



# EL PASO BAR JOURNAL

A Monthly Update of Events and Information

April/2008

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R. E. Thomason



Tom Lea



Colbert Coldwell

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THE PRESIDENT'S PAGE

# Rule of Law

In today's message, there is a serious cry to continue to strengthen and promote the rule of law not only locally but also nationally and worldwide. This year's theme focuses on the rule of law initiative, an effective, long term anecdote to the most pressing problems facing the world community today, including poverty, economic stagnation, and conflict. "We are free because we live under civil laws." ... Charles de Secondat Montesquieu. How evident that we, as a nation under these laws, are able to resolve and better live when we have and aspire to follow the rule of law.

As our voice, the American Bar Association is taking an active role in the rule of law initiative and the world justice project. The rule of law initiative goes back to 1990 with the creation of the ABA's central European and Eurasian law initiative, and had its first overseas office in Sofia, Bulgaria in 1991. Therein the ABA launched further sister initiatives in Asia, Africa, Latin America and the Caribbean.



They found that countries that lack the rule of law fail to meet the most basic needs of their population. They also found that over half of the world's population lives in these countries, forcing billions of people to lives characterized by economic upheaval, injustice, and even physical insecurity. The initiative continues to show the world that the global rule of law deficit is more than an important calling of the world's legal community; it is an urgent priority for world leaders, international institutions, and to citizens committed to making this a just, peaceful and prosperous world.

Bo Li published an article as to what the powers of the rule are. First as a power regulator, the rule of law has two functions: First, it limits government's arbitrariness and power abuse. This makes the government(s) more rational and their policies more intelligent. Second, if the government is to be restricted in its exercise of discretion, the government has to follow legal procedures that are prefixed and preannounced. Hayek states that, "Rule of law means that a government in all its actions is bound by rules fixed and announced beforehand" ("The Road to Serfdom," 1994). "Rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances, and to plan one's individual affairs on the basis of this knowledge."

According to Dicey the rule means equality before law. "Not only that. . . no man is above the law, but (what is a different thing) that. . . every man, whatever be his rank or condition is subjected to the ordinary law of the realm and at minimal to the jurisdiction of the ordinary tribunals"(Introduction to the Study of the Law of the Constitution, 1992).

The third meaning of the rule of law is formal or procedural justice. These procedures are justly implemented in our daily lives so that we can sustain and protect the rights of persons. I can only state to the brethren that the initiative by our ABA president deserves merit and constant attention to protect our system of government

*Continued on page 4*

EL PASO BAR ASSOCIATION  
**April Bar Luncheon**

Tuesday, April 8, 2008

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

*Guest Speaker*

Tom Fenton, Publisher of The El Paso, Inc.

Please make your reservations by Monday, April 7, 2008 at noon  
 by calling Nancy at 532-7052 or via email at [nancy@elpasobar.com](mailto:nancy@elpasobar.com)

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## Rule of Law Continued from page 3

which we often take for granted. But I can only say that in other parts of this world there is no rule of law. There is no rule of law when judges are stripped of their authority and succumbed to house arrest by dictators. Nor is there rule of law when in an individual by his own demise strips its country of its constitu-

tion, as was readily done in Pakistan a few months ago. There certainly will be great pressures to compromise the rule of law to achieve other objectives. We must know that, "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom

are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding." (*Olmstead v. United States*, 277 U.S. 438, 479 1928). Lets keep the rule of law alive and kicking.



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# CALENDAR OF EVENTS



## APRIL 2008

**Tuesday, April 1**  
*EPBA Board Meeting*

**Thursday, April 3**  
*EPWBA Meeting*

**Friday, April 4**  
*Coffee & Donuts in Bar Office*

**Friday, April 4**  
*MABA General Meeting*

**Tuesday, April 8**  
*EPBA Monthly Luncheon*

**Thursday, April 10**  
*EPYLA Monthly Luncheon*

**Friday, April 11**  
*EPCDLA Membership Meeting*

**Friday, April 11**  
*Immigration Section Seminar*

**Thursday, April 17**  
*EPPA General Meeting*

**Thursday, April 17**  
*FBA Brown Bag Seminar*

**Friday, April 18**  
*Coffee & Donuts in Bar Office*

**Friday, April 25**  
*EPYLA Golf Tournament*

**Saturday, April 26**  
*Law Day Dinner*

## UPCOMING EVENTS

**Saturday, May 31, 2008**  
*EPWBA 2008 Charity Bash*

May and June will be monthly issues.  
 Contact the Bar Office if you have any  
 questions regarding this schedule.

*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 May, 2008, please have the information to the Bar Association office by Thursday, April 10, 2008. In order to publish your information we must have it in writing. WE WILL MAKE NO EXCEPTIONS. We also reserve the right to make any editorial changes as we deem necessary. Please note that there is no charge for this service: (915) 532-7052; (915) 532-7067-fax; nancy@elpasobar.com- email. If we do not receive your information by the specified date please note that we may try to remind you, but putting this journal together every month is a very big task and we may not have the time to remind you. So please don't miss out on the opportunity to have your event announced.*

## EL PASO YOUNG LAWYERS ASSOCIATION

# Golf Tournament

**Friday, April 25, 2008**

**Butterfield Trail Golf Club**

**Registration time: 12:15**

**Tee time: 1:00**

Cost is \$100 per player, 4-man Scramble

**Registration includes:**

*Green fees, golf cart, unlimited range balls, drinks,  
 dinner, door prize ticket.*

To register your team contact Carlos Quiñonez at 533-0009 or at [cmq@lawyer.com](mailto:cmq@lawyer.com)

# Building Bridges of Cooperation, *Rule of Law Bi-National Commission*

■ BY ROGER RODRIGUEZ

**T**he Rule of Law Bi-National Commission held its January 18, 2008, meeting at the University of Texas at El Paso UTEP library. Judge Robert S. Anchondo, President of the Rule of Law Bi-National Commission opened the meeting by welcoming the president of the Mexican Commission counterpart, Ramón García Ortega, and the judges, attorneys and investigators that attended the meeting.

Dr. Bill Weaver represented UTEP's law institute along with several outstanding students and future attorneys, including Danielle Escontrías, Cristian Almodovar, Reina Gonzalez and Arthur Ibarra. The Center for Inter-American and Border Studies of UTEP was represented by Ricardo Blazquez and Sandra Covarrubias.

Judge Anchondo addressed the importance of working together as a team with the counterparts on the other side of the border, to establish for the first time a personal and direct line of communication between judges, attorneys and investigators on both sides of the border. Ramon García Ortega explained the new criminal system of justice for the state of Chihuahua and the difficulties that the government is facing with the process of training judges and attorneys in such a short period of time to be ready for their new responsibilities.

Rogelio Bravo presented two specific working programs for the year 2008. The first includes a visit to each of the major high schools in El Paso, Texas and Ciudad Juárez, México to alert students about the dangers of using crack and the opening of a phone line where Mexican teenagers can request free information on the legal status of companies (most of them phony companies) who place ads in Mexican newspapers offering job opportunities driving cars through the international bridges with the apparent purpose of running errands, when in reality those cars are loaded with drugs. As a result, the teenage drivers end up spending several years in jail. The phone line for a free consultation is (915) 546-9000. The second



specific program presented was the first International Criminal Forensic Investigation Seminar for the summer of 2008.

President of the Supreme Court of Justice of the State of Chihuahua, Rodolfo Acosta Muñoz, spoke and the attendees were: Mexican Judges Guadalupe Manuel de Santiago Aguayo and, Sergio Rocha; the President of the Ciudad Juárez Bar Association, Hector Gonzalez Mocken; the vice-president of the Mexican Attorneys Confederation, Salvador Urbina, and attorneys Paul Gonzalez, Jaime Rodriguez, Eduardo Molinar, José Juan Mendoza, Hector Molinar, Alfonso Cota and Christian García.

Attendees from El Paso, Texas, were: Chief Justice David Wellington Chew, Judge David Guaderrama, Judge Guadalupe Rivera, Judge Bill Moody and Judge Bonnie Rangel; Gerry Howard, President of the Federal Bar; Guillermo Reyes, Mexican Consulate; County Attorney José Rodriguez and Assistant

County Attorney Clinton Cross; Criminal Investigators Association President, Rogelio Bravo; District Attorney's office, Roberto Ramos and investigator Joe McBain; President of the El Paso Democratic Party, Daniel Anchondo; attorney Roger Rodriguez, vice-president of the Rule of Law Bi-National Commission, and attorney Aaron Rodriguez; Legal Aid attorney Jaime Sánchez and Graciela Martinez; representative Paul Moreno; and attorney Miguel Cervantes.

Dr. Bill Weaver briefed the commission on U.T.E.P.'s project of building a state of the art courtroom training facility on the university campus with the purpose of offering training programs and continuing education courses for judges, attorneys, and law students from Mexico and the U.S. to provide a hands-on practical learning experience. The next meeting of the Rule of Law Bi-National Commission will be in April of 2008.

# R.E. Thomason

## *El Paso's Greatest Leader*

### Part I

■ BY FRED J. MORTON

I believe Robert Ewing Thomason was El Paso's most distinguished public servant in our long and glorious history. He was our Mayor, our Representative in the Legislature in Austin, Speaker of the House, our U.S. Congressman for many years, and finally our federal district judge. Throughout his career, he set very high standards for himself—standards of hard work, integrity and professionalism.

Having served as his law clerk and growing up next door to him as a neighbor, I acknowledge my bias in assessing the importance of his accomplishments, but I am not alone in concluding what a marvelous career he had. At the memorial service held shortly after his death in the federal court here, United States Senator Ralph Yarbrough made the following remarks:

“Robert Ewing Thomason was a statesman, a true statesman. He succeeded in all three branches of the government, an accomplishment that very few Americans have ever attained. He was a success in the federal judiciary, he was a success in the legislative branch of both the state and federal governments, and he was a success in executive action.... I do not expect to see in my lifetime any other Texan achieve that measure of success in all three branches of our government that he attained.”

Born in Tennessee, his parents soon moved to a small town near Gainesville called “Era,” where he grew up. He went to college at the nearby Southwestern University at Georgetown. In his autobiography, originally written for his children and grandchildren and called “The Saga of Era,” which was subsequently edited by Joseph M. Ray and published in 1971 by Texas Western Press, he included the following comments:

“After I had been at Southwestern a little while, I decided I had as much on the ball as the country boys who were there. Ambition began to burn. I was friendly with professors and students. I



*Thomason and his wife, 1911*

studied hard. Athletics was at a low ebb in those days, and the great diversion was the contest in the literary or debating societies. After some success as a debater, I became convinced that I was on my way as a public speaker. During summer vacations, when I was making two trips per day hauling wheat to Valley View, I practiced many speeches on the best pair of mules in the county. They seemed to enjoy my oratory.”

From this youthful enjoyment of “oratory,” he went to UT Law School in Austin looking forward to fulfilling his ambitions as a public speaker.

After graduation, he began practicing law in Gainesville, and while in partnership with his father-in-law, W.O. Davis, he was elected District Attorney and County Attorney. Health problems forced him to move to West Texas. This is how he tells the story of how his law practice developed:

“After a few months, the law firm of Lea, McGrady and Thomason was organized. Later on, Eugene T. Edwards became a partner. Tom Lea was well-known and popular. He had a good practice and was the most colorful and successful trial lawyer in the Southwest. Tom offered me a full and equal partnership. I suggested that since we were

both good business-getters, good trial lawyers, and not too much on the studious and technical side of the law, we would need a digging office lawyer to take care of the pleadings, briefs, and appeals. He thought well of this idea; he said his law library consisted of a City Directory, from which he made a close study of all jurors, and he knew that all the library I had was Moffett's Form Book. We soon persuaded J. G. McGrady to join us. W. O. Davis had told me that McGrady knew more book law than any man in Texas. He was reared at Bonham, where he had a large practice for many years, but he had come to El Paso for his health.

Edwards showed up in about two years, after having graduated from the University of Virginia and Harvard Law School. He had grown up in Gainesville.

Lea and Edwards presented a marked contrast in speech and dress. Edwards had acquired a slight Harvard accent, while Lea employed the colorful language of the West. Edwards wore a Homburg hat, tight-fitting trousers, and introduced the first heavy tortoiseshell eye glasses to the Mexican border. Lea featured a big black hat, tooth pick shoes, loud shirts, and fat cigars. They soon became devoted friends and partners and remained such until Lea's death. Edwards is today one of the finest and most scholarly lawyers in the Southwest.

Our business grew from the beginning. We soon acquired the reputation of doing team work and being able to try any kind of case. Lea was an expert jury picker and opened the argument to



the jury. He cried if he considered it necessary. I always closed the argument and gave the jury the "rousements." McGrady and Edwards would sit by like a couple of wise owls, whispering to us to stay in the record and preserve all legal points in event of appeal. Our batting average was high."

*Ewing Thomason as a boy hauled all the lumber from Gainesville to Era that went into this house*

*Next month, find out the favorite haunts and habits of former El Paso Bar leaders as "the Saga of Era" continues.*



## LAW DAY CHESS TOURNAMENT

If you are a lawyer or paralegal and play chess, please participate in the **Law Day Chess Match** to be held this year on **April 26** at St. Clements Episcopal Church, 810 N. Campbell St., from 9:00 a.m. to 2:00 p.m.

You can participate by just **SHOWING UP** at the church (go to the back entrance on Montana near the school) before the tournament begins, but we would appreciate pre-registration.

You can pre-register by contacting Gerald Georges, Assistant County Attorney, by phone at 546-8185, or by E-mail at: [ggeorges@epcounty.com](mailto:ggeorges@epcounty.com).

If you can't reach Gerald, call Clinton Cross on his cell phone (329-2663) and leave a message.

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# How the Bench-Bar Banquet Became Today's Charity Bash

■ BY ALEXANDRIA KELLNER ZANT

**T**he El Paso Women's Bar Association used to hold an annual event entitled the "Bench Bar Banquet." The purpose of the event was to allow local attorneys to socialize with judges, enjoy an eloquent meal in a formal setting, while simultaneously raising money for local women's and children's charities, usually through a live and silent auction. It was quite a challenge for the Women's Bar leadership to accomplish all these goals in one evening!

Several years ago, the officers of the El Paso Women's Bar were also facing the hurdle of dwindling attendance at the annual Bench Bar Banquet. Lower attendance, of course, meant less money raised for local charitable organizations. The our bar leaders met with a marketing advisor in an effort to discover how to generate more excitement, and thus higher attendance, at the annual event. The marketing guru advised the women that the

event might be easier to advertise and market if there were one main goal for the event: either to allow attorneys and judges to socialize, or to raise money for local women's and children's charities. When asked which was more important, all the officers agreed it was the fund-raising. One past president stated, "If you read all the letters from local charities requesting money from the Women's Bar and could see the deep appreciation in the eyes of the chosen charity leaders as we hand them a check, it becomes clear that the goal of fund-raising is of the utmost importance." Thus, the El Paso Women's Bar Charity Bash was born.

They decided that each Charity Bash should have an exciting theme, and the first two events were casino nights, with card tables, craps, and raffles. Both events were a success, each raising more money than the previous year. This year's theme is *A Night of Mystery!* There will be a live murder mystery performed by members of the El Paso Playhouse, as well

as a fabulous dinner and silent auction. The event is Saturday, May 31, at the Wyndham El Paso Airport Hotel. Proceeds of this year's event will benefit the El Paso Women's Bar Association's newly formed Foundation – The Legal Charitable Foundation of El Paso, which will fund scholarships for local high school students interested in careers in the law and benefit many other local charities.

El Paso is unique, I believe, in having such a close community of attorneys and judges. With an active Bar Association and events such as the Law Day Dinner, it seems that there are ample opportunities for local attorneys to meet and speak with our judges. While there are also many opportunities for attorneys to contribute to the community, the El Paso Women's Bar Association strongly believes that our annual Charity Bash is a must-see event. The Bash provides a light-hearted atmosphere, while contributing to different great causes each year.



## Save the Date!

El Paso Women's Bar Association's  
2008 Charity Bash:

# A NIGHT OF MYSTERY

**May 31, 2008**

Wyndham El Paso Airport Hotel  
2027 Airway Blvd., El Paso, TX 79925

**Tickets on sale April 1, 2008!**

For more information, please contact Alex Kellner-Zant at [azant@elp.rr.com](mailto:azant@elp.rr.com) or Diana Valdez at [dval@scotthulse.com](mailto:dval@scotthulse.com).

## SENIOR LAWYER INTERVIEW

## COLBERT COLDWELL

■ SENIOR LAWYER INTERVIEW OF COLBERT COLDWELL BY WILLIAM WESSON NAVIDOMSKIS, HIS GRANDSON, ON JANUARY 13, 2008.

*Wes Navidomskis of the Public Defender's Office conducted the "Senior Lawyer Interview" this month, the subject being his grandfather, Colbert Coldwell of La Orilla in Socorro.*

***F**or clarification, there have been and perhaps always will be more than one "Colbert Coldwell" from this family living in or in some other way connected to El Paso. Two presently practice law in El Paso. Another founded Coldwell Banker in 1906, but his father N.C. Coldwell practiced law here and at one time served as combined county and district attorney. To ease the confusion, I asked that the family provide a "tree" of the first generations of their lawyers and of the other names that have appeared in past issues of the Bar Journal. It appears at the end of this interview. -- Clinton Cross*

**NAVIDOMSKIS:** I'd like to ask you a little about your family, how your family got to El Paso.

**COLDWELL:** It starts back in about 1840. Colbert Coldwell, my great grandfather, came here as a young man. He was born in Tennessee in 1822, I think. He was in the Santa Fe trade -- some kind of merchandise business from Independence, Missouri, to Chihuahua, México. And he later came back here to live with his family in 1872 as a lawyer and the Collector of Customs. This was after he served on the Texas Supreme Court. Before that he came here as an interpreter for the Doniphan Expedition and was a civilian aide to Doniphan. He was in the Battle of Brazito on Christmas Day, 1846. Before the fighting started, he rode out to meet with a Mexican officer. I remember hearing as a child that he preferred mules. He liked their gait -- steadier riding - and they had better endurance. The story is—I've never seen it published or anybody certify it—that the Mexican officer was named Valdez, and they knew each other. Valdez owed him some money over a poker game or something, and one of them fired a shot at the other, and that started the battle. Later they became friends. Valdez gave him a silver serving set. I still have the cup. I think my cousin Colbert Nathaniel has the pitcher. Colbert Coldwell

named his oldest son Valdez after him -- "Uncle Val." His second son was Nathaniel Colbert Coldwell who practiced law here for a time with his dad. Colbert's youngest son was my grandfather William Michie Coldwell, of whom I have some memories. I was about 6 or 7 when he died. He lived with us on Kansas street for awhile toward the end of his life. He studied law here and was admitted to the bar at age 19. He partnered with his brother-in-law J. P. Hague who came out here as district attorney, and they were a very prominent law firm here.

My father, Ballard Coldwell, went to law school at the University of Texas. I believe he graduated in 1906, and he was the first Police Judge in El Paso. Then he got appointed by Governor James Ferguson in 1915 to judge of the 65th District Court, and he was the youngest judge in Texas at the time. He was 28 or 29, and he served until he died in 1950, 35 years, which is longer than any other judge here in El Paso has served as District Judge, and maybe in the state. Morris Galatzan succeeded him. And then it was R.E. Cunningham. My father only had two opponents during his term. I don't know anything about the first one -- it was right after his appointment, before I was born. I remember the second race. I covered a precinct or two for him, going door-to-door. I was about 14.

Besides these individuals, there are several other El Paso lawyers in the family. My cousin Bill Collins practiced for many years. Colbert Nathaniel Coldwell, another cousin, and my nephews Ballard and Eliot Shapleigh, and their wives, and now my grandson, Wes, and my other grandson's wife, Sandra Rubio, are all lawyers.

**NAVIDOMSKIS:** I want to know a little about your schooling.

**COLDWELL:** I went to Bailey School, where the downtown YMCA on Montana is now, and I went to El Paso High School. My father wanted me to go to Phillips Exeter in

New Hampshire. I went there for a year and a half and then came back and graduated from El Paso High. I went to Texas A&M which I liked very much. I made captain of the platoon until I was kicked off-campus for late-dating Ida Wesson, who later became my wife.

**NAVIDOMSKIS:** How did you and Ida meet?

**COLBERT COLDWELL:** She was from Navasota, Texas, about 20 miles from College Station, and she came to a dance we had on campus. A&M was all men at that time, and the local girls would come to the dances. Her family was named the most musical family in Texas one year, and I never could get in the choir at school, so I thought that would work out. Our son, Ballard, takes after Ida's side of the family. He plays the organ at St. Alban's church and accompanies some of the local theatrical productions.

**NAVIDOMSKIS:** Can you tell us about your legal career?

**COLDWELL:** My father offered to pay my way through law school after I got out of the Army, but I was married, and I had a job running the cottonseed oil mill for my in-laws, so I didn't go to law school on his offer. I came to El Paso, and I was county political manager for Ralph Yarbrough, and in making talks for him, often there was a lawyer talking for the opponent, and I felt like I at least matched them, maybe bested them sometimes. I said, "Why am I not a lawyer?" So Bill Collins suggested I could study law in a law office and not leave town, and he found me a lawyer, H. L. McCune. I spent four years in his office. Skip Broadus was the head of the committee that ran them, and he was very strict. I had to be in the law office thirty hours a week studying law, and I took a correspondence course and took the Texas Bar and passed it, for which I was very thankful. I became a lawyer and was admitted to the Bar in 1961. Judge Cunningham swore me in.

**NAVIDOMSKIS:** But during that time also, you had a family, didn't you?

**COLDWELL:** I had a family, and I was running the farms here. So I'd get to the law office about 9:00. I'd get everything started on the farm, and I'd leave there about 3:30 or 4:00 and get here before the workers finished and check on it. Occasionally, I'd take a week off for farm work. That was more or less my pattern at that time, from '57 for four years, to '61.



*Old Bailey School - 701 Montana, recently purchased by the City of El Paso, and presently the locaton of the Downtown YMCA*

**NAVIDOMSKIS:** What was the first job you had as an attorney?

**COLDWELL:** I went in with Collins, Langford and Pine – Bill Collins, John Langford and Bob Pine. They put me out in the basement of the Chelmont Bank. Later I did some immigration work with Wellington Chew and partnered for a short time with Bert Williams and his son Tim. After that I worked out of my office at home and got people from the Lower Valley coming in.

**NAVIDOMSKIS:** You mentioned you were involved in politics. How did you get involved in politics?

**COLDWELL:** I went to the state convention one year and put a Ralph Yarborough sticker on my car, I guess because I knew he'd lived in El Paso for a little while, practicing law. So the County Attorney who'd gone to school with Yarborough, and Woodrow Bean and two or three others picked me to be his campaign manager. They didn't want to do it because he'd already lost one election. He lost one election for Governor when I was campaign manager, but there was a special election for Senator because the seat was left vacant. Senator Yarborough was the best-known name, so he was high man with 39 opponents. He won that election and stayed there about 14 years.

**NAVIDOMSKIS:** Did that bear any fruit?

**COLDWELL:** Well, I got to be U.S. Commissioner then. Johnny Cash, the singer, came before me while I was commissioner. I set his bond, and he didn't say a word. I wasn't going to let him out of jail until he admitted who he was. I said, "Well, take him back to jail. Maybe he'll talk later." And then Cash came back with Woodrow Bean. I had heard that Nashville, or wherever he kept his headquarters, had called the jail and asked, "Is there a lawyer up there?" And Woodrow happened to be at the jail. I set the bond at a thousand dollars which they made very easily.

**NAVIDOMSKIS:** In 1966 you ran for County Judge. How did it come to be that you ran for office?

**COLDWELL:** I was talked into it by Joe Yarbrough, Woodrow Bean, and Travis Johnson. They announced it. They talked to me about it once or twice, but I read it in the paper.

**NAVIDOMSKIS:** What about your public service?

**COLDWELL:** I was on the Southwest Rodeo and Livestock Committee and worked a week every year at the Livestock Show for many years. I was on the Clint School Board until I moved up here to Socorro. I was on

the El Paso Public Library Board in the early 1960's where I wrote up an agreement to receive historic papers from Nancy Sparks's father. We also set up a little fund that was used to publish a booklet on Tom Lea. And then I was on the Sun Bowl Committee, host of one of the teams and later the Selection Committee, which I chaired. It was the year we got the Miners, UTEP, to play, and they won the game. It was the first time they almost filled the stadium. During that time CBS dropped televising the Sun Bowl, and an independent network picked it up. I wrote the contract, and I included in there the requirement that a certified letter had to be sent by December 1st if the independent network wanted to televise it again. The next year they got CBS back in, and this independent guy said he was going to sue. The committee members were worried, but the independent fellow hadn't sent the certified letter. So we got \$300,000 from CBS (instead of \$25,000 from the independent), and it kind of revived the Sun Bowl.

I was on the El Paso County Historical Society Board for 13 years and was president in the 1980's. And I was on the Thomason Hospital Board in the late '90's. Rogelio Sanchez put me on there.

**NAVIDOMSKIS:** What changes about El Paso stand out most in your mind?

**COLDWELL:** The desertion of downtown El Paso. It's dead. When I was growing up downtown was the only place to go. Every block almost had a grocery store. Bishop's was on Noble below Yandell. The big stores – the Popular and the White House – were downtown. Another change – Lower Valley farm land has shrunk from 60,000 acres to 30,000 acres more or less.

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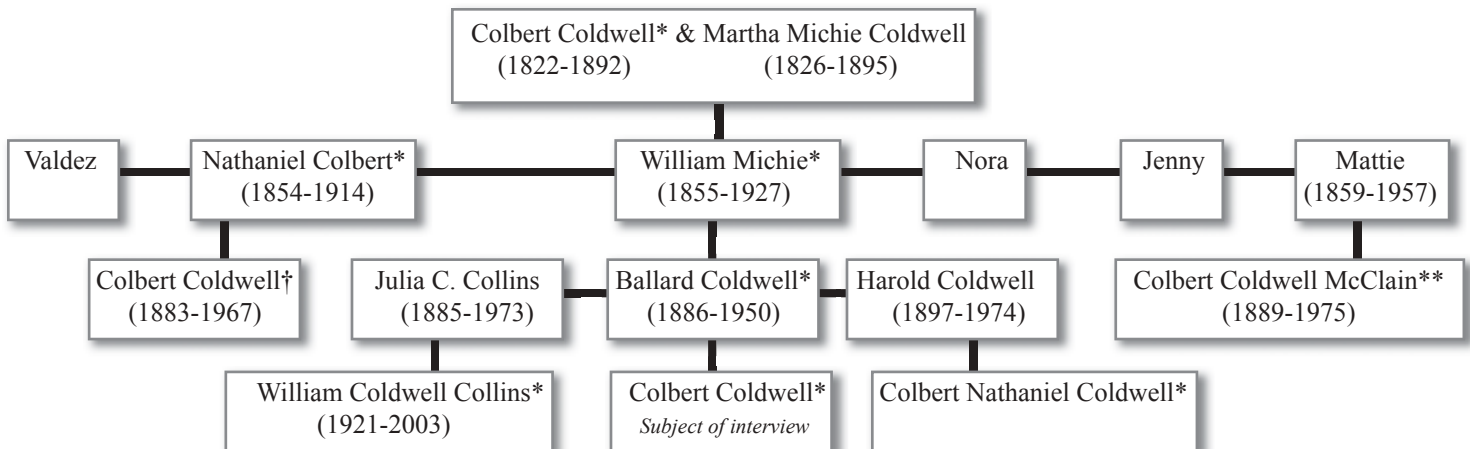


*Coldwell in a campaign photograph for the 1996 County Judge Race*

**NAVIDOMSKIS:** What have you enjoyed most about living in El Paso?

**COLDWELL:** The attitude of the people and the weather. About the weather, I remember the river running and flooding all over the valley until they straightened it out. People used to

have a second floor to live in when the river flooded. Over the years, you could tell where the river made curves, dropping sand leaving a clay field. So things have changed, but you can see what used to be.



\*Attorney in El Paso    \*\*Attorney in Philadelphia    †real estate broker in San Francisco

# Tom Lea, Jr.: El Paso Lawyer and Mayor

■ BY NORA OROZCO

**D**uring the summer of 2007, El Paso celebrated the centennial anniversary of the birthday of artist and author Tom Lea. But El Pasoans in the early twentieth century knew another Tom Lea: the lawyer, the mayor, the reformer, and the father of the artist.

The eldest of three children, Thomas Calloway Lea, Jr., was born on October 29, 1877, in Independence, Missouri, to Amanda Rose and Thomas Calloway Lea. He earned his law degree in 1898 from the Kansas City Law School in Missouri. In his 1995 biography *Tom Lea: An Oral History*, Tom Lea III tells how his father landed in El Paso. In 1901, he came to the Southwest to visit cousins who lived on a ranch in Carrizozo, N.M.

Passing through Alamogordo on his way home in a stagecoach, Lea discovered he had left his wallet at one of the rest stops. He rented a horse to retrace his route but failed to find his wallet. He then hitched a ride on a freight train on its way to El Paso where with his last silver dollar he bought several meal tickets at a restaurant simply called "Eats." Offering to wash dishes when his tickets ran out, Lea found how kind and generous El Pasoans could be. Restaurant owner Oscar Uhling refused his help but staked him until Lea found a job — as a bill collector.

Lea first saw his wife-to-be on Kansas Street. Zola Utt was a high school freshman at Central School, and Lea was told that the best way to meet her was to go to church. He chased away other potential suitors while courting Utt, and the two became engaged. In between his arrival and his marriage, Lea traveled in Mexico, seeking gold with friends and hoping to strike it rich. Three years of adventuring later — but no gold — Lea married Utt in June 1906.

Appointed Police Court Judge in 1907, Lea served four years in this role and the El Paso Herald reported that he established a reputation as fair and compassionate with the downtrodden, but harsh and relentless with the expert criminal. In an April 1911 article, the Herald noted: "When Lea first took office, he set a rule that a man who assaulted a woman, no matter what her character or color, he should be fined not less than \$25, and to that rule he stuck to the last."

Lea became a trial lawyer in partnership



Tom Lea

with Robert Ewing Thomason who would later serve as mayor, U. S. Congressman and federal judge. In his autobiography, Thomason said of Lea, "He . . . was the most colorful and successful trial lawyer in the Southwest." Of Lea's courtroom power, Thomason had this to say in a eulogy printed in the El Paso Herald: "Tears were his chief weapon and he could bring them forth from judge, jury, and himself in behalf of the innocent horse-thief as well as the 'dear little lady' who had been forced to dispose of her 'brute of a husband.'"

Tom Lea is remembered as a charismatic political reformer, and his oratorical style and success in the courtroom helped him to become an effective leader in the cause. Nationally, the Progressive Movement (1901-1917) was an effort to stamp out political corruption, promote democracy and close the gap between the classes. Reform usually began at the city level and a major focus was cleaning up the corruption of political machines.

In El Paso's case, it was a group called the "Ring," a group of professional men and politicians who had controlled city government since 1899. Revenue from local brothels often funded schools, road improvements and the

acquisition of private utilities. The "Ring" controlled political opposition often by brute force, and buying votes was common, especially paying Juarenses to vote in city elections, according to Thomason.

Reformers had tried since 1905 to effect a change in local politics with little success. Mayor Sweeney, a prominent "Ring" leader in 1907, "ordered gambling to cease but took no positive steps to stop it. He closed the front doors of the saloons on Sunday, but the back doors opened for business as usual. "It was a help, of course, to get the ungodly off the sidewalks when the righteous were on their way to church," wrote C. L. Sonnichsen in his book *Pass of the North*. This farce of an attempt at cleaning up the town failed to satisfy the reformers.

During the 1913 mayoral election, reformers worked hard to reveal the corruption under "Ring" city officials. The Herald sent undercover reporters to look for evidence of corruption and found alcohol laws were not being enforced, and on Utah Street (today's Mesa Street) alone, 367 prostitutes were found living and operating with no shortage of demand, according to Sonnichsen. Although reformers lost another election, it was a different story two years later.

Sonnichsen wrote that the incumbent Charles Kelly, so sure of victory, boasted he could be mayor of El Paso for the rest of his natural life if he wanted to. Kelly's arrogance caused him to misjudge his campaign efforts until the last month before elections when he realized that his opponent, the young lawyer Tom Lea, had gained significant ground with the people. The "Ring" rented every meeting hall in the city the night before the election to make it impossible for Lea to hold a rally. He surprised them by holding his rally at the local skating rink, speaking to an enthusiastic crowd for an hour. He not only promised the same city improvements that Kelly did, but equalization of taxes and an efficient administration as well.

On February 16, 1915, Tom Lea became the youngest mayor ever elected to that date, carrying four out of seven precincts, with a vote of 4,218 to 3,149. The "Ring" had been defeated and never recovered political power. One of Lea's first orders of business was to discontinue the collection of "fines" from prostitutes. The Herald reported, "The mayor announced that he did not want to conduct his administration

‘with the blood money of these unfortunate women.’” Each woman had been paying \$10 a month, a practice that had produced thousands of dollars for the city, which used the money to pay police and fire fighters. Although he lost a battle to shut down the red-light district, Lea had police routinely conduct raids, and the women underwent health exams on a regular basis. During his administration, the city council also passed an ordinance forbidding the public sale of narcotics and marijuana.

True to his promise, Lea began keeping a tight rein on the expenses claimed by city employees. He issued an order to suspend the practice of operating city automobiles for non-related business, especially on the weekends when taking long Sunday drives were a custom. Lea’s adherence to the law admitted no exception. In *El Paso Chronicles*, Leon Metz noted that on September 14, 1915, when city police sympathized with streetcar strikers and declined to arrest the rioters who were burning street cars and littering the town, Lea threatened to fire the officers.

During Lea’s administration, events precipitated by the Mexican Revolution came to a head when President Woodrow Wilson gave Pancho Villa’s enemy Venustiano Carranza his support, and Villa withdrew any kind of protection Americans had while traveling in Mexico. On January 11, 1916, a train carrying 20 mining engineers invited by the Mexican government to reopen the Cusihiuriachic Mines outside of Chihuahua City was stopped by Villista troops in Santa Ysabel, Chihuahua. The men were taken off the train and ordered to disrobe; 18 of them were shot to death. Their bodies arrived in El Paso two days later.

Police received word that an El Paso mob was planning to lynch any Villistas they could find. Lea had 50 pro-Villistas arrested and ordered them to leave town, an act that El Paso historian David Dorado Romo equates with racism in his recent book *Ringside Seat to a Revolution*. Romo neglects to point out that Lea could have let them meet their fate with the mob, but instead afforded them protection. Meanwhile, the U. S. Congress wanted the president to intervene militarily.

With feelings running high on both sides of the border, a fight began two days later when two soldiers knocked two Mexicans from a sidewalk at Broadway and San Antonio Streets. The brawl accelerated into a near-riot in a crowd that grew to almost 1,000. As more fights broke out, General John J. Pershing called out companies of the 16th Infantry. Before order was restored, at least 25 Mexicans were beaten,

*Appointed Police Court Judge in 1907, Lea served four years in this role and the El Paso Herald reported that he established a reputation as fair and compassionate with the downtrodden, but harsh and relentless with the expert criminal.*

with two taken to the hospital. Nineteen men were arrested, including 11 Anglos and eight Mexicans.

By late 1915, a typhus epidemic was wreaking havoc in México City, Puebla and other cities. Known to infect war-torn areas where poverty and unsanitary practices abound, typhus, spread by body lice, resulted in 20,000 to 30,000 cases in México City alone, according to the *New York Times*, as the revolution raged throughout the country. In January 1916, the Mexican Superior Board of Health acknowledged 2,001 deaths during December 1915, according to Claudia Agostoni of the Instituto de Investigaciones Históricas of the National Autonomous University of México.

In an attempt to stave off the disease, health officials in El Paso wanted to set up a quarantine station for immigrants coming from México. The disease, which has an incubation period of 10 to 14 days before high fever sets in, had been diagnosed in three men who had recently arrived from Aguascalientes, México. Lea requested immediate quarantine, but disinfecting stations were set up instead. Immigrants crossing the El Paso border were bathed in kerosene and vinegar, inspected for lice and had their head and body hair shaved if lice were found.

Romo criticizes Lea and says his “atavistic fear of being contaminated by Mexicans—both bacteriologically and socially—seemed to have been an underlying motif of many of his administration’s policies.” Romo further attacks Lea for wearing silk underwear because he was told by Dr. W. C. Klutz, city health officer, that typhus lice did not stick to silk. Klutz also would die of typhus, contracted during his official duties.

Typhus had been and remained a scourge for many countries of the world, not just México, and leaders everywhere were concerned with its spread and prevention. Not until it was discovered that DDT worked in prevention, and that a vaccine came into widespread use in 1943 did the fear of typhus lessen.

Romo might be justified in his accusation that Lea was a xenophobe, but it’s also the case that the assessment of the condition of the Mexican people because of the revolution was undeniably accurate. Living conditions had become dire.

Thousands of hungry and jobless who witnessed their country ravaged by war sought refuge in El Paso. Agostoni contends that “the military and health authorities, the press and the public asked if the bullets or the microbes were causing the largest number of casualties.” In order to combat the typhus epidemic, Mexican health authorities also performed delousing procedures on their own citizens. Ironically, Howard Ricketts, the scientist who discovered the tiny bacteria causing typhus, died in México of typhus.

Tragedy did strike the Lea administration on March 5, 1916, when a group of prisoners who were ordered to take a gasoline bath, were burned to death in a fire ignited by a cigarette. Twenty-seven men were killed, including 19 Mexicans. The mayor’s son, Tom, remembered this disaster and its aftermath. In *Tom Lea: An Oral History*, he said: “It really devastated my father and he thought about it an awful lot. Somehow or other he took the blame for it, you know, as he would. I remember that vividly.”

A year later what would become known as the “Bath Riots” occurred in connection with the required fumigations of immigrants. When a 17-year-old maid named Carmelita Torres refused to submit to the gasoline bath, others on the international trolley joined her. Romo says that within an hour, 200 women had joined in the protest, effectively stopping traffic into El Paso. Neither American nor Mexican troops could subjugate the women. However, the disinfections, which had begun about 1910, would continue for decades.

Besides these events, Mayor Tom Lea also became a personal enemy of Pancho Villa. Lea refused to tolerate the man who had caused so many Mexican refugees to live in tents at Fort Bliss with nothing to call their own except the clothes on their backs and government rations. Although Villa was often in El Paso, Lea told the *El Paso Herald*, “If that bandit comes here again, the police have orders to throw him in jail.” When Lea had Villa’s wife, Luz Corral Villa, and his brother, Hipólito, arrested for smuggling arms and ammunition in El Paso, Villa offered 1,000 pesos in gold for the mayor, dead or alive.

Furthermore, the mayor received obscene notes in Spanish threatening to kidnap and harm his two

sons, nine-year-old Tom and five-year-old Joe. In his book *A Picture Gallery*, Tom Lea III wrote: "For quite a while in 1916 a special policeman was detailed to guard our house at night. My father was always armed. Joe and I were taken to and from Lamar School daily by a special policeman wearing a long-barreled .44 plain on his hip."

When Tom Lea's term as mayor was up in 1917, he stepped aside as he had resolved to do. He had served as a volunteer in the Spanish-American War and again in World War I, but by the time he had completed officer's training

school, that war was over. Lea's wife, Zola, died in 1936, and three years later, he married Mrs. Rosario Partida Archer. After his military service, he resumed his law practice and was a member of the Texas Bar for 40 years. He died from a heart attack on August 2, 1945. The Texas Supreme Court honored him in a November 1945 resolution, and El Paso named a city park below Rim Road for him.

Tom Lea was not perfect. What he and others did in their own age is still being debated by historians. But he took his job as mayor

seriously, determined to help make El Paso a better city in which to live, not an opportunity to enrich his own pockets, as so many other politicians had and would.

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## To All El Pasoans: Don't Borrow Trouble To Those Who Have: Get Free Advice

■ BY LIZ MOLINA AND CARMEN RODRIGUEZ.

**T**he number of El Pasoans seeking assistance and relief from predatory lending practices has proliferated just as the lending storefronts have multiplied in downtown and neighborhood shopping centers. The Texas Rio Grande Legal Aid, the City of El Paso and other groups have joined to fight back with information, advice, and legal services.

The Don't Borrow Trouble Campaign ("DBT") consists of 11 local non-profit organizations. The campaign is committed to combating predatory lending practices in the El Paso region through consumer education and consumer awareness. DBT and TRLA sponsors free legal clinics for people with questions on mortgages, foreclosures, consumer loans, credit cards, and basic bankruptcy. These free legal clinics are held once a month (usually the third Wednesday of each month) at the Texas RioGrande Legal Aid office located at 1331 Texas Ave. from 5:30 p.m. – 7:30 p.m. Private attorneys who practice in these areas have been enlisted in the effort while at the same time fulfilling their pro bono service and accepting referrals from these clinics.

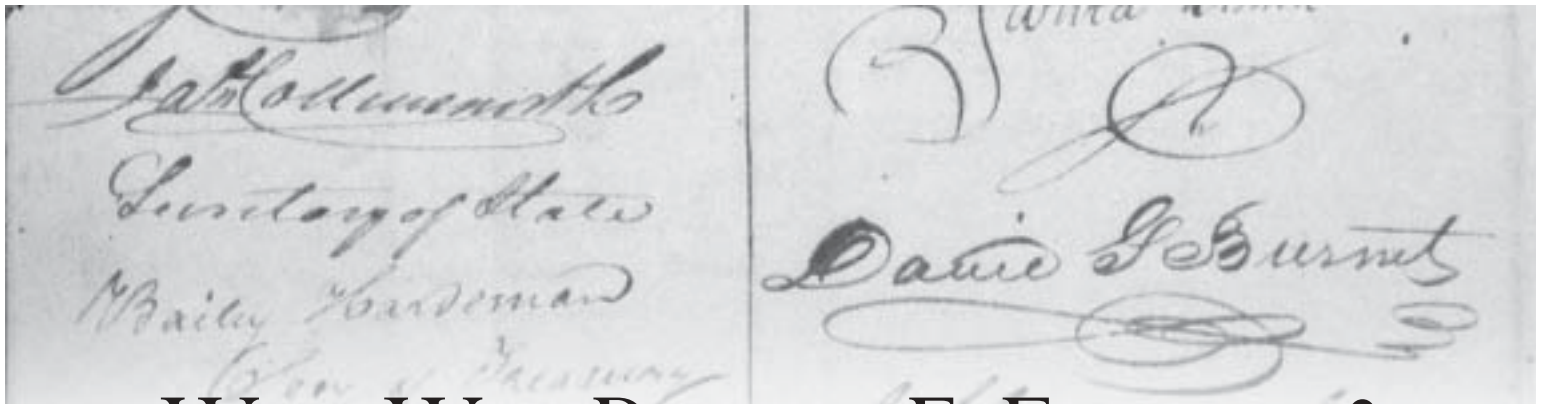
The immediate primary objective of DBT is to empower consumers and homeowners to allow them to make sound decisions regarding their finances and lending options. DBT is designed to strengthen the financial

capacity of the community and thus prevent unscrupulous lenders from taking advantage of uninformed and/or vulnerable consumers. Predatory lending practices consist of various financing and loan products that negatively affect consumer's financial health.

DBT has been implemented in over 40 cities throughout the country. Freddie Mac, a



Government Sponsored Enterprise, or GSE, (<http://www.freddie.mac.com>) is the primary sponsor of the campaign. There is a wealth of information available at the campaign's bilingual website, (<http://www.ci.el-paso.tx.us/DBT/>). The local website was put together by a coalition of professionals from the non-profit, credit union, and legal fields. For more information & to receive notices of future legal clinics, contact: [elpasodbt@yahoo.com](mailto:elpasodbt@yahoo.com) or call Liz Molina at 585-5100.



# WHO WAS PEYTON F. EDWARDS?

## And How Did He Get The Treaty of Velasco?

■ BY CLINTON F. CROSS

It's little known that El Paso is home to an important relic from Texas colonization, an original Treaty of Velasquez, and the city has Judge Peyton F. Edwards to thank. He was born in Nacogdoches, Texas in 1844, watched his home state's flag changed three times, served as speaker of the Texas House in 1875, and moved to El Paso in 1886. He attended St. Clements Episcopal Church. Just how he obtained the Treaty of Velasco is not clear, but it is now housed in the El Paso Public Library.

To those who are familiar with the early history of Texas, especially during the first half of the nineteenth century, it is only to state that Judge Edwards, of El Paso, is a grandson of Haden Edwards, one of the impresarios of early Texas colonization. Among the various documents and papers of an historical nature, and concocted with the fortunes of the Edwards family during its three generations in Texas, Judge Edwards possession may be deemed one of the most interesting historic relics of the Revolutionary period. Among these is the Treaty of Armistice signed by the representatives of General Houston's army and the Republic of Texas and by the Mexican leader, Santa Ana, under date May 14, 1836. This is the treaty signed at Velasco, and being what really amounted to the official, recognition of the independence of Texas, although Santa Ana refused to abide by the terms of that treaty as soon as he had safely escaped beyond the Rio Grande border. Judge Edwards was known and has been associated with many men of national fame, including General Thomas J. Rusk and General Houston. He spent much time with this renowned Texas leader, and his grandfather, Col. John Forbes was General Houston's commissary

general at the battle of San Antonio.

In A History of Texas and Texans by Frank W. Johnson written in 1914, Edwards is described like this:

*In 1890, at a Democratic rally in San Jacinto Plaza for district attorney candidate Larrazolo (who would eventually become a Governor and U.S. Senator from New Mexico), Edwards is famous for standing up and saying, "They (the Republicans) bring up the cry against Larrazolo that he is a Mexican. How many of us have foreign blood in our veins? The men who first fought for Texas independence were Mexicans and they fought nobly at San Jacinto. We should feel proud to have a citizen who is Mexican by birth and American by adoption."*

Judge Edwards presided as toastmaster at the second banquet of the El Paso Bar Association held at the Sheldon Hotel in 1903. The first banquet must have attracted some attention. At the second banquet lawyers from as far away as Los Angeles and Waco attended. The attorney who traveled from Waco to attend the Bar Banquet was Andrew Phelps McCormick, first federal judge of the Northern District of Texas. He was the grandfather of Dean Charles T. McCormick of U.T. Law School. He wrote a book about the history of the Adlai Stevenson family, which this author inherited from his grandfather and is now housed in his personal library.

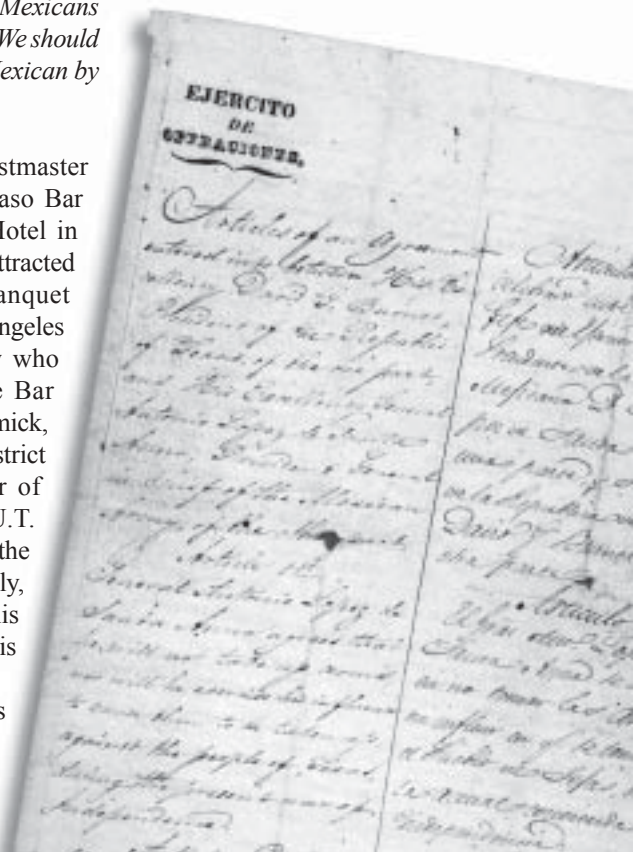
Judge Edward's son, Peyton James Edwards, was also an attorney. He served as deputy tax assessor, county attorney, chief of police and sheriff

(at the time of his father's death and when Tom Lea, Jr. was mayor).

Judge Peyton Edwards and his son Peyton J. Edwards should not be confused with Eugene T. Edwards, who graduated from Harvard Law School and practiced law with Judge R.E. Thomason, Tom Lea and others.

Eugene T. Edwards served a President of the El Paso Bar Association in 1933.

*Copies of the Treaty of Velasco can be obtained from the El Paso Public Library Association for \$5 (543-5406).*





# Federal Corruption Investigation Nails Famous Lawyer

■ BY CLINTON F. CROSS

**A**lbert B. Fall was a criminal defense lawyer (successfully representing John Selman when he was charged with murdering John Wesley Hardin and successfully representing Oliver Lee when he was charged with murdering Pat Garrett—who at the time was trying to arrest the suspected killers of Albert Jennings Fountain). Fall also served as a New Mexico Territorial judge, and a State Senator.

In 1920 Warren G. Harding was elected President of the United States (the same year Pat Neff was elected Governor of Texas). Senator Fall helped carry the relatively new state of New Mexico for Harding, against the Democratic ticket of Cox and Roosevelt. Fall hoped to be appointed Secretary of State. Instead, President Harding appointed him Secretary of the Interior.

In 1929, Fall was convicted of taking a bribe from Edward Doheny. United Press International reported the story of Fall's trial and conviction as follows:

WASHINGTON—A. B. Fall former secretary of the interior, was found guilty Friday of accepting a bribe of \$100,000 from E. L. Doheny, oil magnate, when Fall was secretary of the interior.

The jury recommended mercy be shown to the aged and ill defendant.

A motion for a new trial was prepared by Frank J. Hogan, defense chief, and filed shortly after the verdict was returned.

Hogan explained the motion would come up for argument a week from Friday, and then, if the motion were denied, sentence would be imposed on the former interior secretary.

Atty. Mark Thompson, one of Fall's lawyers, fainted after the verdict was announced.

The jury was out 23 hours and 50 minutes.

Fall, who has been ill with a lung ailment since the trial started, sat still in his big green leather easy chair in the prisoner's dock, as the verdict was read. Doheny stood at his left and El Paso physician, Dr. H. T. Safford, and a nurse were at his right.

Every member of the jury recommended "the mercy of the court" when the 12 were polled at

## FALL CONVICTED

### MERCY ASKED BY JURY FOR AGED PASOAN

**Wife Sobs, Attorney  
Faints as Verdict  
Announced**

**DEFENDANT UNMOVED**

**Sentence Will Be Passed After  
Judge Acts on Second  
Trial**

United Press Leased Wire  
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Fall, who has been ill with a lung ailment since the trial started, sat

A blue robe was drawn around his shoulders and a broad one was over his knees. In his hand Fall held a curiously carved cane, probably a memento of his cattle days in the west and gripped it tightly.

**Doheny Rags Judge**

When court adjourned the 72-year-old Doheny made an impassioned outburst of rage to a friend.

"The jury didn't try the case, the judge tried it," he shouted.

A similar bribery indictment is pending against him.

Albert Bacon Fall, former senator, jurist and miner, was indicted June 30, 1934, on a charge of accepting \$100,000 from Edw. L. Doheny on Nov. 30, 1931, given with a view of influencing Fall as secretary of interior to give valuable naval oil leases to Doheny's Pan-American Petroleum & Transport Co.

The federal bribery statute provides a penalty of up to three times the amount of the bribe as a fine, imprisonment of up to three years, and disqualification from holding federal office. All three penalties are mandatory.

Fall was interior secretary from March 4, 1921, until March 4, 1923. The interior department took from the navy, with Pres. Harding's sanction, the custody of the naval reserves. Fall leased the Elk Hills reserve to E. L. Doheny's company, and the Teapot Dome naval reserve in Wyoming to Harry F. Sinclair's Mammoth Oil company. Fall received \$250,000 from Sinclair, in addition to the \$100,000 from Doheny.

**Civil Suits Pending**

Doheny gave a receipt to Fall, but never realized a cent, for the ranch was sold by the sheriff to meet a prior debt—and Doheny hid it in. He now operates it, allowing Fall and his family to remain at the house, which is near Three Rivers, N. M.

In this case, as in the other criminal trials, the government was not allowed to introduce or refer to the U. S. supreme court's sweeping civil case decision holding Fall's leases were "fraudulent, unlawful and unauthorized," referring to him as a "faithless public officer."

In addition to the Doheny bribery and Fall conspiracy indictments pending, a civil suit to break other leases given by Fall on a portion of the Elk Hills reserve is pending, and will be brought to trial in Los Angeles in November. These involve supplemental leases given to Doheny and other companies, and later bought from Doheny by another oil company.

The defense case was based principally on Doheny's statement as the chief defense witness, Admiral J. K. Robinson and other naval officers talked him into making the lease bid, expressing fear of a war with Japan and pleading for a contract whereby Doheny would pay for the oil leases by building filling tanks for fast oil.

**Talk of Friendship**

Doheny told of his long friendship with Fall, said to have been started 43 years ago in New Mexican mines.

Fall did not testify. He sat quietly in a big chair, wrapped in blankets, during every session.

The defense called nearly a score of character witnesses from Fall's home state of New Mexico, where he bought and improved a cattle

deprived the government, and acquitted in 1932.

Fall and Sinclair were indicted in 1924 on a similar charge. Sinclair was acquitted in 1934. This charge is still pending against Fall.

A mistrial occurred in 1937 when Fall and Sinclair were first put on trial together, and Sinclair was tried alone when Fall became ill. Sinclair now is serving a jail sentence which will expire Nov. 20, for investigating the jury-shadowing which caused that mistrial.

Fall and Doheny were indicted separately on bribery charges. The Doheny indictment has never been brought to trial.

EL PASO PUBLIC LIBRARY  
EL PASO, TEXAS

### PASO FRIENDS CONVICT

Washington Verdict Comes as S  
Thinks Judge Against

Joe Mahoney, Deming, New Mexico highway commissioner, a friend of A. B. Fall for 40 years, was out Friday when he learned that his old friend had been found guilty.

Mahoney accompanied Gov. E. C. Dillon, of New Mexico, to the West Texas Chamber of Commerce convention.

Gov. Dillon also expressed sorrow over the verdict.

"I expected Fall to be found not guilty," he said. "I knew him only slightly."

Mahoney said he served in the New Mexico legislature with Fall and has been a close friend of Fall at least 40 years.

"I certainly did not expect a verdict of guilty," Mahoney said. "It is a shock to me. I am afraid Fall cannot hope for much mercy from the judge. It seemed to me that the judge showed himself to be against Fall during the trial."

Willard E. Hall, Lordsburg, member of the Western States Arrangements Assn., was another New Mexican who expressed sorrow over the Fall verdict.

Barrie Walkhill, attorney, former law partner of Fall, expressed surprise at the verdict.

"I did not think the government had sufficient evidence to warrant a conviction," Walkhill said. "I am sorry."

Frank Powers, retired capitalist, friend of Fall for many years; Tom Gable, Hotel St. Regis owner; W. W. Turney, W. A. Hawkins and Jop. Nealon, all attorneys, expressed surprise and regret over the verdict.

Mr. and Mrs. C. N. Bassett, who have been in Washington during the trial, were expected to return home

request of defense counsel.

Thos. E. Norris, 27-year-old bank teller, elected foreman just before the jury came in, read the verdict in a single word, "guilty."

Possible sentence is one to three years and a fine up to three times amount of the alleged bribe, or the amount of the alleged bribe, \$300,000.

In the back of the courtroom, Fall's wife broke into sobs. An attendant quieted her gently and the sobbing subsided.

Justice Hitz then directed the jurors to sit down. He told them of the illness of Fall during the early days of the trial, and the report of physicians that he was then suffering from a serious lung illness.

Fall showed little emotion. He wiped his eyes once or twice. Mrs. Fall, who was in bed with a cold Thursday night, kept up a Spartan impassivity after her first sob, tho her daughters sobbed audibly.

She fixed her eyes on her aged husband sitting slumped in a big green leather chair a few feet way.

A blue robe was drawn around his shoulders and a broad one was over his knees. In his hand Fall held a curiously cared cane, probably some memento of his cattle days in the west and gripped it tightly.

When court adjourned the 73-year-old Doheny made an impassioned outburst of rage to a friend.

"The jury didn't try the case, the judge tried it," he shouted.

A similar bribery indictment is pending against him.

Albert Bacon Fall, former senator, jurist and miner, was indicted June 30, 1924, on a charge of accepting \$100,000 from Edw. I. Doheny on

Nov. 30, 1921, given with a view of influencing Fall as Secretary of interior to give valuable naval oil leases to Doheny's Pan-American Petroleum & Transport Co.

The federal bribery statute provides a penalty of up to three times the amount of the bribe as a fine, imprisonment of up to three years, and disqualification from holding federal office. All three penalties are mandatory.

Fall was interior secretary from March 4, 1921, until March 4, 1923. The interior department took from the navy, with Pres. Harding's sanction, the custody of the naval reserves. Fall leased the Elk Hills reserve to E.L. Doheny's company, and the Teapot Dome naval reserve in Wyoming to Harry F. Sinclair's Mammoth Oil Company. Fall received \$269,1000 from Sinclair, in addition to the \$100,000 from Doheny.

Doheny gave a receipt to Fall, but never realized a cent, for the ranch was sold by the sheriff to meet a prior debt—and Doheny bid it in. He now operates it, allowing Fall and his family to remain at the home, which is near Three Rivers, N.M.

In this case, as in the other criminal trials, the government was not allowed to introduce or refer to the U.S. supreme court's sweeping civil case decision holding Fall's leases were "fraudulent, unlawful and unauthorized," referring to him as a "faithless public officer."

Doheny told of his long friendship with Fall, said to have been started 43 years ago in New Mexico mines.

Fall did not testify. He sat quietly in a big chair, wrapped in blankets, during every session.

The defense called nearly a score of

character witnesses from Fall's home state of New Mexico, where he bought and improved a cattle ranch with the money from Doheny and Sinclair. Many navy, interior and oil company officials appeared for both sides.

Fall's chief lawyer, Frank J. Hogan, disclosed that Fall last spring paid off the \$100,000 demand note he gave to Doheny in 1921, with \$125,000 of obligations of his Tres Rios cattle company. In another trial, Fall said he gave Sinclair one-third of this cattle company's stock for \$233,000.

In this trial, for the first time, the somewhat parallel Doheny and Sinclair transactions were presented to a jury by the government.

Doheny told the senate committee he expected to make \$100,000,000 from the Elks Hills lease, and admitted "loaning" Fall \$100,000, but just as a "loan between friends."

Fall and Doheny were indicted in 1924 on a charge of conspiring to defraud the government, and acquitted in 1926.

Fall and Sinclair were indicted in 1924 on a similar charge. Sinclair was acquitted in 1928. This charge is still pending against Fall. A mistrial occurred in 1927 when Fall and Sinclair were first put on trial together, and Sinclair was tried along when Fall became ill. Sinclair now is serving a jail sentence which will expire Nov. 22, for instigating the jury-shadowing which caused that mistrial.

Fall and Doheny were indicted separated on bribery charges. The Doheny indictment has never been brought to trial.

*Next Month: Should Albert B. Fall receive a pardon?*

## The El Paso County Legal Secretaries Association

had its annual Boss's Appreciation Luncheon at the El Paso Club.

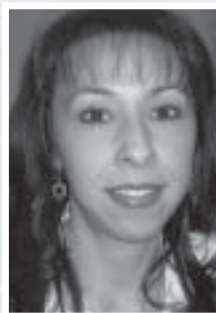


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TERRY SCHOEMER CASTILLO  
of Kemp Smith was named

*Secretary of the Year.*



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# ATTITUDE:

## *The maker and breaker of men*

■ BY JUDGE OSCAR G. GABALDÓN, JR.

“Attitudes control lives. Attitudes are a secret power working twenty-four hours a day, for good and bad. It is of paramount importance that we know how to harness and control this great force.” With these words, the author Tom Blandi conveys to us the powerful reality of the almighty attitude. He also implies that unless we wisely monitor attitudes, they can become a detriment and a liability. Attitude is everything.

As is the case with character, most people are able to control their attitudes. The kinds of attitudes we choose to have will, in a manner of speaking, make us or break us. The reason that attitude has so much power in our lives is quite simply and perceptively explained by John C. Maxwell in his book *The Winning Attitude*. When attempting to define attitude, Maxwell states: “It is the ‘advance man’ of our true selves. Its roots are inward but its fruit is outward. It is our best friend or our worst enemy. It is more honest and more consistent than our words. It is an outward look based on past experiences. It is a thing which draws people to us or repels them. It is the librarian of our past. It is the speaker of our present. It is the prophet of our future.”

One can underestimate the profound impact that attitude has in everyday undertakings and in the journey through life. The dichotomy of good and evil, of having a positive outlook versus a negative one, of looking at the bright side of things as oppose to the dark side, entail choices we are free and able to make in giving birth to a healthy attitude or to a sickly one. This choice is always at our disposal. It is a choice that we are able to adjust and to change, depending on our way of thinking about the attitudes we wish to have at any given time. “Change your thoughts and you change the world.”<sup>1</sup> We are empowered with the ability to decide how we approach life and the world that surrounds us. So what determines how we approach life? According to Maxwell, our approach to life is determined by our attitude. “The last of our human freedoms is to choose



“It is never too late to start living life with a good and positive attitude. Our lives will not only experience greater levels of happiness and tranquility, but also our physical, emotional, mental and spiritual well-being will significantly increase.”

our attitude in any circumstances.”<sup>2</sup>

Throughout our lives, we are afforded many opportunities that can help us achieve all sorts of successes, objectives, and milestones. It may be that we have the opportunity to improve our financial condition or improve our career successes. It may be the opportunity to better handle a failed marriage, a serious illness, a difficult client, or perhaps an annoying co-worker. It may be the opportunity to enhance our good character, to become more honest, or to increase our positive outlook on life. Whatever opportunity is presented to us, we choose to make it a worthwhile opportunity and seize it so as to reap the goodness that it can provide us with; or, we discard it and then dwell in an ambience of regret, entertain feelings of inferiority, or maybe engage in

self-blame and feelings of guilt and failure. It is in our choices concerning our attitudes that we become less than average, simply average, or beyond average. To put it a different way, “The major difference between average people and achieving people is their perception of and response to failure.”<sup>3</sup> How we deal with failure often times influences or determines the attitudes we engender. Thus, our approach to life largely hinges on attitude, attitude, and attitude.

Some believe that it is the circumstances in our lives that bring happiness. A magnificent house, an expensive luxury car, a large bank portfolio, or winning the lottery are simply circumstances in our lives. A well-known American broadcaster, television host, producer, and author explains it this way: “A

happy person is not a person in a certain set of circumstances, but rather a person with a certain set of attitudes.”<sup>4</sup> The circumstances do not bring us happiness. How often do we come across persons that enjoy a life filled with all sorts of wonderful circumstances; however, happiness seems to escape them? It is our attitudes that ultimately bring us happiness!

Since attitude determines one’s approach to life, attitude is a crucial factor in how others perceive us and respond to us. “Pianist Arthur Rubinstein never signed autographs, but a teenager once confronted him after a concert, held out a pad and pencil and said, ‘I know your fingers are tired, sir, but mine are too – from clapping.’ He signed.”<sup>5</sup> This anecdote illustrates the idea that our attitude can have a direct bearing on outcomes we desire to achieve.

Mike Ditka, the legendary professional football coach, observes that success isn’t permanent, and failure isn’t fatal. This concept can apply when discussing attitude. We may have a good attitude, and then have it fade away or altogether lose it by not nurturing our disposition to have a positive outlook on things. We must work diligently on maintaining a good outlook on whatever experiences come our way. By the same token, we may have a negative or pessimistic attitude, but we can choose to change it into a better attitude and thus redeem our otherwise cynical or hopeless tendencies. Greatness comes the way of the optimist, not the pessimist. After all, as radio commentator Paul Harvey observes, “I have never seen a monument erected to a pessimist.”

A great attitude brings with it great expectations. If our attitude is one wherein we strive for greater heights and we expect greater

things, then the likelihood of actually attaining such goals significantly increases. “On the first day of school, a teacher was glancing over the roll when she noticed a number after each student’s name, such as 154, 136 or 142. ‘Wow! Look at these IQs,’ she said to herself. ‘What a terrific class.’ The teacher promptly determined to work harder with this class than with any other she ever had. Throughout the year, she came up with innovative lessons that she thought would challenge the students, because she didn’t want them to get bored with work that was too easy. Her plan worked! The class outperformed all the other classes that she taught in the usual way. Then, during the last quarter of the year, she discovered what those numbers after the students’ names really were: their locker numbers.” It was all a matter of attitude. The attitude of the teacher about her students’ potential and abilities, coupled with the attitude of the students that they could meet their teacher’s expectations because she believed in them, resulted in the students’ high achievements. Hence, attitude is contagious! People with good attitudes are usually able to help others turn their less than positive attitudes into better and more positive attitudes.

At a basic level, attitude is commonly defined as a disposition or tendency to respond positively or negatively towards a certain thing.<sup>6</sup> The thing can be a situation, an idea, a person, or some other object. We know that the disposition or tendency is ours to choose. Most of us will probably find it preferable to pursue a disposition or tendency that is positive, such as having the quality of being optimistic. Time and time again, it has been shown that optimism is the ultimate form of a healthy attitude. “Optimism is the one quality more associated with success and happiness

than any other.”<sup>7</sup> It is attitude that many times will determine how far we can and will go. Jesse Jackson astutely notes that “Attitude, not aptitude, determines your altitude.”

Aside from helping us to succeed, positive attitudes bring serenity and happiness to our lives. “The secret to happiness and well-being is no mystery. All it takes is the ability to do the following: Forget. Apologize. Admit errors. Avoid mistakes. Listen to advice. Keep your temper. Shoulder the blame. Make the best of things. Maintain high standards. Think first and act accordingly. Put the needs of others before your own. Forgive. Seem like a tall order? Then try slipping as many of these ‘secrets to happiness’ into your day as possible. You’ll soon be rewarded with a more positive outlook on life.”<sup>8</sup>

It is never too late to start living life with a good and positive attitude. Our lives will not only experience greater levels of happiness and tranquility, but also our physical, emotional, mental and spiritual well-being will significantly increase. While we cannot avoid the storms in our lives, we can at least better handle them with a brighter attitude as we await the rainbow. “The way I see it, if you want the rainbow, you gotta put up with the rain.”<sup>9</sup>

#### (Footnotes)

- 1 Quote from writer Harold R. McAlindon.
- 2 Quote from psychologist Victor Frankl.
- 3 Maxwell, John C. John C. Maxwell’s Maximum Impact: Developing the Leader within You.
- 4 Quote from Hugh Downs.
- 5 Lenehan, Arthur F., Ed. Soundings..., Vol. D/No.1, 1988.
- 6 Attitudes. TIP: Concepts <<http://tip.psychology.org/attitude.html>>.
- 7 Quote from self-help author Brian Tracy.
- 8 Dooley, Ken, Ed. Good Stuff. Progressive Business Publications, 2001.
- 9 Quote from singer/songwriter Dolly Parton.

## EL PASO COUNTY DISPUTE RESOLUTION CENTER MEDIATION:

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# Adobe Acrobat 8 Professional - A MAJOR Upgrade for Lawyers

■ BY DAVID J. FERRELL  
[djf@elpasolaw.com](mailto:djf@elpasolaw.com)

In 1988 I filed a lawsuit involving annuity fraud where my client lost about 2 million dollars. There were many others that invested in this well planned scheme so many other plaintiffs followed. The state of Texas was one of the high profile plaintiffs and it sequestered 78 boxes of discovery using its administrative powers to accumulate documents prior to filing suit. My partner and I flew to Austin with another plaintiff lawyer and went through those boxes, one page at a time. It was then that I truly learned about the great value and enormous task of "Bates Stamping". Since then, I have been involved in smaller "Bates Stamp" incursions and large sets of litigation documents that must be shared requiring organization and identification. The previously mentioned several hundred thousand "Bates Stamped" pages that were examined in Austin were ultimately read, coded and prepared at great expense for use in the many lawsuits that followed the first annuity fraud lawsuit that I filed in El Paso. Even criminal litigation ensued and ultimately ruined the ability to get the victims most of their money back.

So, now there is a way to dump the "Bates Stamp". On November 30, 2006 Adobe Acrobat 8 Professional was released. I am sure all computer users are familiar with Adobe Acrobat Reader, which is free and allows us to view a document as it appeared on the computer that created it, be it a Windows or Apple, etc. computer. The document can be viewed on the Internet with its original formatting, which is

called a PDF file (Portable Document Format).

One of the 9 lawyer-based enhancements of Adobe Acrobat 8 Professional from its predecessor Adobe Acrobat 7 Professional is automatic "Bates Numbering". Many law firms are scanning their documents and discovery items already, but with the enhanced Adobe software you easily "Bates Number" in less than a minute and all the scanned discovery is quickly ready for transmission to the other lawyers. Transmission means you e-mail the discovery with a cover letter and the thousand pages of discovery, which is "Bates Numbered" of course, attached as an exhibit. Think about the paper you save.

Adobe Acrobat 8 Professional costs \$459.00 unless you upgrade a previous version, then the cost is \$159.00. Make sure you buy the PROFESSIONAL version since there is a STANDARD version that does not "Bates Number". You cannot upgrade the free Adobe Acrobat reader but you can buy a scanner with Adobe Acrobat 8 Standard and the upgrade to the Professional version for \$159.00.

One great scanner is the Fujitsu ScanSnap S510 which scans 18 pages a minute, does automatic duplex scanning (when the scanned document has typing, etc. on both sides) has a 50 page sheet feeder, has one button scanning to searchable PDF format, AND it comes with Adobe Acrobat 8 Standard. You can do a Google search for the best price. I found that Tiger Direct is selling



the Fujitsu ScanSnap S510 for \$439.00 with a \$50.00 rebate (expires 3-31-08). Shipping and handling is currently about \$30.00. Amazon has free shipping and today the price is about the same. Check for a rebate from Fujitsu since the one I used above will have expired by the time this article is published.

The Fujitsu ScanSnap S510 is a remarkable and easy to use scanner and there is a "YouTube" sales pitch on the device for your viewing. Go to <http://www.elpasolaw.com> and click on the Adobe Acrobat link on the left side of page and the scanner link will appear.

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### ■ El Paso Women's Bar Association

■ The El Paso Women's Bar Association will have its next meeting on April 3, 2008 at noon at The Original Jaxson's on Mesa and Castellano. Justice Ann McClure will be speaking on "Professionalism." Free CLE- don't miss out!!!

■ The El Paso Women's Bar Association is also having a personal hygiene products drive to benefit Dame La Mano Crisis Pregnancy Center, which is a homeless shelter for pregnant women. The drive will last until May 1, 2008. Please bring your donations to our next meeting or call Diana Valdez at 546-8208 or Yvonne Acosta at 832-7200 to arrange pick up. For more information on the El Paso Women's Bar Association, please contact Diana Valdez at [dval@scotthulse.com](mailto:dval@scotthulse.com).

■ Also, please save the date for the El Paso Women's Bar Association's Charity Bash 2008 which will be held on Saturday, May 31, 2008, at the Wyndham El Paso Airport Hotel. Join the EPWBA for a murder mystery dinner theater and silent auction. Proceeds will benefit the El Paso Women's Bar Association Foundation~ The Legal Charitable Foundation of El Paso~ which will fund scholarships for local high school students interested in careers in the law and will also benefit many other local charities. Tickets will go on sale April 1, 2008. For more information, please contact Alex Kellner-Zant at [azant@elp.rr.com](mailto:azant@elp.rr.com).

### El Paso Young Lawyers Association

■ The El Paso Young Lawyers Association will be hosting their annual Golf Tournament on Friday, April 25, 2008 at 1:00 p.m. The Law Day event will be held at Butterfield Trail Golf Course and will feature drinks, food, contests and door prizes. Four person teams at \$100 per player and Hole Sponsorships that start at \$150. For more information, please call Carlos Quiñonez at 533-0009 or email at [cmq@lawyer.com](mailto:cmq@lawyer.com) Find your teams and reserve your space!!

### El Paso Paralegal Association

■ EPPA's next general meeting will be on Thursday, April 17, 2008 at 12:00 noon at the El Paso Club, 201 E. Main, 18th Floor. Buffet: \$14.00; Salad Bar: \$8.50. Please RSVP to Lynda Camacho at 546-8311.

### Immigration Law Committee

■ The El Paso Bar Association Immigration Law Section, Diocesan Migrant and Refugee Service, El Paso Young Lawyers Association and the Law Office of Danny Razo will be sponsoring "Practicing Law on the Border: What Every Attorney Should Know About Immigration Law" on Friday, April 11, 2008 at the El Paso County Courthouse, 3rd Floor. Seminar begins at 8:30 a.m. - 4:00 p.m. Registration is \$199 for private attorneys and staff; \$99 for non-profit attorneys and staff and walk-ins add \$50. If you would commit to taking one (1) pro-bono case - FREE. For information call 532-3975 and ask for Michelle Martinez.

### Federal Bar Association

■ FBA Brown Bag on Thursday, April 17, 1998 at 12:00 noon in the Federal Courthouse. We will be talking about Military and the Law: UCMJ and the Law of War Briefing. 1.0 hours of MCLE.

### El Paso Criminal Defense Lawyers Association

EPCDLA will have its General Membership Meeting on Friday, April 11, 2008 at 12:00 Noon in Room L-106 of the El Paso County Courthouse. The Board meeting will be on Wednesday, April 2nd at 5:00 p.m. at 3000 E. Yandell.

## CLASSIFIEDS

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Lady Justice atop the 1886 courthouse

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