional Narcotic Officers of the Year, a Non-Narcotic Officer of the Year, a Supervisor of the Year, and a Narcotic Detector Dog Team of the Year.

*In addition to supervising the unit in its day-to-day commitments, Michelle also acts as a liaison and facilitator to various local, state, and federal agencies, including the El Paso Police Department, El Paso County Sheriff's Department, Texas Department of Public Safety, Federal Bureau of Investigation, Drug Enforcement Agency, and the United States Attorney's Office.*



# Meet the executive director!

# NANCY GALLEGO

BY ANN McCLURE

**O**n February 28, Nancy Gallego will celebrate her fourteenth anniversary as the Executive Director of The El Paso Bar Association. She was born in Berkeley, California, but she lived all over the country while her father, Ernesto, was in the Air Force. Her parents' Texas roots ran deep, though, and the family always called Alpine home. Nancy has three sisters and two brothers; another sister passed away some seven years ago. Her sister Barbara (Medina) lives here in El Paso, as does their brother Roy. Gloria Gallego is living in Portland, Oregon, and Helen (Schnider) has lived in Germany for nearly 24 years. Nancy's brother, Gary, is close by in Hobbs, New Mexico.

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

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

"Now my daughter is going through what I went through with her. Ah, the sweetness of it."

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

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

Nancy attends the annual National Association of Bar Executives (NABE) conference.

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

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



# PROMINENCE

## El Paso gains prominence

■ BY ANN McCLURE

Often, we practitioners in West Texas feel far removed from the Texas Law Center, the Austin home of the State Bar of Texas. We travel to Houston, Dallas and San Antonio for continuing legal education. We have never offered one of our own as a candidate for State Bar President. The State Bar Board of Directors has met here occasionally but we're not a frequent venue. Live programming through TexasBar CLE is not as common as it used to be. But the times they are a'changin. It's not the work of any one individual. I believe El Paso has gained prominence because of a concerted effort on the part of the EPBA membership, the officers, directors, and the executive director. We've abandoned the "what have you done for me lately" syndrome and gravitated to a philosophy of "We have so much to offer." That's not quite as eloquent as John F. Kennedy's famous line, but the concept is the same.

Who are we? According to the State Bar's Department of Research and Analysis, we are



*In the past ten years, the gender percentage has changed. The male-female ratio has moved from 80%-20% to 76%-24%. The median age is 48 years; the median years licensed is 19. What do we have to offer? Energy, diversity, creativity. And it has paid off.*

1100 strong. In the past ten years, the gender percentage has changed. The male-female ratio has moved from 80%-20% to 76%-24%. The median age is 48 years; the median years licensed is 19. What do we have to offer? Energy, diversity, creativity. And it has paid off.

Last year, the then-president of the State Bar

visited El Paso and joined us for Law Day. He presented the inaugural Albert Armendariz Award to none other than Albert Armendariz, Sr., who was also selected as one of the five outstanding fifty year lawyers. MABA's state convention was held here in September. The boards of directors of both the State Bar and the Texas Young Lawyers' Association met here last month. Former EPBA president Mark Osborn has been selected as a candidate for State Bar president-elect. We've chaired sections and committees. We've been leaders of the College of the State Bar, the Texas Bar Foundation, the Texas Board of Legal Specialization and the Texas Center for the Judiciary. We've had a presence at the State Bar Annual Meeting, and we've won the Award of Merit seven times. Translated, that means we were THE outstanding bar association in our category, which is based on the size of membership. The State Bar's annual Marriage Dissolution Institute will be presented here in May. We were once in the four-year rotation for the program, but it hasn't been here since 1995. We're back. We're strong. We're visible. And we have a seat at the table.



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## ASSOCIATION NEWS

### ■ El Paso County Legal Support Association

■ The EPCLSA will hold its next meeting on Friday, February 9, 2007 at 12:00 noon at the El Paso Club, 201 E. Main, 18th Floor. Cost is \$14.00 per person. To make your reservations please contact Tammy Schoemer-Castillo at 533-4424.

### ■ El Paso Paralegal Association

■ The El Paso Paralegal Association will hold its next meeting on Thursday, February 15, 2007 at 12:00 noon at the El Paso Club, 201 E. Main. Cost is \$14.00 per person. Call Lynda Camacho, 546-8311 to make your reservations.

### ■ El Paso Women's Bar Association

■ Please join the El Paso Women's Bar Association on Thursday, February 1 for a presentation by the Fort Bliss JAG Office regarding the exciting changes coming up for the base. The meeting will be held at 12:00 Noon at Jaxon's, 4799 N. Mesa. Bring a friend! For more information, please contact Stephanie Townsend Allala at [stephanie@hammondlaw.net](mailto:stephanie@hammondlaw.net) or 534-7000.

### ■ El Paso Young Lawyers Association

■ The El Paso Young Lawyers Association will hold its next meeting on Thursday, February 8, 2007 at the Great American, 701 S. Mesa Hills Dr. at 12:00 noon, with the Board of Directors meeting at 11:30 a.m. Danny Razo will be speaking on the Pro Bono Project at Las Americas. The Happy Hour will be at Six Tapas & Grill, 2712 N. Mesa from 5:30 – 7:30 p.m. Come and learn about the law and community projects.

### ■ Federal Bar Association

■ The Federal Bar Association will hold its next Brown Bag Luncheon CLE on Thursday, February 15, 2007 at 12:00 noon at the Federal Courthouse.

### ■ El Paso Family Law Bar Association

■ The El Paso Family Law Bar Association and the Family Court Judges will be sponsoring the "Basic Training: Family Law and the Military Workshop" on Friday, February 23, 2007 from 8:00 a.m. – 5:00 p.m. in Commissioner's Courtroom. Contact Donald Williams, 564-5559, Douglas Smith, 593-6600 or Lyda Ness-Garcia, 351-2171 to register.

## KUDOS TO KEITH & MILLER

EPBA deeply appreciates the ongoing support of Keith & Miller, who graciously donated their services to videotape the 50-Year Lawyer ceremony at our January luncheon.

# SEMINARS

EL PASO BAR ASSOCIATION  
AND SBOT CONSUMER AND  
COMMERCIAL LAW SECTION  
Presents

## Consumer and Commercial Law Seminar

**Friday, March 23, 2007**

9:00 a.m. - 12:15 p.m.

8th Court of Appeals  
Courtroom, 12th Floor,  
El Paso County Courthouse.

**FREE**

FEATURED PRESENTATIONS:

**What's New with the DTPA –**  
Professor Richard Alderman,  
University of Houston School  
of Law

**Attacking Unfair  
Arbitration Clauses –**  
Steven C. James

Other speakers will include  
**Chad Baruch**, Section Chair

For additional information call  
Nancy at 532-7052  
or at [nancy@elpasobar.com](mailto:nancy@elpasobar.com)

LABOR LAW SECTION OF THE EL PASO BAR ASSOCIATION  
Presents

## Employment Law Seminar

**Tuesday, March 20, 2007, 1:00 p.m. - 3:00 p.m.**

8th Court of Appeals Courtroom, 12th Floor,  
El Paso County Courthouse

Approved for 2.0 hours of MCLE

**\$30** - Members of EPBA     **\$35** - Nonmembers

THE FOLLOWING IS THE SCHEDULED PROGRAM:

- 1:00 – 1:20** *Discussion of discrimination claims under Title VII, Chapter 21 of the Labor Code, and 42 USC §1981.*  
Elizabeth Ramirez-Washka, Scott Hulse.
- 1:20 – 1:40:** *Avoiding and Compelling Arbitration.*  
Walker Crowson, Crowson and Crowson.
- 1:40 – 2:00** *Injured employees. Handling claims under the ADA, Chapter 21, FMLA, and Chapter 451.*  
Robert Blumenfeld, Mendel Blumenfeld
- 2:00 – 2:20** *Mediating employment cases – Tips for a successful mediation.*  
Mark Dore, Mounce Green Myers.
- 2:20 – 2:40** *Litigating against governmental entities.*  
Anna Perez, El Paso County Attorney's Office.
- 2:40 – 3:00** *Panel Discussion – Retaliation cases after Burlington Northern v. White.*  
Enrique Moreno, Law Office of Enrique Moreno;  
and Rosemary Marin, Scott Hulse.

Send your checks to El Paso Bar Association, 500 E. San Antonio, Room L-115,  
El Paso, Texas 79901.

For additional information call Nancy at 532-7052  
or at [nancy@elpasobar.com](mailto:nancy@elpasobar.com)

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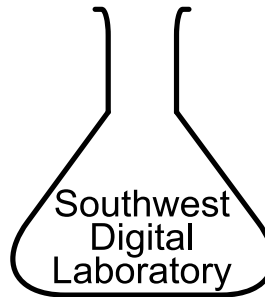
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## New Family Associate Court Judge Named

Families and the legal community will have an additional resource beginning February 2007. A new associate court, assigned to the 383<sup>rd</sup> District Court, will hear cases from all three family courts including the 65<sup>th</sup>, 383<sup>rd</sup> and 388<sup>th</sup> hearing divorce, parent-child and family violence cases. The court was created by the El Paso County Commissioners' Court in December 2006 in recognition of the growing need for services to families; relieving scheduling delays in family law matters and providing the El Paso community with greater access to the family law courts.

Jesus Rodriguez has been named to serve as the associate judge of the newest family law court. Judge Rodriguez will leave the County Attorney's office, where he has served in various positions over the past 8 years, most recently as Trial Team Chief supervising the Family Violence protective order and enforcement unit. Prior to his employment as an assistant County Attorney, he was a trial attorney with El Paso Legal Society, now known as Texas RioGrande Legal Aid. A native El Pasoan and the son of Pablo and Josefina Rodriguez, he is a graduate of Bel Air High School, McMurry College and Texas Tech School of Law. Licensed since 1991, he and his wife, Eva, have four sons, Jose, Cristobal, Nicholas and Diego.

Judge Rodriguez will be sworn into office on Friday, February 9, 2007 at 3:00 p.m. in the 383<sup>rd</sup> District Courtroom, 11<sup>th</sup> Floor, El Paso County Courthouse, 500 East San Antonio, El Paso, Texas. The El Paso Family Bar Association will host a reception in his honor immediately following the investiture ceremony in the 11th floor lobby area.

## CLASSIFIEDS

**For Sale:** Conference style wood desk with credenza; high back leather chair; (2) leather guest chairs; 2-drawer wood veneer lateral file; 2-drawer cherry laminate lateral file; 3-drawer horizontal file; 2 wood chairs; Lanier scanner; other miscellaneous items. Call Linda @ 833-4021, ext 170.

### Night Magistrate – Part Time (Appointed)

**MINIMUM QUALIFICATIONS:** Be a licensed attorney in good standing with two (2) years of experience in the practice of criminal law in Texas.

**COMPENSATION:** As established by resolution of City Council. Interested individuals should send a complete resume to: Ana I Sanchez, Human Resources Department, City

of El Paso, 2 Civic Center Plaza, 3rd floor El Paso, TX 79901-1196 or Fax to 915-541-4220, email address: [sanchezAI@elpasotexas.gov](mailto:sanchezAI@elpasotexas.gov). Please see our website for further details: [www.elpasotexas.gov](http://www.elpasotexas.gov).

### Job Opportunity:

Notice to attorneys wanting to apply for a Judge Advocate position with the U.S. Army Reserve unit serving the El Paso, TX, Las Cruces, NM area. Eligible candidates may qualify for \$10,000, 6 year term, sign up bonus. State bar license required. Those interested visit the website, <http://www.jagcnet.army.mil/JARO> and the Application forms link, or contact LTC Jeffrey J. Tasher, 503th GSU, Ft. Bliss, TX (915) 568-6587 or [TasherJ@bliss.army.mil](mailto:TasherJ@bliss.army.mil)

## Las Americas Immigration Pro-Bono Program CLE

**Location:** 1500 Yandell,  
El Paso, Texas, 79902

**Date:** Friday, March 2, 2007

**Time:** 9:00 a.m. till 4:00 p.m.

Free CLE & Lunch

For more information contact Danny Razo at  
915/881-7177 or [dannyrazo@gmail.com](mailto:dannyrazo@gmail.com).



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February 9 &amp; 10, 2007, Paris Hotel &amp; Casino, Las Vegas, Nevada\*\*

Approved by the State Bar of Texas &amp; State Bar of Nevada. 10.25 hours of MCLE/1.5 hours of Ethics

Judge Robert Anchondo, *Moderator*, Bruce Koehler, *Course Director**Join us for a Weekend of Fun & Education***Schedule****Friday, February 9, 2007**

- 10:00 – 10:15 a.m. **Welcome and Introductions**
- 10:15 – 11:00 a.m. **Arbitration Agreements in Texas: History and Enforceability**  
Milton Colia, Kemp Smith (Tab A)
- 11:00 – 11:40 a.m. **The Role of Judge & Jury: What Reasonable Jurors Can Believe**  
The Honorable Scott Brister, Supreme Court of Texas, Place 9 (Tab B)
- 11:40 – 12:30 p.m. **Immigration Issues All Civil Trial Attorneys Need to Know**  
Carlos Spector (Tab C)
- 12:30 – 1:30 p.m. **Lunch on your own**
- 1:30 – 1:50 p.m. **Electronic Discovery Issues**  
Roger Miller, Keith & Miller Court Reporters/Altep, Inc. (Tab D)
- 1:50 – 2:20 p.m. **Cross-Border Litigation**  
Professor Jose Reyes Ferriz, Universidad Autonoma de Ciudad Juarez (Tab E)
- 2:20 – 3:00 p.m. **United States Supreme Court Update**  
The Honorable Kathleen Cardone, United States District Judge (Tab F)
- 3:00 – 3:20 p.m. **Afternoon Break**
- 3:20 – 3:50 p.m. **Working with In-House Counsel –**  
Gary Sanders, General Counsel, El Paso Electric Company (Tab G)
- 3:50 – 4:40 p.m. **Consumer Law Update –**  
Professor Richard M. Alderman, University of Houston Law Center (Tab H)
- 4:40 – 5:30 p.m. **How Civil Attorneys Can Assist Crime Victims**  
Jaime Esparza, District Attorney, 34<sup>th</sup> Judicial District (Tab I)
- 5:30 – 6:30 p.m. **Reception sponsored by Ruben E. Guerra Co.**

**Saturday, February 10, 2007**

- 7:30 – 8:30 a.m. **Breakfast**
- 8:30 – 9:00 a.m. **Medical Malpractice**  
Michael Volk, Volk, Poulos & Coates (Tab J)
- 9:00 – 9:45 a.m. **Employment Law Update**  
Francisco X. Dominguez (Tab K)
- 9:45 – 10:30 a.m. **Jury Selection**  
George Andritsos, Law Firm of George Andritsos and Kurt Paxson, Mounce, Green, Myers, Safi & Galatzan, P.C. (Tab L)
- 10:30 – 10:45 a.m. **Morning Break**
- 10:45 – 11:30 a.m. **Using and Striking Expert Witnesses**  
Joseph Hood, Scott Hulse, Marshall, Feuille, Finger & Thurmond, P.C. (Tab M)
- 11:30 – 12:00 noon **“Texas Supreme Court Update”**  
Steven L. Hughes, Mounce, Green, Myers, Safi & Galatzan, P.C. (Tab N)
- 12:00 – 12:30 p.m. **Automobile Collision Litigation**  
Stace Williams, The Law
- 12:30 – 1:00 p.m. **Playing Well With Others: Simple Professional Courtesy**  
The Honorable Ann, McClure, 8th Court of Appeals (Tab P)

▶ Door prizes will be given throughout the Seminar

Course Materials will be provided to all attendees

\*Seminar will be held in the Versailles Room, Paris Conference Center

\$250.00 – Members of EPBA ~ \$275.00 – Non-Members

\$200.00 – Legal Assistants/Paralegals

▶ We will have a golf outing on Thursday, February 8th. We will be playing at the Royal Links course, cost will be \$135. If you are interested in playing please call Judge Dick Alcalá @ 915/204-3807 or Chris Anteliff @ 915/532-1150

▶ We are planning a dinner on Thursday, February 8th for all attendees who will be in Las Vegas. If you would like to join the Executive Committee of the El Paso Bar Association, please call Nancy Gallego @ 915/532-7052 or nancy@elpasobar.com

▶ \*\* Make your reservations directly to the Paris Hotel &amp; Casino at (800) 634-3434 and give them our meeting code, SPEPB7 to get a special room rate (single/double) occupancy. There is a two (2) night minimum stay.

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Thomas Highsmith

**Speakers include:**

*Professor Richard Alderman*, University of Houston  
*Justice Scott Brister*, Supreme Court of Texas, Place 9  
*Judge Kathleen Cardone*, U.S. District Judge  
*Justice Ann McClure*, 8<sup>th</sup> Court of Appeals  
*Jose Reyes Ferriz* of Universidad Autonoma  
de Ciudad Juarez  
*Gary Sanders* of El Paso Electric  
*Jaime Esparza*, El Paso County District Attorney

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to download our registration form.

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