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The Bar Bulletin

A Monthly Update of Events and Information,

March 2007



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Karen McKay and Scott Jensen***

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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

Last month, I wrote about self-reflection, and in many ways, that article dovetails with this one. Pondering our behavior, attitudes and priorities is one thing; controlling them is something altogether different.

Litigators have a tendency to be possessed of a strong ego. There may be a desire to strut, puff up one's accomplishments and skills, or even suggest a unique or special relationship with one of the judges. Resist the temptation. If you're so good, and the case is worth so much money, and you know the judges by their first names, how come you didn't win?



It's also important to set a good example for your client. Don't make disparaging comments about the judge, opposing counsel, or your client's trial counsel. To suggest that the judge is on the take, or that the judge is stupid, or that the other lawyer is known for offering bribes, only serves to discredit our system of justice. The clients already imagined these scenarios anyway. Here are a few tips.

- *Don't make personal attacks on lawyers, litigants, or judges*
- *Don't accuse opponents of lying unless you can prove it. Perhaps they are merely mistaken*
- *Don't oppose routine motions for extensions of time, motions for leave to exceed the page limitations, or motions for leave to file post-submission briefs*
- *Don't distract the court during your opponent's presentation*
- *Don't argue outside the record*
- *Don't misrepresent the law or the facts*
- *Don't take "pot shots" at prior court rulings*
- *Don't engage in sarcastic, vitriolic, histrionic or emotional arguments*
- *Don't make frivolous requests for sanctions*
- *Practice vent and toss*

Perhaps this last one needs some explanation. It is only human nature to be upset when you lose. Depending on the personal investment one has in the case, "upset" can become "outrage". It's never a good idea to whip out a motion for new trial or a motion for rehearing in this frame of mind.

Continued on page 4

EL PASO BAR ASSOCIATION
March Bar Luncheon

Tuesday, March 13, 2007

El Paso Club 201 E. Main, 18th Floor, Chase Bank

\$14 per person 12:00 Noon

*Guest speakers will be Special Agents,
 Karen McKay and Scott Jensen of the FBI.*

They will give a presentation on "Cyber Crimes"

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**Please make your reservations by Monday, March 12, 2007 at noon by calling
 Nancy at 532-7052 or via email at nancy@elpaso.com**

"S" Is For Self-Reflection

Write it to vent if you must, but put it away for a day or two until you have cooled off. You will likely want to toss it and start over. Here are a few examples of attorneys who did not allow cooler heads to prevail and the price they had to pay. The first arises from the San Antonio Court's reaction to a plaintiff's motion for rehearing.

"Specifically, Maloney asserts in the motion that "[p]olitics should not win the day over incapacitated rape victims," and "Plaintiffs can think of no reason for this opinion other than politics." Maloney further contends that "[i]t must be embarrassing to take such

a pro-rapist, pro-big-insurance-defense-firm position with so appallingly non-existent legal or logical basis," and "[the] Court should admit it is writing new law to assist the insurance companies of a sleazy nursing home that happen to be represented by an insurance defense firm." Finally, Maloney describes the court's reasoning as "specious" and states that the court "goes on to make some rather outlandish representations which are not supported by the record, the transcript, or by any matter before the court."

In re Maloney, 949 S.W.2d 385, 386 (Tex.App.—San Antonio 1997, orig.

proceeding). The appellate court issued an order directing Maloney to show cause why the court should not sanction and refer her to the grievance committee. Drawing a distinction between respectful advocacy and judicial denigration, the court found the former to be a protected voice while the latter can only be condoned at the expense of public confidence in the judicial system. Recognizing that a judge who receives information clearly establishing that a lawyer has violated the Texas Rules of Professional Conduct should take appropriate action, the court referred Maloney to the Office of the General

CALENDAR OF EVENTS

MARCH, 2007



Thursday, March 1
WBA Monthly Meeting

Friday, March 2
Las Americas Immigration CLE

Tuesday, March 6
EPCLSA "Bosses Luncheon"

Tuesday, March 6
EPBA Board Meeting

Thursday, March 8
EPYLA Monthly Luncheon

Tuesday, March 13
EPBA Monthly Luncheon

Thursday, March 15
EPPA Monthly Meeting

Thursday, March 15
FBA Brown Bag Luncheon

Friday, March 16 -
EPYLA St. Patrick's Day Potluck Party

Thursday, March 22
Labor & Employment Law Seminar

Friday, March 23
Consumer Law Seminar

Friday, March 30
Cesar Chavez Day, EPBA Closed

April, 2007

Friday, April 27
EPYLA Law Day Golf Tournament

Saturday, April 28
Law Dinner & Awards Banquet

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 April, 2007, please have the information to the Bar Association office by Friday, March 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@elpaso.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.

Counsel for the State Bar of Texas.

Attacks upon the judiciary violate the rule requiring counsel to "demonstrate respect for the legal system and those who serve it, including judges . . ." *Johnson v. Johnson*, 948 S.W.2d 835 (Tex.App.—San Antonio 1997, writ denied). The attorney in Johnson attacked not the appellate court but the trial judge: "The trial court's pathetic determination to 'take from the rich and give to the poor,' regarding the entire Record of the matter of [Mr. Johnson's] separate property, is a classic example of disregard for the law and the facts, by a man incompe-

tent to comprehend the case at hand." 948 S.W.2d at 840, n. 1. The appellate court was not amused. It referred the lawyer to the grievance committee and imposed sanctions of \$500. It then vindicated the trial judge – a senior judge sitting by assignment who had served as a trial judge for four years, a justice of the court of appeals for fifteen years (the last ten years as chief justice), a justice of the Texas Supreme Court for eight years and the Dean of Baylor School of Law for eight years.

The Supreme Court took it a bit further. *Merrell Dow Pharmaceuticals v. Havner*, 953 S.W.2d 706, 732 (Tex.

1997). After learning of the adverse ruling, the plaintiffs' counsel fired off a vitriolic motion for rehearing. The Supreme Court responded by issuing notice to counsel of their opportunity to respond as to why the court should not refer each of them to the appropriate disciplinary authorities; impose monetary sanctions; and prohibit one of the attorneys from practicing in any Texas courts. Ouch! The moral of the story? Sometimes we are our own worst enemy.

ANN McCLURE
President

The power of self-control

By JUDGE OSCAR G. GABALDÓN JR.

“Self-respect is the root of discipline: The sense of dignity grows with the ability to say no to oneself.” One can have no true self-respect without self-control. The two virtues are intertwined in an eternal embrace. Fleeing the temptations that life brings our way does not necessarily do away with the temptations. In fact, Lane Olinghouse mentions that: “Those who flee temptation generally leave a forwarding address.” By this statement, Olinghouse recognizes that temptations are part of everyday living, and running away from them does not guarantee that we will be free of them. There are times when we must stop and confront temptations with self-control. Perhaps the temptation may be to treat someone unfairly in a business transaction, or to place others in a bad light, or maybe to treasure the world of money-making and material goods more than the love of family. Whatever the temptation may be, we have the power of self-control to be able to effectively and successfully triumph over the temptation. Factored in the equation of temptation versus self-control is the power of the mind.

“It is a man’s own mind, not his enemy or foe, that lures him to evil ways,” according to the philosophy of Buddha. The power of the mind is sometimes taken for granted or underrated by some. One must never underestimate the mind as a formidable tool in helping to bring about self-control. The mind, coupled with free will, is a force to be reckoned with. The ability to reason and to make choices can serve one well or, if misused, can be one’s undoing. In her literary work, *The Passions*, published in 1811, Charlotte Dacre makes reference to the power of the disciplined mind. She states: “There is no allurements or enticement, actual or imaginary, which a well-disciplined mind may not surmount.”

In essence, therefore, “Self control is the exertion of one’s own will on their personal self - their behaviors, actions, thought processes. Much of this comes from the perception of self and the ability to set up boundaries for that self.” Thus,



The pursuit of self-control should not be regarded as a negative, limiting behavior. On the contrary, the reality is that the judicious use of self-control is an excellent means for achieving

the ability to effectively self-regulate or control one’s impulses is largely dependent on will power. Ultimately, it is will power that brings about self-control. The pursuit of self-control should not be regarded as a negative, limiting behavior. On the contrary, the reality is that the judicious use of self-control is an excellent means for achieving self-improvement and for attaining success.

Studies show that the benefits of mastering self-control are many. Overall, self-control provides one with a sense of personal mastery over one’s life. Compulsive behaviors or behaviors that are destructive, addictive, or otherwise extreme, can be kept in check through self-control. Feelings of hopelessness or of not being in charge of one’s life can be eliminated and replaced with a sense of independence and confidence. When one exercises self-control wisely, one is better able to become trustworthy and responsible. Certain moods, negative feelings, and undesirable thoughts can be more effectively handled with self-control.

It is advisable that one of the first tasks to

take on, when wanting to develop self-control, is to identify the areas that you want to have more self-control over. There should also be an exploration of those thoughts and emotions that may contribute to one’s uncontrolled conduct. Moreover, it must also be kept in mind that improving one’s self-control calls for the strengthening of will power and the active practice of those behaviors that support the development and strengthening of self-control. Making such efforts will pay off a thousand-fold, over and over.

“The best day of your life is the one on which you decide your life is your own. No apologies or excuses. No one to lean on, rely on, or blame. The gift is yours – it is an amazing journey – and you alone are responsible for the quality of it. This is the day your life really begins.”

1. Abraham Joshua Heschel. *The Insecurity of Freedom: Essays on Human Existence*, 1967.

2 “Self control.” Wikipedia. 30 Jan. 2007
http://en.wikipedia.org/wiki/self_control

3 Quote from Bob Moawad.

Basic Mediation Training

Monday, March 19 –
 Thursday March 22, 8 a.m. to 6 p.m.
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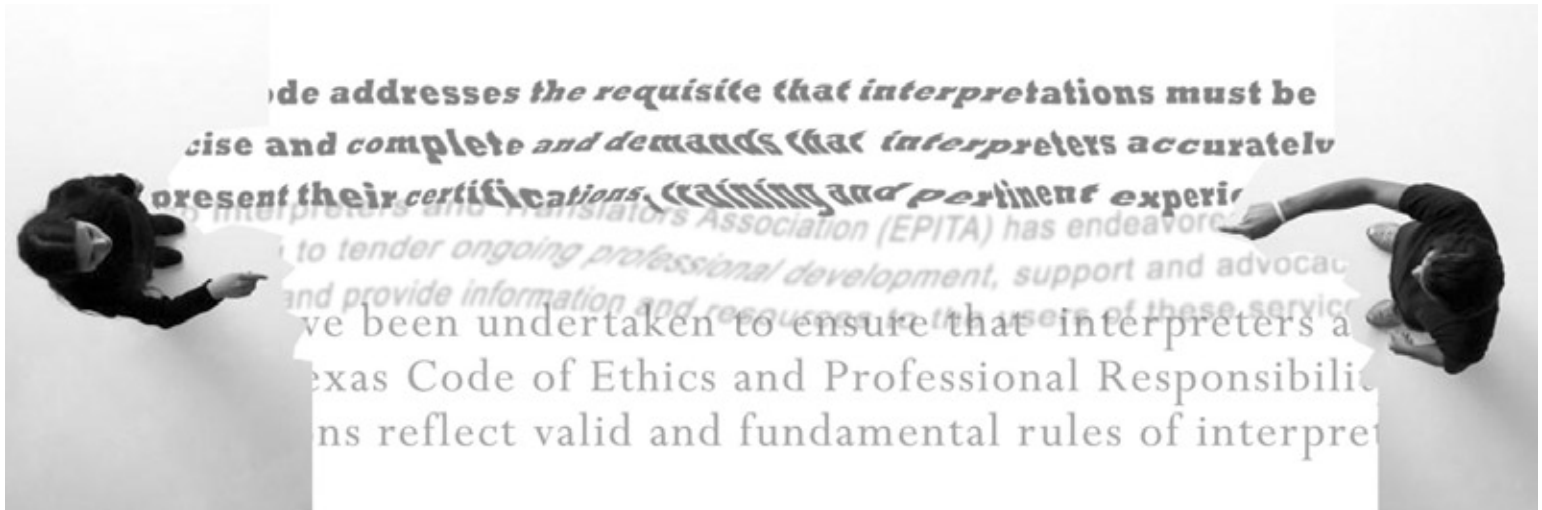
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The Pitfalls of Feckless Interpretations

BY RAFAELA G. GRAFFOS
US Courts Certified Interpreter

From the witness stand, the defendant struggles to speak through an interpreter. He explains that a divorce, a dire financial situation and chronic medical problems had drained his self-esteem and the ensuing low morale had impaired his ability to make decisions. The interpreter, in turn, also struggles. He struggles to keep up, struggles with the vocabulary, and struggles with the realization that this assignment is beyond his capabilities. In the end, 'low morale' is rendered for the judge and the jury as 'low morals'.

This is not an isolated situation. In 2001, Santos Pagoada had his murder conviction and 40-year sentence thrown out because the court-appointed interpreters failed to perform their duties (*Santos Adonay Pagoada v. Commonwealth of Kentucky, 2001*). He was later retried and convicted. In 2003, Jose Antonio Orazco Sanchez was retried and acquitted of murder charges (*Commonwealth of Kentucky v. Jose Antonio Orazco Sanchez A/K/A Salvador Orisco Sanchez, 2002*). This was the upshot of a bungled interpretation of his Miranda Rights. In 2004, in an article on translation (*Daytona Beach News-Journalonline.com, January 12, 2006*) Patricio G. Balona reported that Juan Ramon Alfonso thought he had pled guilty to stealing a

Daily, individuals enter this profession with minimal credentials, insufficient command of one or both languages and little, if any, understanding of the duties and responsibilities of an interpreter or translator.

toolbox. Instead, he was sentenced to 15 years in prison for stealing a dump truck valued at \$125,000. The judge threw out his plea after a Certified Federal Court Interpreter, after reviewing transcripts and tapes, ascertained the interpretation was faulty.

These cases underscore the damaging and costly aftermaths of feckless interpretations.

What is the reason for this miasma of substandard interpretations?

First and foremost, the pervasive belief that anyone who is bilingual is capable of interpreting or translating in matters of critical importance: an individual's freedom, his health, his livelihood. Daily, individuals enter this profession with minimal credentials,

insufficient command of one or both languages and little, if any, understanding of the duties and responsibilities of an interpreter or translator. They remain in the profession because they are able to find contractors who employ them and give more weight to their availability and amenity than to their certification and proficiency.

The El Paso Interpreters and Translators Association (EPITA) has endeavored to address this issue by striving to tender ongoing professional development, support and advocacy to the membership and provide information and resources to the users of these services. Efforts have been undertaken to ensure that interpreters are cognizant of The Texas Code of Ethics and Professional Responsibility, whose Canons reflect valid and fundamental rules of interpreting. This Code addresses the requisite that interpretations must be precise and complete and demands that interpreters accurately represent their certifications, training and pertinent experience. The Code speaks to the issues of professional demeanor and confidentiality and its final Canon highlights the need for continuing professional development. The last is critical to ensure that the pool of interpreters and translators consists of individuals able to interpret and translate fully and correctly for non-English speakers.

County Attorney Partners With Better Business Bureau

This article focuses primarily on the relationship forged between the County Attorney and the Better Business Bureau to arbitrate disputed matters in criminal cases.

■ BY CLINTON CROSS

The County Attorney, the Texas Attorney General, and other local agencies are working together with El Paso Better Business Bureau to identify and resolve consumer problems. The arbitration process is available in both civil and criminal cases. This article focuses primarily on the relationship forged between the County Attorney and the Better Business Bureau to arbitrate disputed matters in criminal cases. Although use of arbitration in criminal cases is not new, its application in El Paso is a recent development.

In El Paso, many home improvement contractors and landscapers sell their services and require payment in advance. After being paid, the seller has a duty to perform or return the money. When the seller fails to do so, the County Attorney (representing the creditor/consumer interest) frequently alleges that a crime has been committed. See Article 32.42, Texas Penal Code.

In many cases, the seller has performed some work, although the amount and value of the work performed is disputed, and plea bargaining over the amount of restitution to be paid becomes an issue. In first offender cases, this can frequently be resolved by an agreement to arbitrate the claim by the Better Business Bureau

The benefits for the defendant are as follows:

1) In arbitrating the dispute, the



defendant does not risk a criminal conviction;

2) The State will dismiss if the arbitrator finds there was no basis for the complaint;

3) Arbitration also provides finality to possible civil claims;

4) The defendant avoids paying attorney's fees incident to a trial.

The benefits for the State are as follows:

1) The arbitrator can and usually does spend more time rationally evaluating the claim than can be spent in court;

2) The prosecutor's time, court's time, and the taxpayer's money is not spent on resolving disputes that can be "outsourced" to an alternative dispute resolution process (the defendant bears the cost of arbitration, at this time \$385.00).

The Better Business Bureau is partnering with the County

Attorney and other law enforcement agencies in other ways. For instance, the County Attorney, the State Attorney General, the City Building Inspector's Office, and other meet monthly to identify consumer concerns, and try to craft responsible answers to shared problems.

The Better Business Bureau sponsors an annual fundraising luncheon. This year the luncheon features a presentation by Bill Rancic (TV personality and author), and will be held on February 28, 2007 at Centennial Club at Biggs Field. Tickets cost \$50.00 per person for members and \$75.00 for non-members, or \$500.00 for a table of ten.

For more information about the arbitration process or to order tickets to the luncheon, contact the El Paso Better Business Bureau at 577-0195.

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SPOTLIGHT SERIES

JOHN GROST

■ BY STEPHANIE TOWNSEND ALLALA.

Often, parents (and more often, grandparents, with a dotting smile) express the desire for their children to grow up and be doctors or lawyers. John Grost must have been listening, and decided to double his parents' pleasure. Not only is he a doctor and a lawyer, he is becoming well known as an expert and author in coin collecting, and is in his fifth year as president of the El Paso International Coin Club.

Grost, who grew up in Lansing, Mich., went to medical school at Wayne State University in Detroit in 1970. He served in the Navy – “I was hoping for a beach assignment,” he says – and did a brief stint at White Sands Missile Range before heading back to Michigan. He soon found himself back in El Paso, as the emergency room doctor at what was then known as Eastwood Hospital, now Del Sol, in 1974.

As if being the first career emergency physician in El Paso were not enough, he took on the challenge of law school. He enrolled at Texas Tech, working weekends in emergency rooms, studying furiously between being on-call.

“I’m not sure why I went to law school. Some sort of drive,” Grost says. “The original intent probably was to do medical (insurance) defense.”

He graduated from law school in 1980, and practiced both law and medicine for 10 years. For a time, juggling both careers, donning his white coat for the emergency, and switching to his suit coat for the court, he was comfortable with the duality. But then he found himself having to

depose his ER colleagues, and became less comfortable with the situation. “I wasn’t doing either well,” Grost said. “Emergency doctors burn out in 10 years. It was wearing me down.”

“I had a couple of cases involving hospitals before I left emergency medicine. I am very selective about what I take -- cases that are obvious negligence. They all settled fairly easily,” Grost says.

Finally, he chose lawyering over doctoring. Grost worked as an associate for a year at Dudley and Dudley law firm, then set out on his own to focus on personal injury.

The conflicting roles of doctor and lawyer also gave Grost insights and expertise rarely found in a practicing lawyer. He became more compassionate toward both sides.

He also found a healthy way to relieve stress when, in 1976,

he started collecting coins.

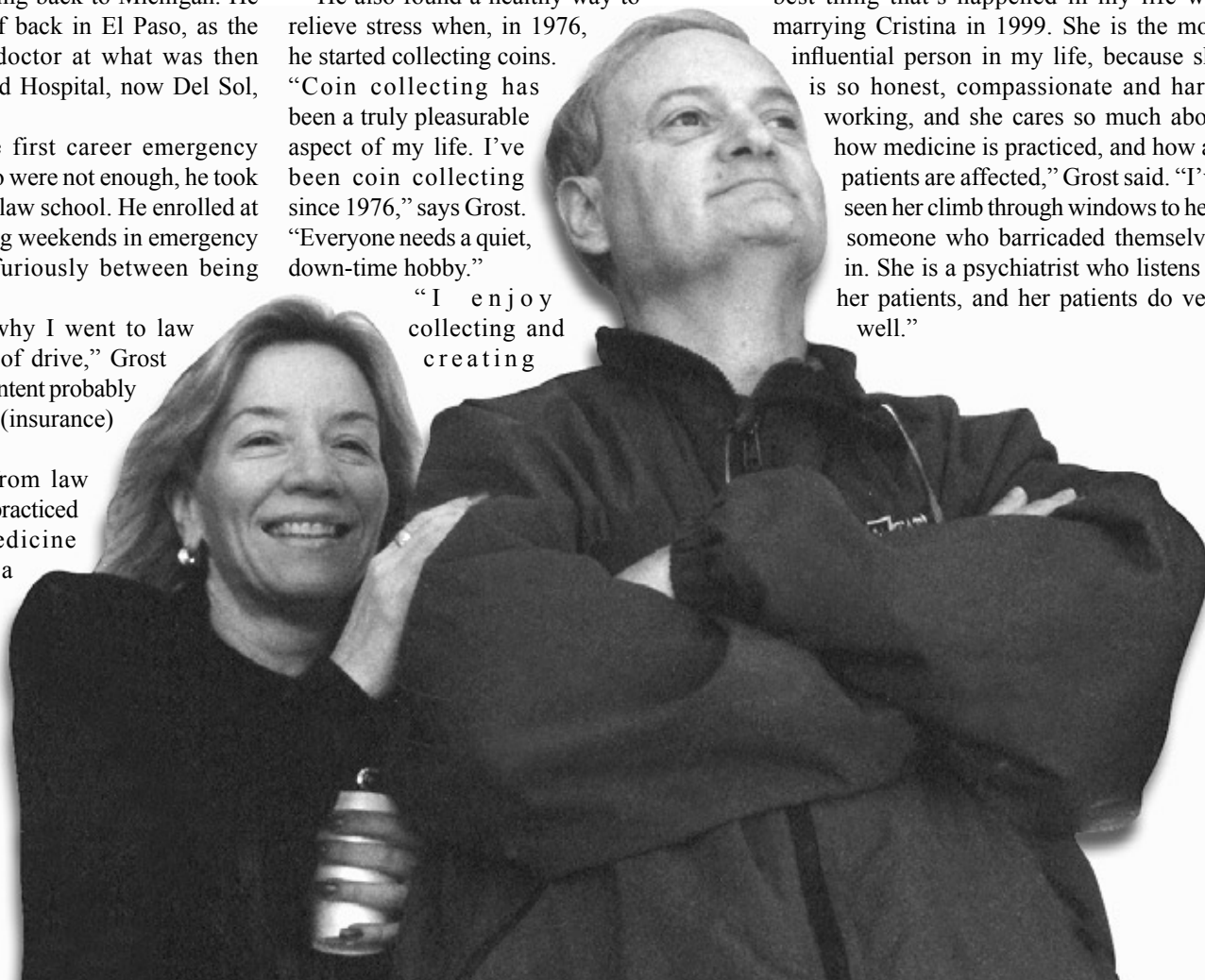
“Coin collecting has been a truly pleasurable aspect of my life. I’ve been coin collecting since 1976,” says Grost. “Everyone needs a quiet, down-time hobby.”

“I enjoy collecting and creating

exhibits of my collections. I take my exhibits around the country to exhibit. It’s very educational,” Grost says. “If you’re interested in history, coins can teach an awful lot. Like Mexican revolutionary coins, you learn a lot about Mexico. Get your kids into collecting coins of the world, like their birth year. A lot of geography and history can be learned.”

In fact, he wrote a book about “Leprosy Coins,” minted by the U.S. for use in the Philippines. “There were special coins made for people with leprosy at turn of century,” says Grost, whose book on the subject is titled “Numismatic Aspects of Leprosy.” The book won an award from the Numismatic Literacy Guild in 1994.

Whom does he admire? His wife, El Paso psychiatrist Dr. Cristina Cruz-Grost. “The best thing that’s happened in my life was marrying Cristina in 1999. She is the most influential person in my life, because she is so honest, compassionate and hard-working, and she cares so much about how medicine is practiced, and how all patients are affected,” Grost said. “I’ve seen her climb through windows to help someone who barricaded themselves in. She is a psychiatrist who listens to her patients, and her patients do very well.”





REMEMBERING SCOTT SEGALL

■ BY CAROLE POWELL AND BRUCE PONDER

The door to Scott Segall's office was always wide open. His office, agreeably messy, would invariably be cluttered with files, personal effects and bulletin boards. To the left you'd see a broken hat rack leaning precariously between the file cabinet and Scott's desk, with a big, old worn out sports coat hanging on it. Two trophies hung on the walls: a zebra and a giraffe (stuffed animals, really—a gentle jibe at Peter Bright's real big game trophies in the office down the hall); and a shiny award trophy hidden inside the top part of the file cabinet, naming Scott Segall El Gran Chingon of 2002. Working in front of the computer screen, or maybe reading an impossibly long transcript would sit a big man, very serious-looking, with sandy brown hair and an olive complexion. Scott worked assiduously, not turning away from his work until someone walked in and asked him something. But Scott always had enough time to listen, even if he was very busy. This bears repeating. He always stopped to listen, and when he gave his advice, he took the same care in his replies to our questions as with the great work he did by himself.

Now that Scott's gone, it is impossible to capture him. He was a bear of a man, yet surprisingly graceful. His voice was deep, his expression generally serious, his speech a little ponderous, or even philosophical. In contrast to the solemn attention he gave to our legal

Here is a little self-portrait, written to a list serve on January 10, 2006:

*When I was 14... I came to the following conclusion:
life is what you make of it.*

*if you want to have meaning, help people,
(which is when I decided to become a lawyer).*

*If you want to have no
meaning, be a drunk.*

today I turned 58, and have been a lawyer 31 years.

*Seven people were not put to death because of my work.
should I die today, I would be pissed*

*as I plan to have another 58 years of fun and meaningful life,
but I would die knowing that I have made a difference,
and that is good enough.*

*however, the underlying question is not purpose of life, it is how to
enjoy life. some of the answer is obvious, find a good woman,
(I have, it was #2), find work that is satisfying,
and find a passion.*

now for the real secret: exercise.

*the human animal needs physical work to elevate the serotonin, and
other brain chemicals, and for the rest of the parts need to be worked
for them to be healthy. ... I swim 2-3 times a week, (30 min.)*

*I ride a bike 30-100 miles a week, (great fun), and I tell you,
life is full of meaning, full of fun. give it a try, it's very
hard to start, but I am so happy that I have.*

SCOTT SEGALL

Continued on page 12

REMEMBERING SCOTT SEGALL *Continued from page 11*

questions, sometimes the smile of a 12 year old would emerge as he laughed at the inevitable jokes and humorous situations in our office. He laughed at himself regularly. He skydived, scuba dived, rode a racing bicycle, made movies, ate good food with gusto, drank good wine, and wrote the newspaper editor critical and funny letters using the nom de plume Yolie del Rio. He treasured his wife Julia and his family.

For all Scott's kindness, vitality and humor, no remembrance would be complete without declaring his highest attribute: he was a ferocious advocate. His fighting instincts were directed exclusively at benefiting his client. He did not care who was discomfited. While Scott rarely got angry, the recipient of his wrath might wish to take shelter, for an angry Scott Segall was a force of nature. His first move was to seek defenses for his client, examining with exquisite thoroughness the charging instrument and the facts. Even though he was brilliant and experienced, he invariably consulted the law. No matter whether it was a misdemeanor or a felony, he did this each time. This was one of his mitzvahs as our mentor.

Scott's skill as an advocate had one more dimension. He extended his human kindness to his clients. At the end of a contentious trial, Scott's young client was convicted of capital murder, about to receive an automatic life sentence. The man was stunned, speechless. Scott embraced him in his bear hug, and comforted him. He was a gentle soul.

He died enjoying life, having "great fun" bike riding with his sweet Julia on a warm El Paso winter day. Scott's family has lost the loving presence of a great father, grandfather, and husband. The Public Defender's office has lost one of its pillars. We have lost the floor and are not quite sure where to step. El Paso's criminal defense bar has lost one of its best friends, and an incomparable mentor—a lawyer's lawyer. It was not just public defenders who asked his counsel. Many distinguished members of the private bar, and judges did so as well. None of us could have appreciated the value of this man until he was gone.

But as long as we remember what he gave us—the friendship, advice, encouragement and inspiration—the door to his office is still open, and, for that we can only say, "Thank you, Scott."

SCOTT'S WIT
AND WISDOM.

When I was a Baby DA in the Jail Magistrate Court just learning criminal law, Scott told me, "You know there are only three crimes—stupidity, meanness and greed, and by far most crimes are just plain stupid." After 15 years of criminal practice as a prosecutor and defense attorney. He was absolutely right.

Sib Abraham, who as we all know practices mostly in Federal Court, called me one day to ask a question about State Court procedure. I told him what I thought the answer was and then told him, "Let me do some research and I'll call you back." Sib said, "No no, don't go to any trouble." I told him, "Sib, I'm going to go next door and ask Scott. I'll call you back in 10 minutes." I've been spoiled. Now I'm going to have to go back to really looking things up. For that, and many other reasons, I'll miss Scott.

Whenever I went to Scott with a question, to discuss trial strategy or just to talk, he always had time. He never said, "I'm busy, go away" even if he was or may have wished I would.



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and Child Protective Services.

SENIOR LAWYER INTERVIEW

■ by Clinton Cross

MARIO MARTINEZ

Mario, let's start with your parents. Tell me a little bit about them.

MARTINEZ: My parents were Catalina Martinez and Miguel M. Martinez. My mother was born in the Republic of Mexico in 1899, and was a strong willed person. She had the equivalent of an eighth grade education in Mexico. My father, also very strong willed, left school in the sixth grade year when his father passed away. At an early age my father started to work to support his mother and a younger brother.

My mother was never employed outside of the house. My father became a bailiff in what is now County Court at Law Number One, when it was established in the early 1930's, and worked there until 1965. Both my parents encouraged their children to go to school. Perhaps as a result, we collectively obtained nine college or university degrees.

CROSS: Where did you end up going to school?

MARTINEZ: I attended El Paso High School, graduating in 1953. I went on to Texas Western College, graduating in 1957.

I entered the United States Army in 1957, rose to rank of Captain, in the Field Artillery, and was discharged in 1959.

In 1960, I enrolled in the University Texas School of Law and graduated in 1963, the year I was licensed to practice law.

CROSS: Your family?

MARTINEZ: I married my wife Mabel in 1959, and we have six children, all of whom live in El Paso, and who are successful as they are self sustaining. We have eight grand-children, the eldest just having graduated summa cum laude from the University of Arizona. The next in line, a

This month I interviewed Mario Martinez, a lawyer who has contributed a great deal of time to Bar activities.



grandson, is serving with the 1st Cavalry in Iraq. All of us in the family are most proud of him. There is a strong history of the males in my family serving in the military in time of war and peace.

CROSS: What about your legal career?

MARTINEZ: In 1963, I returned to El Paso, clerked for Chief Justice Jim Langdon of the El Paso Court of Appeals. I then went into private practice with Malcolm McGregor and Norman Rosen. In 1965 I was appointed an Assistant United States Attorney for the Western District, serving with Harry Lee Hudspeth and Jaime Boyd. In 1967, I was appointed United States Commissioner, a position I held until the Commissioner system was replaced by the United State Magistrate system. I served as United States Magistrate until 1973. Thereafter, I have devoted all my time to my private law practice.

CROSS: Tell me about your law practice.

MARTINEZ: When I started my private practice, I did a great deal of criminal defense work, which took me from one end of the County to the other, and to many points in between.

Approximately twenty-five years ago, I began to concentrate on family law and probate practice. I'm still doing it.

CROSS: Any public service work along the way?

MARTINEZ: Since 1970. I have been active in serving on the State Bar Grievance Committee for El Paso County, serving as Chair from 1980 to 1982, and again from 1992 to 1995. From 1993 through 1996, I served on the Texas Disciplinary Rules of Professional Conduct Committee, which has the responsibility for the writing and updating of our Disciplinary Rules

of Professional Conduct.

Perhaps as a result of this experience, I ended up representing attorneys before the Grievance Committees in El Paso and out of El Paso. Additionally, I represented Judges before the Judicial Conduct Commission.

CROSS: Has this work changed you in any way?

MARTINEZ: Yes, it caused me to believe that the only time it is right to look down on person is when you reach down to give him or her a helping hand. I have an open door, or telephone, to any of our colleagues who want to ask for advice on how to avoid a grievance and/or defend against a grievance.

CROSS: Any other public service work?

MARTINEZ: In 1987 I was elected by El Paso County attorneys to serve as a member of the Board of Directors of the State Bar. At that time, El Paso County rotated the

Position of Bar director every three years with the Midland-Odessa area, which effectively left El Paso County without participation or a voice in State Bar matters.

With strong support from a Dallas attorney, who was one of my law school classmates, I was able to get the State Bar to agree to re-districting itself, providing El Paso County with a director position of its own, a position not shared with Midland-Odessa or any other county.

As a State Bar director, I realized that El Paso attorneys participated very little in State Bar activities and committee assignments. Having our own director, El Paso County attorneys are beginning to participate more actively in State

An attorney should treat his or her client with respect, create respect for the law in the client, and diligently represent that client within the bounds of the Disciplinary Rules statutes, and precedents.

Bar matters. This achievement—getting El Paso a position on the State Bar Board—is an achievement that I am very proud of.

CROSS: I am sometimes struck by how consistent our legal process has been over many generations. At the same time, culture does change. What have you observed?

MARTINEZ: In 1963, when I commenced to practice law, the number of attorneys in El Paso was approximately 125, including those in governmental employment. Fewer than 10% of the lawyers were Hispanic. I can only recall one woman attorney practicing in the community.

Today there are approximately 1100 attorneys

in El Paso. Approximately 40% of the lawyers in the County are Hispanic and/or female. The change in the demographics has increased the availability of legal services to more people in the County, which is in my mind is a good thing.

Also, today there are agencies, non-profit organizations, and law firms which provide legal representation for individuals which did not exist in 1963, again a good thing.

CROSS: Any advice for the young lawyers?

MARTINEZ: The practice of law is a profession. It must be treated by all members of the Bar as a profession, and not as a money making machine. The image of the Bar is tarnished by those who do not act as professionals.

An attorney should treat his or her client with respect, create respect for the law in the client, and diligently represent that client within the bounds of the Disciplinary Rules statutes, and precedents.

My joy is that I learned these principals from attorneys, Burgess Perenot, Wellington Chew, John Grambling, Albert Armendariz, Sr., John Langford, Jack Luscombe, Judge George Rodriguez, Sr., Judge Jack Ferguson, Judge Edwin Berliner, and many others—who it was my pleasure to know and litigate with, or against, or practice in their courts.

Instant Messaging - What Is Your Firm's Formal Policy?

BY DAVID J. FERRELL
djf@elpasolaw.com

INSTANT MESSAGING - Once considered inappropriate for business/legal communications and used mainly by younger lawyers/staff members to chat with friends, Instant Messaging, is gaining wider acceptance within corporations/law firms as a quick and efficient means of communicating with associates, co-workers and clients.

According to the 2006 Workplace Email, Instant

Messaging & Blog Survey co-sponsored by the American Management Association (AMA <http://www.amanet.org/>) and The ePolicy Institute, 35 percent of employees at 416 companies which were surveyed use Instant Messaging at work. And analyst house IDC (<http://www.idc.com/getdoc.jsp?containerId=PRF000455>) reported more than 28 million business users worldwide used enterprise instant messaging products to send nearly 1 billion messages each day in 2005.

The question is "are all of those Instant Messages sanctioned

by their law firms/companies?" Only 31 percent of the companies cited in the AMA/ePolicy Institute study had an official Instant Messaging policy in place. What would happen if in an Instant Messaging conversation with a client, a piece of highly prejudicial information was intercepted by opposing counsel or an interested prosecutor? What would happen if that information became an interesting tidbit on a BLOG (BLAWG in legal circles)?*

If we are using the Internet for communication, there is no question that we should have a

formal WRITTEN Internet policy including an Instant Messaging policy.

Here are some questions, observations, and suggestions:

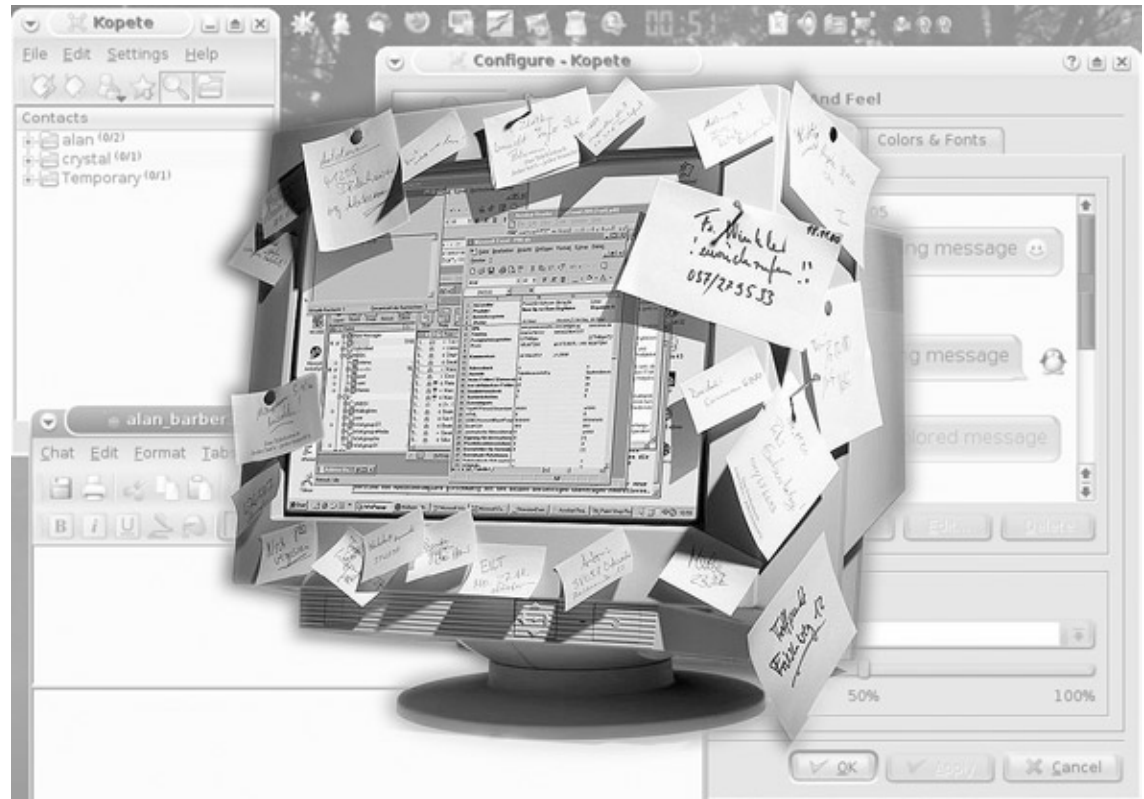
1. What is your current Internet/IM policy? Can all lawyers and employees who use law firm Internet enabled computers understand the sanctioned uses of Internet communication including Instant Messaging which include content guidelines as well as specific rules around both sending and receiving Instant Messages and attachments?

2. Properly used in intra-office situations, Instant Messaging is great for productivity. In many open-office environments Instant Messaging offers employees a chance to communicate without disturbing fellow co-workers or letting them in on the conversation. Nota bene read No. 3 below.

3. Understand that the messages sent/received may be reviewed. Just because they're instantaneous and we delete them quickly doesn't mean they can't be monitored by the law firm or archived by the recipient. So we all should refrain from including personal data, confidential information or any information we don't want repeated or published on a billboard on the freeway.

4. Be vigilant of viruses. Many Instant Messaging products are available to on the Internet free. If you download free Instant Messaging software, make sure your boss or IT department (if you have one) can enact the proper security measures so the law firm network is not at risk for viruses or breaches.

5. Avoid cutesy/profane Instant Messaging screen names at work. Remember to always maintain a professional image. The law firm may want to assign screen names as part of its formal Instant Messaging policy. Clients and the managing partner don't want to be sending informative messages to IAMHOT.



6. Follow accepted Instant Messaging protocols. Microsoft cites 78 percent of Instant Messengers like the faster response they get from IM-ing versus email. So keep your messages brief.

7. If you need to send documents use regular email with attachment protocols and follow the law firm's policies in this area.

8. Keep personal and professional contacts separate. Maintain your "buddy lists" separate from your work contacts to ensure

neither receives inappropriate information. I would not even have a personal "buddy list" on my office computer, nor would I have a professional "contact list" at home.

9. Careful how you message. Ambiguity can be damaging! Also, as Yogi Berrera would say, "slander, gossip and other inappropriate communication is inappropriate." While the nature of Instant Messaging is casual and conversational, remember you are at work so keep the messages

appropriate.

10. Know what you're saying. Before you use an Instant Messaging abbreviation, make sure you really know what the letters stand for. To learn the lingo, search for "text abbreviations" or "IM abbreviations" online.

11. The Instant Messaging actions of an employee can jeopardize the attorney-client privilege and open up liability issues beyond the scope of this article; YOU KNOW WHAT I MEAN!

* Texas Disciplinary Rules of Professional Conduct (Tex. Disciplinary R. Prof. Conduct, (1989) reprinted in Tex. Govt Code Ann., tit. 2, subtit. G, app. (Vernon Supp. 1995)(State Bar Rules art X [[section]]9))

1.05 Confidentiality of Information

(a) Confidential information includes both privileged information and unprivileged client information. Privileged information refers to the information of a client protected by the lawyer-client privilege of Rule 5.03 of the Texas Rules of Evidence or of Rule 5.03 of the Texas Rules of Criminal Evidence or by the principles of attorney-client privilege governed by Rule 5.01 of the Federal Rules of Evidence for United States Courts and Magistrates. Unprivileged client information means all information relating to a client or furnished by the client, other than privileged information, acquired by the lawyer during the course of or by reason of the representation of the client.

(b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e), and (f), a lawyer shall not knowingly:

(1) Reveal confidential information of a client or a former client to:

(i) a person that the client has instructed is not to receive the information; or

(ii) anyone else, other than the client, the clients representatives, or the members, associates, or employees of the lawyers law firm.

(2) Use confidential information of a client to the disadvantage of the client unless the client consents after consultations.

(3) Use confidential information of a former client to the disadvantage of the former client after the representation is concluded unless the former client consents after consultation or the confidential information has become generally known.

(4) Use privileged information of a client for the advantage of the lawyer or of a third person, unless the client consents after consultation.

El Paso Bar Preparing For Historical Celebration

■ BY CLINTON CROSS

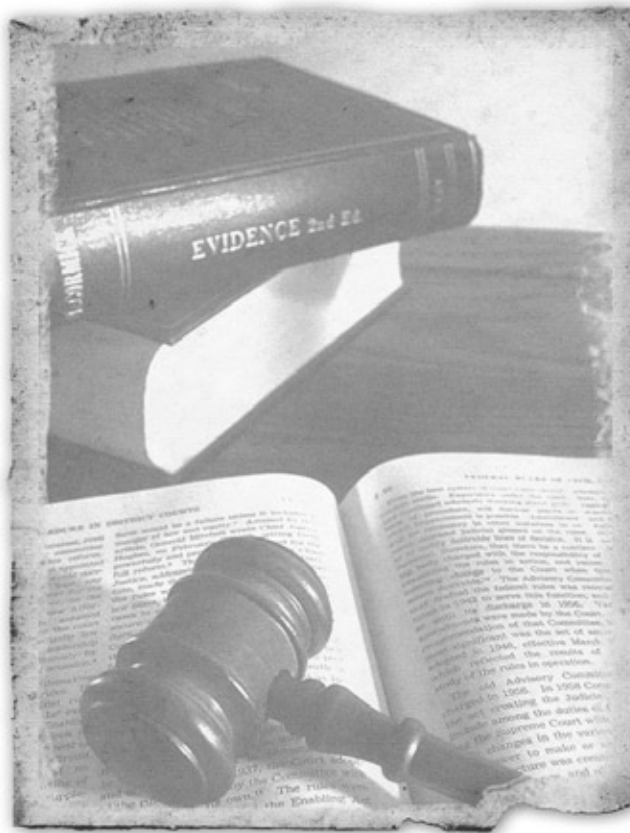
It has been said that when we lose touch with our past, we lose touch with our souls. As dispute resolution professionals, what do we know about our past? Next year the El Paso Bar will celebrate its one hundred and tenth year anniversary. With this in mind, we are beginning to research our legal history in order to present a series of articles examining how we got to where we are today.

Today we practice a form of English Common Law here in El Paso. How did that come to pass in “the Pass”? We know the outlines of the answer; we have many more questions. We do know some things about the development of the rule of law here in El Paso. In 1836 Anglo-American Texans rebelled against Mexico, and in their Declaration of Independence, they cited as one grievance the failure of the Mexican government to provide litigants with jury trials. In 1840, the Republic of Texas adopted as the law of its as yet undefined “jurisdiction” the “Common Law” of England. However, in applying its adopted law the courts modified the law, and perhaps made a few mistakes. For instance, by 1840 England had abolished “common law” marriage. Apparently Texas judges failed to get the word and incorporated into our common law this questionable practice—and, sadly, we’re still stuck today with a problematic legal construct England had rejected long ago.

Furthermore, the courts retained or incorporated many Spanish law concepts, such as Spanish community property law. Spanish law is sometimes still used as authority and precedent today. *Las Siete Partidas*, a Spanish Code promulgated by the Spanish king Alfonso X around 1256 C.E., is still sometimes cited by Texas courts.

In 1840, when the Texas version of the Common Law of England may have theoretically reached the Pass of the North, El Paso was an isolated oasis, a virtual city state,

Many questions about the history of the practice of law in El Paso need to be researched. How did the Native Americans, the Spanish, and thereafter the Mexicans resolve disputes? When did the first Anglo American lawyers arrive? Who were they?



perhaps not even a part of the Republic of Texas. The Republic joined the Union in 1845, but El Paso’s status as a part of the United States, however, remained unclear. The Treaty of Guadalupe-Hidalgo in 1848 settled that issue, but the question remained whether El Paso entered the nation as part of the State of Texas or as part of the territory of New Mexico. The Compromise of 1850, a series of laws that resolved the territorial and slavery controversies

arising from the Mexican-American War, included resolution of issues involving the Texas and New Mexico boundary. Incidentally, the Compromise was crafted in part by Howell Cobb, ancestor of former El Paso lawyers Zachary Lamar Cobb and Howell “Chip” Cobb. (In 1850 Howell Cobb was speaker of the U.S. House of Representatives).

Many questions about the history of the practice of law in El Paso need to be researched. How did the Native Americans, the Spanish, and thereafter the Mexicans resolve disputes? When did the first Anglo American lawyers arrive? Who were they? When they arrived, who decided disputes? Did the “deciders” (dispute resolution decision makers) apply the common law of the Republic of Texas, the territorial law of Mexico, or simply their own notions of justice? When were the first courts established? And who was the first judge sworn into office?

To paraphrase Oliver Wendell Holmes, a person’s education begins with his or her grandparents. Since very early times in English history, lawyers have been researching and evaluating the wisdom of their parents and their ancestors, leading to the modern practice where we research and argue about precedents in our courts.

It is also said that history is not what happened, but what got written down. Someday our work as lawyers in the present will also be part of our jurisprudential history. If our work matters, it will be worth remembering. In years to come, we may be part of the third or fourth chapter in the “History of the El Paso Bar.” But right now, as we prepare to celebrate the one hundred and tenth anniversary of the El Paso Bar Association, we need to discover the first few chapters of our history, and write it down.

We solicit your help in this endeavor. As lawyers and advocates responsible for the pursuit of justice, we should not lose touch with our souls.

Thank You for the Annual Mock Trial Competition

On February 2nd and 3rd, EPYLA, with strong and vital support from the District Attorney's Office, hosted the Annual High School Mock Trial Competition. We had an unprecedented number of volunteers from the El Paso legal community. These volunteers were the heart of the competition. Sixteen teams competed this year in what was a wonderful and spirited competition. We are in high hopes that next year's competition will be even bigger and better.

EPYLA would like to thank Renee Railey for her dedication and hard work. Without Renee, the Competition would not be possible. Thanks are also in order for Trica Hazelton who gave essential behind the scenes help. Scott, Hulse P.C., generously contributed judging packets.

Attorney Coaches are the unsung heroes of the Competition. They put in countless hours in addition to their busy practices. They teach their students the fundamentals of advocacy. Enough cannot be said about these dedicated attorneys:

Jaime Esparza (Americas High School), Aaron Setliff (Americas High School), Michelle Hill (Americas High School), John Briggs (Cathedral High School), Marcos Lizarraga (Franklin High School), Amy Thomason (Franklin

We had an unprecedented number of volunteers from the El Paso legal community. These volunteers were the heart of the competition. Sixteen teams competed this year in what was a wonderful and spirited competition.

High School), Roger Montoya (Southwest Home School Network), Yvonne Rosales (Southwest Home School Network), Linda Samples (El Dorado High School), James Walker (Austin High School), Nathan Brown (Austin High School), Tracy Almanzan (Del Valle High School), Alex Almanzan (Del Valle High School), Theryn Waggener (Eastwood High School), Mark Spinn (Eastwood High School), Manny Arambula (Hanks High School), Bill Hicks (Hanks High School), Andy Ortega (Jefferson High School), Ghalib Serang (Jefferson High School), Michael Alvarez (Riverside High School), Scott Risner (Socorro High School), Denise Butterworth (Coronado High School), Ivan Martinez (Coronado High School), Brock Benjamin (Bel Air High School), Alex Kellner (Burgess High School), Jo Anne Bernal (Montwood High School), Eddie Castillo (Montwood High School), and Jesus Rodriguez (Montwood High School).

Thanks to the generosity of our volunteer judges, we were able

to have multiple judge panels. The teams repeatedly commented regarding the quality and number of judges. The dedication of attorneys and judges let the students know that their efforts were recognized and appreciated by the El Paso legal community. EPYLA would like to thank our wonderful judges:

Hector Beltran, Leonard Morales, Miguel Torres, David Haro Jr., Alma D. Ramirez, Danny Razo, Brandon Lettunich, Beto Acosta, Rebecca Tarango, Patricia Baca, Lisa Clausen, Wendy Compton, Rick Locke, Chris Miller, Jim Callan, Ann Ward, Carey Antwine, the Honorable Thomas Spieczny, Holly Lytle, Ian Kaplan, Kenneth Krohn, Katari Buck, Diana Valdez, Baron Oursler, Cori Harbour, Leon Schydlower, Michael Moffeit, Clark Harmonson, Lori Hughes, Myrna Pages, Dixie Pritchard, Ballard Shapleigh, Karen Johnson, the Honorable Patricia Macias, Chantel Crews, Ruth Reyes, Celia Villasenor, Phil Dearth, the Honorable Linda Chew, Theresa Beltran, Bill Prasher,

Daniel Gonzalez, Michelle Locke, Terri Garcia, Erich Morales, the Honorable Javier Alvarez, the Honorable Alma Trejo, Patrick Lara, Ruben Hernandez, the Honorable William Moody, the Honorable Gonzalo Garcia, the Honorable Eduardo Gamboa, the Honorable Carlos Villa, the Honorable Sam Medrano, and the Honorable Richard Alcalá.

The use of the courtrooms allows the students to get a feel for practicing in an actual court. EPYLA would like to thank the generous courts that allowed their courtrooms to be used for the competition:

The 65th District Court / the Honorable Oscar Gabaldon, the 120th District Court / the Honorable Maria Salas-Mendoza, the 168th District Court / the Honorable Guadalupe Rivera, the 205th District Court / the Honorable Kathleen Olivares, the 327th District Court / the Honorable Linda Chew, the 388th District Court / the Honorable Patricia Macias, the County Court at Law #1 / the Honorable Richard Herrera, County Court at Law #2 / the Honorable Julie Gonzalez, County Court at Law #4 / the Honorable Alejandro Gonzalez, County Court at Law #5 / the Honorable Carlos Villa, County Court at Law #6 / the Honorable Sue Kurita, and County Court at Law #7 / the Honorable Thomas Spieczny.

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El Paso Bar



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EPYLA'S MARCH STARS OF THE BAR

Linda Samples

Linda Samples is a wonderful new addition to the El Paso legal community. She currently enjoys practicing at Baskind & Hosford where she concentrates on school law. She comes to practice with a solid history of community service.

EPYLA is grateful to count Linda as an active member. She has lent her efforts to Wills for Heroes. She was also a participant in the New Lawyer Training. As part of the High School Mock Trial Competition, Linda volunteered as an attorney coach for El Dorado High School. In addition to her commitment to EPYLA, she is active with the Women's Bar Association and the Mexican American Bar Association.

While she was at the University of Michigan Law School, Linda was the Managing Editor of the *Michigan Journal of Race & Law*. She was also an Executive Board Member and Admissions Liaison



for the Latino Law Students Association. She returned each summer to her roots in El Paso, as a law intern for Justice Philip Martinez and Former Chief Justice Richard Barajas. She was a recipient of the El Paso Bar Association Summer Clerkship.

She was very involved while at the University of Texas at El Paso where she received a Bachelor

of Arts in Psychology. She was the President of Golden Key International Honor Society and Secretary of the Chicano Pre-law Society. She was also an intern to Senator Eliot Shapleigh during her last semester. It is no surprise that she was named one of the top ten seniors in her class.

Linda impressed those around her by becoming one of the

youngest people in Texas to serve on a school board: she was on the Canutillo I.S.D. Board of Trustees for two years before heading to law school.

Her husband, Les Harris, is a biology teacher at El Dorado High School. Together they have two one year olds: Bijou (a Sharpei) and Bella Mia (a Puhuahua i.e., a Pug-Chihuahua mix).

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▶▶▶ ASSOCIATION NEWS

■ El Paso County Legal Support Association

■ The El Paso County Legal Support Association will hold its annual Bosses Appreciation Luncheon on Tuesday, March 6, 2007 from 11:30 a.m. to 1:00 p.m. at the El Paso Club, 201 E. Main, 18th Floor. Cost for the buffet luncheon is \$15.00 per person. Guest speaker will be Coach Mike Price. To RSVP or for further information, contact Terry Castillo at 533-4424.

■ El Paso Paralegal Association

■ The El Paso Paralegal Association will hold its next meeting on Thursday, March 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 for its monthly meeting and Wine Tasting event on Thursday, March 1, 2007 at 5:30 p.m., 1628 Brillo Del Sol. Please RSVP to Katari Buck at kbuc@scotthulse.com or 546-8209

■ El Paso Young Lawyers Association

■ The El Paso Young Lawyers will have its monthly meeting on Thursday, February 8, 2007 at Sunset Pizza at 4176 N Mesa St. The Board of Directors will meet at 11:30 am. The General Meeting will begin at Noon. Mario Alfaro will be speaking to us regarding the Center for Law and Border Studies. We will also be visited by Sylvia Cardona and Cheryl Camin, candidates for President Elect of the Texas Young Lawyers Association. Come learn about the candidates, law and community projects.

■ On March 16 at 6:30pm, EPYLA will be having a Saint Patrick's Day Potluck Party. For details, please contact Barrett Wood at tbwood@wdday.com.

■ Save the date! The Annual EPYLA Law Day Golf Tournament will be on April 27, 2007 at Lone Star Golf Club. Find your four person teams and start practicing!

■ OUTSTANDING PRE-LAW STUDENT (THE CORI A. HARBOUR AWARD): Please consider the following criteria: The nominee must be a student enrolled in an institute of higher learning who plans to study law after graduation. In addition, while all outstanding qualities are considered, particular attention is given to service to the community, service to the profession, academic ability, maturity, and integrity.

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:

Friday, March 30, 2007 CESAR CHAVEZ DAY

Matt Watson has joined Richard T. Marshall as his associate in their newly relocated offices at 423 Executive Center Blvd., where the office will continue its focus on wills, probate, financial and estate planning, real estate litigation, health care and nursing home litigation, and elder abuse and exploitation. For the past four years Matt has been an Assistant City Attorney. The office phone number is still 779-6627.

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

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

John Wenke, Chair, Labor Law Section, Moderator and Course Director

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



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THE EL PASO YOUNG LAWYERS ASSOCIATION

Is soliciting nominations from all attorneys for Outstanding Young Lawyer, Outstanding Jurist, Outstanding Senior Lawyer, Outstanding Lawyer, the Liberty Bell Award, the Professionalism Award, the Pro Bono Awards and the Mediators of the Year Awards for 2006-2007. Please submit your written nominations to Morgan Hazelton, 1263 Trail Ridge Dr., El Paso, Texas 79912, or morgan.hazelton@gmail.com by Friday, April 6, 2007

Please make your nominations as complete as possible. Describe your nominee's background, qualifications, and his or her activities or contributions, which will be considered when selecting the award recipients. Please also include his or her address and phone number in the nomination.

The awards will be presented at the Law Day Dinner on Saturday, April 28, 2007 at the Santa Teresa Country Club.

Outstanding Young Lawyer:

Please consider the following criteria: The nominee must be licensed to practice in Texas and must be 36 years of age or younger, or is in his/her first three years of licensure, regardless of age, on June 1, 2006. In addition, while all outstanding qualities are considered, particular attention is given to exemplified professional proficiency, service to the profession, and service to the community.

Outstanding Jurist:

Please consider the following criteria: The nominee must be currently serving as an active Administrative, Federal or State Judge. The nominee cannot be standing for election or re-election during the year in which the award is given. In addition, while all outstanding qualities are considered, particular attention is given to exemplified professional proficiency, service to the profession, and service to the community.

Outstanding Senior Lawyer:

Please consider the following criteria: The nominee must be licensed to practice in Texas. The nominee must have practiced law for 30 years or be over the age of 60 and have practiced law for 15 years. In addition, while all outstanding qualities are considered, particular attention is given to exemplified professional proficiency, service to the profession, and service to the community.

Outstanding Lawyer:

Please consider the following criteria: The nominee must be licensed to practice in Texas. The nominee must be "aged out" of the Young Lawyer category (i.e., over 36 years of age on June 1, 2006), but not yet eligible for the Senior Lawyer category. In addition, while all outstanding qualities are considered, particular attention is given to exemplified professional proficiency, service to the profession, and service to the community.

Professionalism Award:

Please consider the following criteria: The nominee must be licensed to practice in Texas. He or she is a person who best exemplifies by conduct and character, truly professional traits that others in the bar seek to emulate. The nominee should be an inspiring role model for the bar, respected by his or her peers, and someone who makes us proud of the legal profession. Nominations can be based on a lifetime, or a specific occurrence of professionalism. In addition, attention is given to service to the profession and service to the community.

Pro bono awards:

These awards honor individuals and law firms (large and small) for the volunteer work they do. Please consider the following criteria: Number of hours of pro bono work done, as well as, the volunteer attitude and effect of the nominee's pro bono work. In addition, attention is given to service to the profession and service to the community. These awards will be selected by the Pro Bono Committee of the El Paso Bar Association to honor those who have given so much to the El Paso community during the 2006-2007 Bar Year.

Mediators Of The Year Awards:

These awards honor an attorney and a non-attorney mediator for their work in 2006-2007. Please consider the following criteria: Effectiveness in mediation, allowing all sides to be heard in the mediation process, and contribution to promoting use of alternative dispute resolution as an alternative to litigation. In addition, while all outstanding qualities are considered, particular attention is given to exemplified professional proficiency, service to the profession, and service to the community.

The Liberty Bell Award:

The award is given to a non-attorney who has made a contribution to the legal community.

Your nominations are sincerely appreciated and will help us recognize and give credit to deserving judges, lawyers and others who have made a positive impact on our profession and community.

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