



110th Anniversary

EL PASO BAR JOURNAL

A Monthly Update of Events and Information

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May/2008

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1996 – 1997 1998 – 1999
2000 – 2001 – 2006
Star of Achievement 2000
State Bar of Texas
Best Overall Newsletter – 2003, 2007
Publication Achievement Award
2003 – 2005 – 2006 – 2007
NABE – LexisNexis Community
& Educational Outreach Award 2007

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THE PRESIDENT'S PAGE

The Next Generation

Fellow colleagues, as the El Paso Bar Association President, it is my duty to ponder ways of assisting the legal community. As you know, there exists no law school in El Paso. Students hoping to begin their legal careers must do so by applying to schools outside of this city. However, with the guidance and direction of the University of Texas at El Paso's Law School Preparation Institute, these law school hopefuls need not leave their city ill-prepared.

The Institute, better known as LSPI, was founded in 1998 by UTEP professors William Weaver and Robert Webking with the support of the El Paso Bar Association and the Texas Bar Foundation. At its inception, the program was the only one of its kind in the nation. Since then, the success rate of LSPI graduates admitted to first tier law schools has continued to grow. In fact, top 25 law schools accept close to half of all the Institute's graduates. And nearly half of those students are admitted into the top ten law schools in the country. Paired with the fact that almost ninety percent of LSPI graduates are minority students, which is astounding and goes to show how much of a difference this achievement LSPI has made for the future of El Paso's legal community.



This summer the program will celebrate its 10th Anniversary. On behalf of the El Paso Bar Association I would like to extend congratulations to the founders and instructors of the LSPI. Your efforts are priceless. I applaud the work ethic of the 350-plus graduates who have completed that program these past ten years. Kudos to your progressive achievements, and may you continue to be the light for classes to follow. Your life and your work show how the LSPI reaches beyond its mission statement. You show that it is more than a training program for future legal professionals. LSPI is more than logic games and textual analysis. Students leave with more than the ability to write persuasively. They go with confidence; they leave town knowing they are better prepared than their classmates, thanks to the effort of the LSPI.

But the program does not exist solely to increase students' acceptance letters. Internships for undergraduates are available with federal, district and county judges, as well as the El Paso County Prosecutor and Texas Rio Grande Legal

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EL PASO BAR ASSOCIATION

May Bar Luncheon

Tuesday, May 13, 2008

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

Surprise Guest Speaker TBA

Please make your reservations by Monday, May 12, 2008
at noon by calling Nancy at 532-7052 or via email at

Continued from page 3

Aid. The program also offers summer clerkships for returning law students. By having these options available, students can become comfortable and competent in the legal field even before passing the bar exam. An entire world opens up, and they are free to see the actual day-to-day

processes of the El Paso legal world. That sort of preparation is remarkable, and the benefits of having these opportunities are boundless.

And so, as I ponder the way to aid our legal community, I know I can rest easy. Thanks to Dr. Weaver, Dr. Webking

and the spirit of UTEP students, I know the future of the El Paso Bar Association and its members remains bright. Congratulations for ten years of guidance, promise and success.

JUDGE ROBERT ANCHONDO,
PRESIDENT

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CALENDAR OF EVENTS

MAY 2008



Thursday, May 1

EPWBA Meeting

Friday, May 2

Coffee & Donuts in Bar Office

Friday, May 2

MABA General Meeting

Monday, May 5

& Tuesday, May 6
El Paso Indigent Defense Seminar

Tuesday, May 6

EPBA Board Meeting

Saturday, May 10

May the Music Live On!

Tuesday, May 13

EPBA Monthly Luncheon

Thursday, May 15

EPPA General Meeting

Thursday, May 15

FBA Brown Bag Seminar

Friday, May 16

Coffee & Donuts in Bar Office

Monday, May 26

Memorial Day, EPBA & County Courthouse Closed

Saturday, May 31

EPWBA 2008 Charity Bash

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 June, 2008, please have the information to the Bar Association office by Thursday, May 9, 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 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.

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or Attorney-Referral Cases,
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Save the Date!



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

A Night of Mystery!

*Please join us in honoring the
2008 Winner of the Trailblazer Award*

Judge Kathleen Olivares

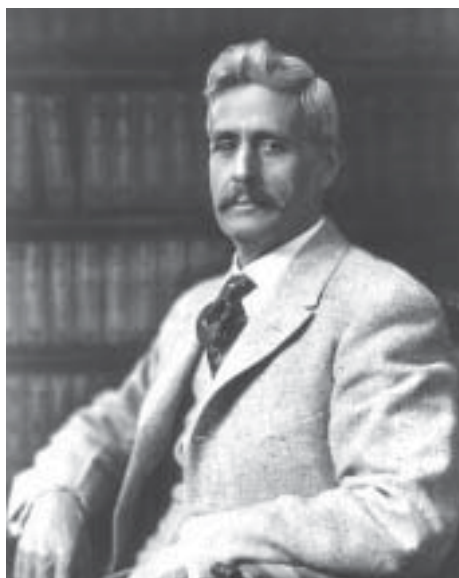
May 31, 2008 6:30pm

Wyndham El Paso Airport Hotel

2027 Airway Blvd. El Paso, TX 79925

Tickets: \$100.00

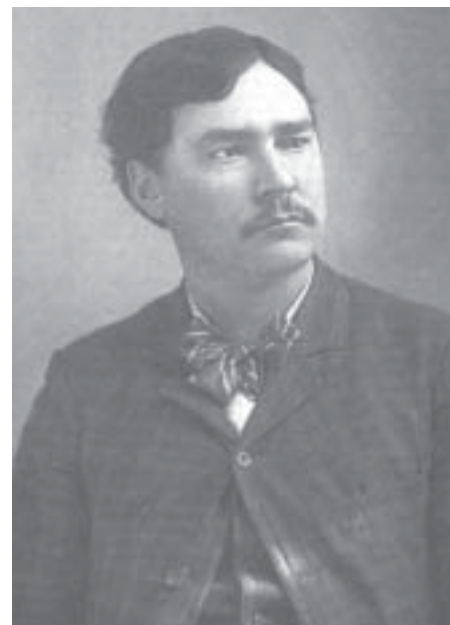
For more information, please contact Alex Kellner-Zant at
azant@elp.rr.com or Diana Valdez at dval@scotthulse.com.



Ambrosio Larrazolo



Josiah Crosby



Elfego Baca

Migratory Streams

■ BY CLINTON F. CROSS

You can't choose your relatives. Nor your culture. As children, we absorb the world that surrounds us without screening our family's cultural values. As a result, we are reflections of our larger culture, and reflections from the smaller sub-cultural groups and the individuals (ethnic, religious, national) that are part of our world. As William Faulkner once said, "The past is not dead and buried; indeed, it is not even past."

This series of articles will explore the origins of lawyers who grew up as members of identifiable sub-cultural groups. It is not the "whole story," but it is part of our story.

The Spanish arrived in 1598, and theoretically brought with them the Civil Law legal system of Spain. However, the Spanish never sent any *licenciados* to Northern New Mexico. Disputes were decided by *Alcaldes* and *jueces de páz*. Sometimes paperwork was prepared and sent to judges presiding over courts in cities to the south who would ultimately decide the cases.

The Spanish did not believe in "free trade." Anyone who trespassed into their "territory" could be arrested and tried as a criminal. One of the first Anglo-Americans to experience the wrath of the Spanish government for trespassing into the space of North American Spain was Zebulon Pike (after whom Pike's Peak was named) who passed

through El Paso in 1807 on his way to Chihuahua as a prisoner of the Spanish government. Pike and his men were ultimately released to the United States at the Louisiana border on July 1, 1807.

The Mexicans obtained their independence in 1821, and began trading with the Anglo-Americans. As a result, Anglo traders (including the Coldwells and the Dwyers) began to visit and sometimes settle in El Paso.

Disputes continued to be resolved as they had been resolved by the Spanish. The nearest attorneys were in Chihuahua, hundreds of miles to the south, over a rugged terrain that traversed formidable desert terrain and hostile Indian territory. Defendants in criminal cases would often sit in jail for years waiting for the courts to decide their cases.

Licenciado Antonio Barreiro, a government-appointed legal advisor sent to the New Mexican territory in 1831, concluded that there was absolutely no one who knew how to conduct an examining trial, to prepare a defense, or to prosecute at case. Jill Mocho, *Murder and Justice in Frontier New Mexico 1821-1846* (University of New Mexico Press, Albuquerque, 1977), p. 8.

In 1836, Texas claimed its independence from Mexico. At that time, Juan Ponce de León (who lived near the downtown Plaza) was just about the only Mexican who owned a home and property

in what is now El Paso. When Juan heard about the Treaty of San Lorenzo (now in the possession of the El Paso Public Library), he moved south of the Rio Grande to the community that is now called Juárez, México.

The Republic of Texas "adopted" the Common Law of England as the law of the Republic in 1840. The "adoption" was incomplete. The Republic retained Spanish property law. Indeed, for many years even the Supreme Court of Texas continued to cite *Las Siete Partidas* (promulgated during the reign of King Alfonso X) as authority for property law decisions. The courts also continued to recognize "common law" marriage, although by 1840 England had abolished the concept. In addition, the Republic's courts combined law and equity jurisdiction.

It was not yet clear that El Paso was part of the Republic of Texas. In any event, the Republic created no courts for El Paso and sent no laws or lawyers to El Paso.

In 1845, the Republic joined the United States and became a state. The Mexican War settled a few issues—the Mexicans conceded that all lands north of the Rio Grande were part of the United States—but once again many jurisdictional issues were not clearly resolved.

Before the Compromise of 1850, officials appointed by the Governor of the Territory of

New Mexico and *de facto* judges in El Paso applied “the law” in an *ad hoc* fashion, referring to the Mexican Codes or whatever law they could find for authority. In 1850, an Anglo-American named Charles Hoppin living in El Paso (perhaps the former mayor of Mobile, Alabama) wrote to Governor Bell in Austin asking for a copy to the Texas statutes so Texas law could be consulted as authority. *Cobb, El Paso County and the State of Texas*, El Paso Bar Journal, September, 2007, p. 16.

On March 4, 1850 El Paso was organized as a Texas county and Charles Hoppin was elected County Judge. On August 20, 1850 he was replaced by Archibald C. Hyde, who served two terms. However, it would not be until the Compromise of 1850 was adopted by Congress, that El Paso was finally and conclusively included within the jurisdictional limits of the State of Texas.

In 1850 the Eleventh Judicial District Court was given jurisdiction to hear cases from El Paso County. Joel L. Ankrum was appointed district judge, and James W. Webb was made the first district attorney. In 1856, Judge Ankrum resigned. Josiah Crosby (who had been mentored by Ankrum as a young man) then became judge of the Eleventh Judicial District Court.

Most of the early El Paso judges and lawyers were Anglo-Americans from Southern states, and they were for the most part affiliated with the Democratic Party. With the Civil War, a few lawyers from other parts of the country, some with Republican party affiliations, began practicing law in our community.

The first Mexican attorney to practice in El Paso was Octaviano Ambrosio Larrazolo, who was born in the state of Chihuahua, Mexico. Larrazolo moved to Arizona as a child to study theology under the bishop of Arizona. In the late 1870's he moved to El Paso and became the district clerk and thereafter clerk of the United States District and Circuit Courts for the Western District of Texas.

Larrazolo became a member of the bar in 1888, and served as district attorney for the Western District of Texas in 1890 and 1892. Although he spent much of his life in New Mexico, he apparently returned to El Paso to practice law in the 1920's.

Larrazolo was eventually elected as the first Mexican to serve as Governor of the State of New Mexico, and he was the first Mexican to be elected to the United States Senate.

The first Mexican-American attorney to practice in El Paso was Elfego Baca, born in Socorro, New Mexico. His name appears in the El Paso City Directory as a practicing attorney



Baca is perhaps best remembered for his confrontation in 1884 with dozens (he claimed 80) drunken cowboys who fired hundreds (Baca claimed 4,000) shots at an adobe house where Baca was holed up. After many hours (Baca claimed 36) the still somewhat intoxicated cowboys ran out of bullets, got tired, and rode away

early as 1903.

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In March 1905, New Mexico Territorial Governor Miguel Otero appointed Elfego Baca as district attorney for Socorro and Sierra counties. During his tenure as District Attorney, Baca ordered the Socorro County Undersheriff to arrest Charles Mallet, a federal officer empowered to enforce laws against Chinese aliens, for “carrying and especially displaying a six-shooter” and resisting arrest. Baca stated, “The laws of the territory clearly and specifically define who are allowed to carry deadly weapons. I fail to see anything anywhere in the laws which makes a Chinese inspector immune.” His position was

controversial. However, after Baca resigned his position, Mallet was tried and convicted and Baca was vindicated. *Id.*, p. 54.

In addition to district attorney for Socorro and Sierra Counties, Baca held a number of public offices, including county clerk, mayor and school superintendent of Socorro County. He was a Republican, and a friend of Albert Jennings Fountain. Indeed, he was with Fountain on the very day that Fountain and his son disappeared forever and planned to travel with them, but he was delayed in order to meet with a client. He was also a friend and supporter of Albert B. Fall, and as a result in 1921 was appointed an Indian agent and inspector for the Department of Interior. Ball, *supra*, p. 92.

Baca claimed that as a criminal defense lawyer he had defended 19 people charged with murder, and only one went to the penitentiary. However, as the reader may have already realized, he sometimes exaggerated. Ball, *supra*, p. 51.

Next month: the first Jewish lawyer; the first woman lawyer (if we can figure it out); the first Black lawyer (if we can figure it out); and the first lawyers of Arabic, Chinese, Korean, Bangladesian and Albanian descent.



The Terminal Building at El Paso International Airport in the 1950s

Six Days Before the Music Died

The Assassination of Ted Andress

■ BY BALLARD C. SHAPLEIGH

Cormac McCarthy, a former Kern Place resident, said in a recent interview that “if it doesn’t concern life and death, it’s not interesting.” And, he added, before global warming or some other extinction event or environmental catastrophe strikes, “we’re going to do ourselves in first.” His father was a Yale-educated lawyer, so he comes by his insight naturally. Few will therefore quibble with the sheriff in *No Country for Old Men*, when he says “It starts when you begin to overlook bad manners. Any time you quit hearin’ Sir and Mam the end is pretty much in sight.” And as the *No Country* movie posters warn, there are no clean getaways.

The murder of lawyer Ted Andress offers an example of this wisdom. Andress was born 100 years ago in Naco, Arizona. But because of a doctor’s bad manners the end of his life in 1959 was pretty much in sight for a long time, maybe for as long as five years. Andress never had a chance. He was a marked man. The homicidal tendencies of his killer, a transplanted New York proctologist, were overlooked by everyone except his lawyer - the renowned Percy Foreman. And Foreman would naturally use his client’s bad behavior to great advantage while defending him. Art Leibson, the attorney-cum-journalist for *The El Paso Times*, neatly summarized the assailant’s



Theodore Andress, for whom Andress High School is named, in 1941 Herald Post Staff photo

“blizzard” of litigation leading up to the murder and concluded his first article about Andress’ fatal encounter with the doctor with

this statement: “There was plenty of warning of danger ahead – but the warnings were ignored until they led straight to tragedy.” As a result, El Paso lost a “top citizen,” as the *Times* editorial put it, and also whatever wholesome innocence it might have accumulated during the slow, almost languid Fifties, with its black-and-white photographs and TV images.

The city was stunned. The murder dominated the headlines. Both papers - the morning *El Paso Times* and the evening *Herald Post* - carried a multiplicity of stories about various facets of the case, three to four columns abreast, on the front pages for days. School Superintendent H.E. Charles announced the closing of all city schools on the day of the funeral and cancellation of all school athletic contests. Bar Association President R. Neill Walshe postponed the annual bar banquet scheduled for that coming weekend, along with the installation of new president R.P. Langford and new directors Alex Silverman and Grover Stephens. The papers fail to report that Stephens, a 1954 graduate of UT Law School from Sierra Blanca was, ironically, an associate in the Andress firm.

The first part of 1959 was eventful at home and abroad. Dwight D. Eisenhower was president; Richard Nixon was Vice-President. In Cuba, Fulgencio Batista fled Havana on January 1st for Ciudad Trujillo (now

Santo Domingo) in the Dominican Republic, only to be replaced by another dictator named Fidel, whose men entered Havana on January 2nd. In Paraguay, Alfredo Stroessner, then called “the only dictator left in South America” and facing pressure against his regime like another recently deposed Mideast dictator, said his country was “not yet ready for the luxury of democracy.” The architect of the plan to rebuild Europe after World War II, George C. Marshall, died later in the year.

At home, El Paso was a city of just under 276,000 souls, up from 130,000 in 1950. Raymond Telles was mayor and running for re-election. Woodrow Bean was sworn in as County Judge by U.S. District Judge R.E. Thomason. Nolan Richardson, Bowie High School’s all-around star athlete, was on his way to becoming the leading scorer in basketball for the county in his senior year and breaking his own single-game scoring record. The 24th Annual Sun Bowl was played with Wyoming beating Hardin-Simmons. Approval of the plat for the Coronado Country Club Foothills subdivision was being debated in City Council. The mother of lawyer Greg Pine, the immediate past-president of Coronado Country Club, which was then only two years old, was tied for the lead in the Aaronson Brothers Best-Ball golf tourney at Ascarate. His father Bob Pine was succeeded as the “chief assistant U.S. district attorney” for the El Paso division of the Western District of Texas by an “ex-TWC grid star” named James Hammond. The Board of Law examiners announced that 177 were admitted after the March bar exam; Jerry Woodard made the second highest grade. On January 20th, Ted Andress was quoted on the front page of *The El Paso Times* when he described proposed school legislation to an audience of parents and teachers at First Presbyterian Church, saying “the howling dog is the one that gets fed.”

When he was killed, at age 50, Theodore R. “Ted” Andress was the senior lawyer in one of the leading law firms in town, partnering with Abner Lipscomb, William C. Peticolas and Bradley Fisk. Besides Grover Stephens, the firm also employed Sanford Cox as an associate. Lawyers who knew him describe him as ethical



Andress' Jaycee Award was front page news in WW II-torn 1942

beyond reproach, but his “take-no-prisoners, win-at-all-costs” style of advocacy tended to irritate some and weighed against his popularity at times. Jack Luscombe says simply, “he was a good lawyer with sharp elbows.”

After graduating from law school at the University of Texas, Andress began his career as an assistant district attorney under Roy D. Jackson from 1933 to 1937. He then went into a brief partnership with John Penn, four years older and with whom he had worked at the district attorney’s office. When Penn died in 1939, Andress joined the city attorney’s office as an assistant. Lipscomb was also employed there as an assistant city attorney as well.

In July 1941, at the age of 33, he was appointed City Attorney succeeding Frank B. Clayton who left to take a position with the International Boundary and Water Commission. In reporting on this appointment, the *El Paso Herald Post* added that he was “one of El Paso’s most eligible bachelors.” He was named El Paso’s most outstanding young man of 1941, a Junior Chamber of Commerce award presented by the president of the College of Mines at a luncheon in the Cortez Building. Newspaper

accounts of the Cortez event said he was also the retiring president of the University of Texas Ex-Students Association.

When World War II broke out, he interrupted his 11-year legal career as a not-so-young lawyer in his mid-thirties and volunteered for service in the Navy. Andress served with the amphibious forces in the Pacific, participating in among other engagements the landing on Iwo Jima. At war’s end, after forty-two months on active duty, he returned to El Paso as a 37-year old lieutenant commander in the Naval Reserve intent on resuming his legal career.

In the ‘40s and ‘50s, Ted Andress was a civic giant. He was a director and past president of the Kiwanis Club, a director of the Junior Chamber of Commerce and headed the Red Cross drive in 1947. In 1953, he was president of the Sun Carnival Association which sponsored the Sun Bowl, and headed the City-County Child Welfare Board. When he was president of the Kiwanis Club, Goodwill Industries was organized and he also served on its board for many years. He was a member of the Board of Trustees of the Southwestern

Children’s Home (now the El Paso Center for Children) and of the Family Welfare Association. He was a member of the Owls, Elks, American Legion and Veteran’s of Foreign Wars. And he was a director of the El Paso Bar Association. He was elected Bar president in 1956. He also served on various committees of the State Bar.

Despite his connections to the establishment, he was capable of work some might consider heteroclitic like assisting in preparing and filing the application for pardon on behalf of “Brushy Bill” Roberts, who claimed to be Billy The Kid. Roberts argued the pardon was promised but never delivered to him in 1879 by New Mexico Governor Lew Wallace, the author of *Ben Hur*. Andress was also active in various political campaigns, not only in El Paso but across the state and was apparently a friend and confidant of Lyndon Johnson. In 1954, Johnson faced a pesky Democratic primary challenge for his U.S. Senate seat from wealthy rancher and oilman Dudley Dougherty. On June 24, 1954, LBJ sent Andress a letter with this observation, “Other friends tell me the same thing you do about refusing to dignify the candidacy of the

The El Paso Times

Former EP Physician Kills Ted Address

Barragan, Wiggs Joint Meet On Bridge Thursday

Hull Found Guilty On 2 Counts

Doctors Battled For Life

Attorney's Death Stuns Community

Edinoff Charged In Slaying



Doctor Suffering 'True Paranoid Psychitosis' Declared Year Ago



Main Attorney President In El Paso, State Courts

young man from Beeville.”

But despite all of this, Ted Address was probably best known and most highly regarded as a member of the El Paso Public School Board of Trustees. He first became a member of the school board in 1950, and served as Vice-President in 1957-58 before being elected President in October before he died. At the time of his death, he was also President of the state-wide Texas School Board Association and was a director of the National Association of School Boards. In fact, Address and his wife had just returned from a meeting of the national board in San Francisco when he was killed.

It happened on Wednesday evening, Jan. 28th, around 6:12 p.m. Address was standing at a temporary wooden baggage rack at the El Paso International Airport located outside the terminal at the curb because of construction. Mrs. Address was standing nearby but some distance away at a counter for

a rental car agency. The killer, a doctor who was costumed as a cabdriver wearing an all-new driver's black billed-cap, a khaki vest and leather jacket, walked up to Address, said something to him no one could hear. He stood "an arm's length away," said one witness, no more than two or three feet from his victim, according to another. He then emptied his .38 caliber Colt revolver into the shocked Address - a total of six shots. He did this in full view of dozens of other people - airport workers, taxi drivers, and other passengers including the victim's wife, Lucille.

After the first two shots, Address reeled back, clutching at the baggage rack for support. He said "No, No, No, Don't do it." Then, as his assassin continued to fire at him, he threw his hands up and fell backwards by the baggage rack. The killer kept firing as he walked closer, even as Address was on the ground. According to another witness, when he was slumped against the baggage rack Address tried to get up and fell

Former EP Physician Kills Lawyer




Area Bar Meet Opens Here Friday



El Paso Herald-Post

'I Grabbed Edinoff After Shooting'



City Gives Up Land to Build Cordova Road

Doctor Mumbles About Murder

Physician Kills Lawyer in Long Feud Over Photos



Funeral Rites Arranged

back again still trying to talk. Then he just gave up and laid his head back on the rack. Finally, the witness said, the killer pointed the handgun at Andress “who was on the ground and pulled the trigger. But there was only a click. The gun was empty.” Another witness described the scene this way:

I heard a shot and turned around to see what happened. I then saw the man shoot some more and throw the gun at Andress who was on the ground by this time. The gunman was so nonchalant about it all that he just walked away from the scene to the airplane terminal to wait for his arrest.

In truth, as the killer walked toward the terminal, a real cabdriver named Leffler took five steps, grabbed him, and held him for one of the airport policemen rushing to the scene. In the process, he pulled the killer’s shirt out, revealing a bullet-proof steel khaki vest. There was no serious resistance. Leffler said the killer half-heartedly struggled to free himself saying, “Let me go.”

The newspapers reported that Andress was shot five times – twice in the chest. One bullet severed an artery beneath his collar bone and reportedly was the cause of death. A bullet struck him over the left eye and another hit his right wrist. The back of his watch was bulging irregularly with one side torn out. *The El Paso Times* described the herculean effort to save his life this way:

The doctors, the City’s finest, came from nowhere. They clustered in the plaster-cracked halls outside El Paso General Hospital emergency room and talked in low tones while those of them who arrived first fought for the life of Lawyer Ted Andress. ... A resuscitator was working on Andress now, breathing for him, trying to force life to stay in the shattered body. In sudden stillness in the hall the resuscitator, made regular patterned, sucking noises. ... More doctors came. The cream of El Paso medicine. And others. Lawyers, civic leaders. Women friends of the nerve-wracked Mrs. Andress. ... Like fire in a dry canyon full of pine trees the fantastic, incredible news flashed through El Paso. ... The hospital switchboard operator parried calls... “He didn’t make it...yes...at 7:24 p.m.”

The front page lede in the more sensational evening newspaper, the *El Paso Herald Post*, detailed the killing, giving bits and pieces of the previous relationship existing between the killer and his victim, as well as some circumstances showing the condition of the killer’s mind at the time of the offense. The story under the banner headline “Doctor Mumbles About

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 FRIDAY, JANUARY 16, 1959

Ted Andress
 EL PASO LOST a top citizen when Attorney Theodore (Ted) Andress was shot down at International Airport early Wednesday evening.
 The Times editor had known Ted Andress since he was a little boy. The Times editor knew his father before him. His father was a deputy sheriff, the bailiff in 34th District Court over which the late Judge W. D. Howe presided.
 Ted Andress was a prize graduate of Alta Vista School. The Harris sisters, Miss Annie, Miss Ruth and Miss Florida, who taught him, were very proud of their handiwork. So was Mrs. Eunice Payne, the principal of Alta Vista School when it was the No. 1 grade school in El Paso.
 Ted Andress came out of the Law School of the University of Texas and returned to his home town. In our midst, among those who had known him in his youth, he struggled and made good.
 He became president of the El Paso Board of Education, commonly known among us as the School Board. He knew more about school law than any member of that board. Which brings up the question: Who is going to succeed Ted Andress on the School Board?
 El Pasoans are vitally interested in the education of their children. Ted Andress, because he was president of the School Board, proved that he was equally as interested in that field as was the average father and mother in El Paso, if not more so.
 The Times mourns the loss of Ted Andress to our community.
 May the Good Lord rest his soul!

Andress editorial

Murder-Physician Kills Lawyer in Long Feud Over Photos” hints at all of these facts and circumstances, as follows:

A vengeful physician, embittered by repeated reverses in lawsuits, last night shot and killed Attorney Theodore R. Andress, a long-time courtroom antagonist.

The killer, Dr. Harold Eidinoff, 50, was in County Jail today charged with murder with malice.

A year ago he was in a mental institution, evidently suffering from paranoia, and ailment marked by

delusions of persecution. Today he mumbled when asked questions about the killing as he apparently made his own plans to beat the electric chair.

Officers said his behavior indicated he is laying the groundwork for a plea of insanity. The shooting ended Eidinoff’s long feud with Andress over nude photographs of Eidinoff and his first wife, Sylvia, who is also his present wife. ... Mrs. Andress was a horrified witness of the slaying. She and her husband had just alighted from an American Airlines plane from San Francisco where Mr. Andress attended a convention of educators. He was president of the El Paso School Board. He was 50.

Dozens of other persons, travelers and airport personnel and taxi drivers, also witnessed the slaying and heard the shots. At first they thought it was all part of a stunt – part of the horseplay by the Horseless Carriage Club, who were welcoming delegates to the Barbershoppers singing convention.

Eidinoff had apparently been checking airline schedules and waiting for his victim most of the day. He had checked into the Glenwood Motel at 5701 Alameda registered as Harold Reed....

“I was nailed to a cross in March of 1954,” Eidinoff told Detective Joe Gonzalez. [Gonzalez asked if he had “gotten off the cross” after shooting Andress. The killer replied] “Only one man ever got off the cross. He was Jesus. I’m not.” The statement apparently referred to a chapter in a prolonged legal battle that involved divorce, libel and legal fee suits. In 1954, Attorney Andress, representing other lawyers in a suit to collect fees [Leo Jaffe and John Hawley who incurred the fees representing the first wife in the divorce] introduced in court a photograph that showed Eidinoff and his first wife in the nude. ...

Obsessed with hatred of the lawyers who were thwarting him in court, Eidinoff let it be known he would get even. He filed a blizzard of lawsuits, often serving his own attorney. He consistently lost.

Eidinoff was indicted in 1957 or criminal libel. At the same time Attorney Andress filed a \$125,000 libel suit against the doctor [and won a jury verdict for \$110,000 later remitted to \$80,000]. Eidinoff told acquaintances he had lost everything-his practice as a proctologist, a lot of money, and the respect of other physicians. He blamed it all on the chain of circumstances that followed introduction of the nude photographs.

The El Paso Times reported that Eidinoff apparently returned to El Paso only that Wednesday morning, checking into an Ascarate-area motel on Alameda under an alias, and waited all day for the airplane bringing Andress and his wife back from the San Francisco educator’s convention. The paper also reported that the assassin gave no coherent oral statement after the shooting – in fact one officer said “he seems to be trying not to make a coherent statement.” He also refused to

make a written confession and did not ask for a lawyer. So detectives quit questioning him and transferred him to the county jail shortly before midnight. Among his possessions, police found a book, a thick anthology entitled "Literature of the United States," pages of which had been cut out in the perfect shape of the .38 caliber used to kill Andress.

Nothing is more wretched, said the Roman playwright Plautus, than the mind of a man conscious of guilt. By the following Sunday, *Times* reporter Art Leibson was posing all the right questions about Eidinoff. In a column titled "Is Eidinoff Cunning or of Diseased Mind?" he asked whether Eidinoff was a dangerous victim of paranoia or a sly, vengeful killer whose medical knowledge helped him carefully plan a built-in defense. Eidinoff was caught within moments of the shooting, but those who take a longer view of these things still wonder if he really made a clean getaway. Six days later the music died, on February 3, 1959, when a plane



'50s Courthouse: remodeling of the 1917 Courthouse, at left, began in 1955 and continued through 1959, at right, but parts of the building were still not completed by 1963 according to an August 11, 1963 El Paso Times article on the history of El Paso's courthouses

crash killed Lubbock-native Buddy Holley, Richie Valens and the Big Bopper.

Later still, in October, Eidinoff's case went on trial in Lubbock. Whether justice was done

will be examined in the next part, mindful that our criminal justice system is founded on the belief that people normally choose whether or not to obey the law.

This article was written in appreciation of the request of El Paso Bar President, the Hon. Robert Anchondo, to commemorate the 110th anniversary of the Bar Association with assistance and encouragement from Clinton Cross and Stephanie Townsend Allala for which the author is very grateful. The following resources have been used: David Halberstam, *The Fifties* (Villard Books, New York – 1993); David Kushner, *Cormac McCarthy's Apocalypse*, Rolling Stone Magazine Dec. 27, 2007; the Paul Freund Collection, Harvard Law School Library; *The El Paso Times* and *The El Paso Herald Post* at the archives of the El Paso Public Library; personal interviews. EPIA photos courtesy of the Office of EPIA Administration, Pat Abeln, Director of Aviation. This presentation includes the creative work of others. This property is being used by permission or under a claim of "fair use" pursuant to 17 U.S.C. §107, and was created pursuant to fair use guidelines and further use is prohibited.

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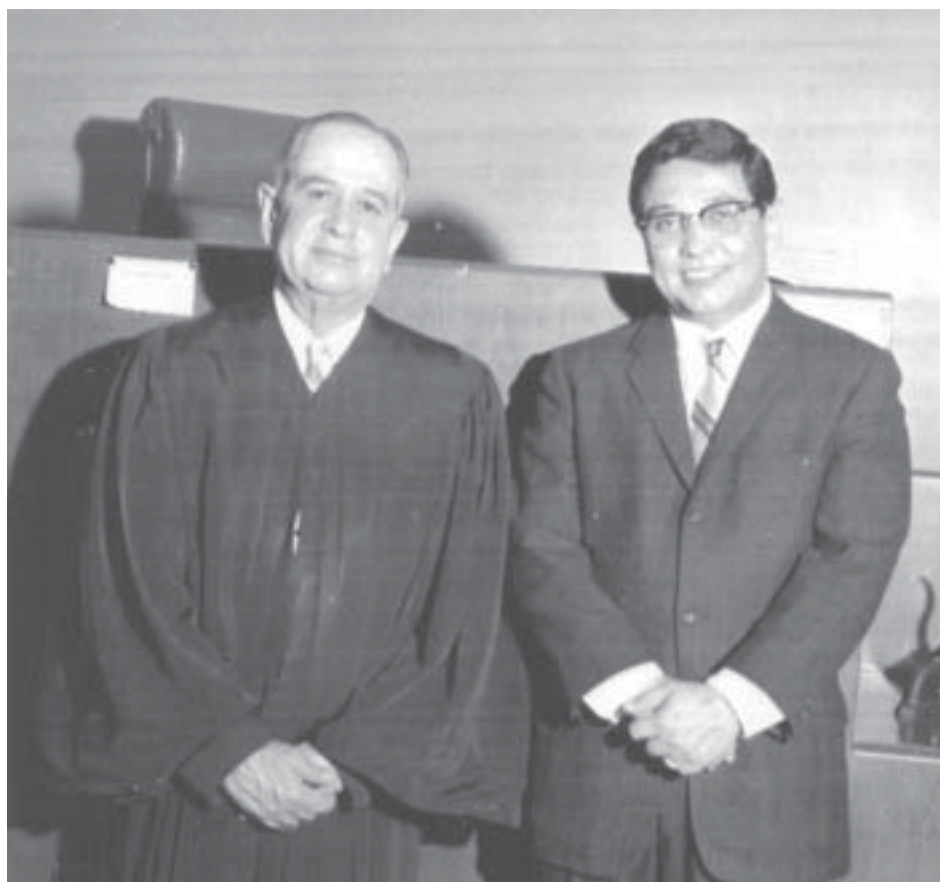
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SENIOR LAWYER INTERVIEW



Judge George Rodriguez, Sr. and George Rodriguez Jr.
 "Swearing in" ceremony, Dec. 16, 1965

GEORGE RODRIGUEZ

■ BY CLINTON F. CROSS

This month, I interviewed George Rodriguez. George presently practices law with Delgado, Acosta, Spencer, Linebarger & Perez. George is a fifth generation lawyer. His life is part of our history.

CROSS: *Tell me about your parents; your childhood.*

RODRIGUEZ: My grandfather was legal attaché from Nicaragua to the United States. My grandmother was Alejandra Douglas, a Mexican of Scottish descent. My father was born in 1909, in Washington, D.C. Shortly thereafter my grandparents moved to San Francisco. My father developed asthma, and my grandparents moved to El Paso because of my father's health.

My grandfather served as a federal in Juárez, México, but someone complained that my grandfather was not a Mexican citizen. He had to resign. My grandparents then moved to Mexico City. My grandfather continued working as an attorney, representing Azúcar

Mexicana.

My father went to St. Mary's University for his undergraduate degree. Thereafter, he attended the University of Arizona School of Law.

After graduating from law school, my father returned to El Paso and married Ana Hage. She was Mexican, born in Torreón. Her family moved to El Paso before the Mexican revolution.

My father practiced criminal law with W.O. Hamilton in the Caples building. He was the only Mexican-American lawyer in town, and he had the good fortune to represent a lot of Spanish speaking clients. He specialized in murder trials. He only lost one case to the chair.

My father was also an Assistant City Attorney. I can't remember who the City Attorney was at the time.

My father also ran for political office. In the late 40's he ran for County Commissioner against Ray Dwiggins. Incidentally, Dwiggins was Lyndon Johnson's roommate in College. My father lost.

Later, County Judge Travis Johnson appointed my father judge of County Court at Law Number 1, succeeding Judge Buddy Ward. He was probably the first Hispanic county court at law judge.

My father resigned to serve as District Attorney when Jaime Boyd resigned to be a federal magistrate. Shortly thereafter, the legislature created the 168th District Court. I think Travis talked to Governor Dolph Briscoe, and then the governor appointed my father to be the first judge of that court. I'm pretty sure he was the first Hispanic District judge in this town—maybe in Texas.

CROSS: *Where did you go to school?*

RODRIGUEZ: I went to Austin High, Texas Western, and South Texas College of Law.

CROSS: After you graduated from South Texas, what did you do?

RODRIGUEZ: I returned to El Paso and went into practice with Wellington Chew. We did immigration work. We also had a lot of fun.

CROSS: Your family?

RODRIGUEZ: My wife Susana Alvarado is a Mexican lawyer. She works for the office of the Attorney General of Mexico. She has a daughter Susana Arrelano who attended the University of Arizona and is an architect in Mexico City. My daughters are Libby Spencer and Georgina Brown, and they are both school teachers.

CROSS: Tell me a little bit about your legal career?

The Commissioner's Court appointed me County Attorney in 1971. I think Travis had something to do with that too. I was elected County Attorney in 1972. I resigned in 1982 to work for Governor Mark White, in the Governor's Office of Border Affairs. In 1991, Attorney General Dan Morales hired me as an Assistant Attorney General and assigned me to the El Paso Regional Office. I worked for Attorney Generals Morales, Cornyn, and Abbott.

RODRIGUEZ: I already told you about my practice with Wellington. In 1967, Mayor Judson Williams appointed me a Municipal Court Judge. I was elected to that position in 1969.

The Commissioner's Court appointed me County Attorney in 1971. I think Travis had something to do with that too. I was elected County Attorney in 1972. I resigned in 1982 to work for Governor Mark White, in the Governor's Office of Border Affairs. In 1991, Attorney General Dan Morales hired me as an Assistant Attorney General and assigned me to the El Paso Regional Office. I worked for Attorney Generals Morales, Cornyn, and Abbott.

I was the first Hispanic President of the El Paso Bar Association. I was also the first Hispanic President of the Texas District and County Attorney Association.

CROSS: What are you doing now?

RODRIGUEZ: I work for Delgado, Acosta, Spencer, Linebarger & Perez. We represent the City of El Paso and all the surrounding taxing entities.

CROSS: Any interesting cases?

RODRIGUEZ: I think the jail lawsuit was important. The federal court ordered the sheriff

to make a lot of changes, including serving inmates vegetables and desert. We appealed the order to the Fifth Circuit. Judge Sarah T. Hughes served on the panel that heard the case. We lost. And we built a new jail.

CROSS: Any other contributions to the community?

RODRIGUEZ: Well, I'd like to think I helped Texas Attorney General John Hill establish a Regional Office here in El Paso. General Hill got elected in the wake of the Sharpstown political corruption scandals (all statewide political office holders in 1972 were defeated). He wanted to establish regional offices throughout Texas. Unfortunately, the legislature had not yet budgeted any money for these offices. I worked closely with the County Commissioner's Court to provide the Attorney General's office with free space to house an Assistant Attorney General. We cleaned up the broom closet next to the County Attorney's office and put Clinton Cross and a secretary in the renovated space. Shortly thereafter, Assistant Attorney General (and former District Attorney) Barton Boling was assigned to the office. There wasn't enough room for three people in the renovated broom closet, so I cleaned out one of the County Attorney offices and let him office with me.

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Secretary Albert Bacon Fall: Plea for Pardon

■ BY: RICK OLIVO

Our nation's history is full of colorful characters that helped form public policy through controversial means. Albert Bacon Fall was such a man. He was first elected to serve the public in early 1889 as irrigation commissioner in Doña Ana County, New Mexico, and continued his service in a variety of positions until his resignation as Secretary of Interior on March 4, 1923.

History tells us that Secretary Fall resigned his post as a result of the Teapot Dome Scandal, but the truth is, he accepted President Harding's nomination on the condition that he only serve for two years in order to return to his ranch at Three Rivers, New Mexico. His business interests at the ranch eventually led to his political demise, who many consider an injustice.

I. Background

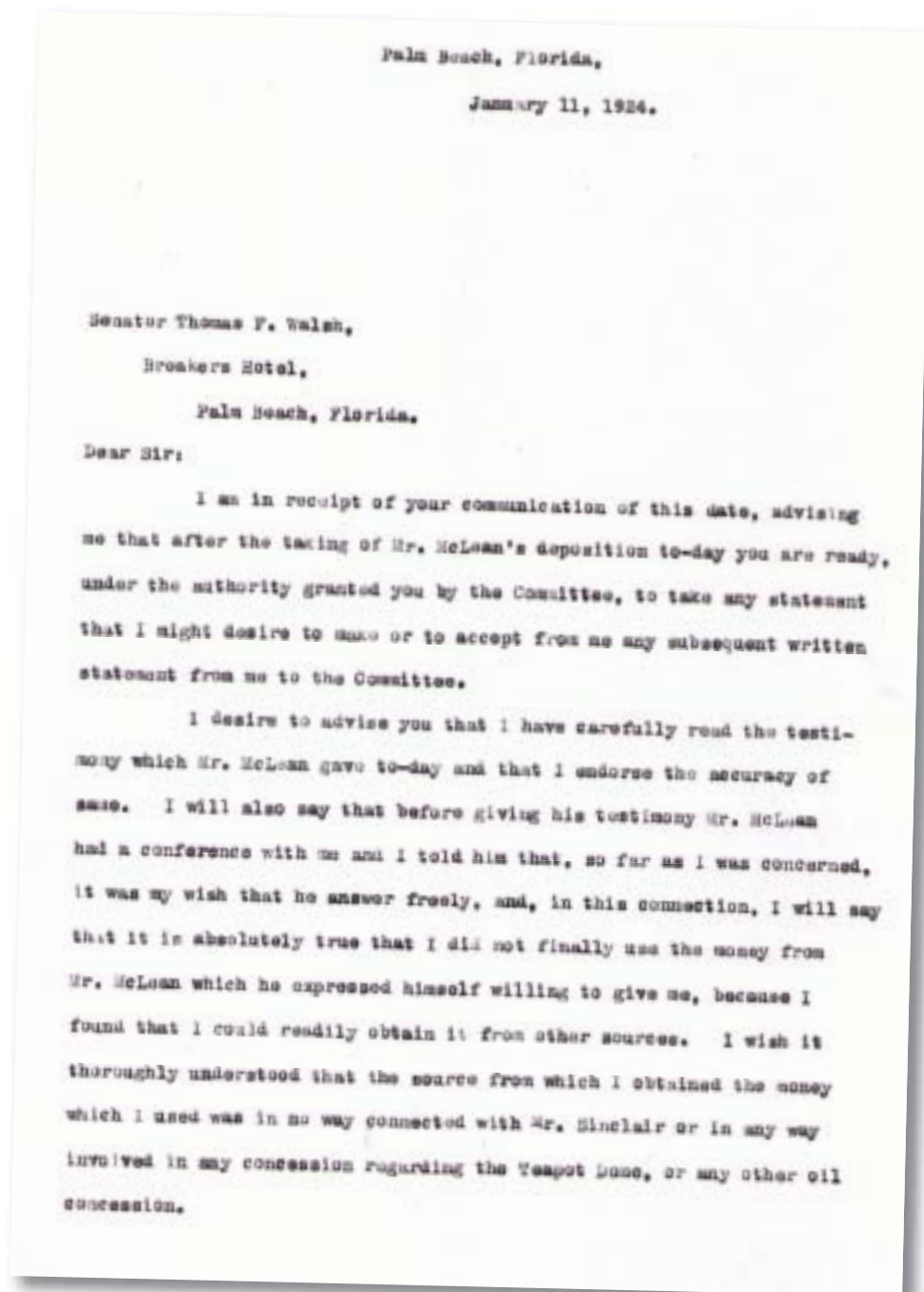
Albert Bacon Fall first settled in Las Cruces, New Mexico, in 1887, after an early career in prospecting, mining, teaching, bookkeeping and serving as a cowboy and camp cook on cattle drives. He was a self-taught man who immediately made an impact on local politics when he ran against and barely lost to the popular and powerful Col. A. J. Fountain as the southern New Mexico representative to the Territorial House of Representatives. This election is said to be the only election Fall ever lost.

After being admitted to the territorial bar in 1889, Secretary Fall was a highly successful attorney known for his defense of the poor, the underdog and the small rancher throughout southern New Mexico and West Texas. He eventually served several terms in both houses of the territorial legislature, was appointed by President Cleveland to a term as territorial district judge, and twice served as Solicitor General (Attorney General) of New Mexico. Secretary Fall also honorably served his country as a captain in the army when he volunteered during the Spanish-American War.

During his time as a public servant in New

Mexico, Secretary Fall is credited with either initiating or assisting in a number of projects that benefited the state, including but not limited to: the establishing of New Mexico State

University and Western New Mexico University, the creation of the first public school system in New Mexico, the building of Elephant Butte Dam, the development of the modern county



system in New Mexico, and the admission of New Mexico as the 47th state in the Union.

Secretary Fall served as a delegate and leader of the 1910 convention which drafted the Constitution of New Mexico. Accordingly, he was elected the first U.S. Senator of New Mexico and was re-elected in 1913 and 1919. Due to his fluency in Spanish and his knowledge of Mexican affairs, he became the Senate's pre-eminent expert on Mexican-American relations resulting in his appointment to a number of Senate committees, including the influential foreign relations committee. During this time, Secretary Fall surrounded himself with equally capable advisors. Lt. Henry O. Flipper, the first African-American graduate of West Point, engineer, expert on Mexican-American relations, and first and only recipient of a posthumous presidential pardon, was named Senator Fall's Chief of Staff in Washington D.C. Lt. Flipper remained with Secretary Fall during his term as Secretary of Interior.

Upon his election as President, Warren Harding initially wanted to nominate Fall as Secretary of State, but Fall reportedly turned down the offer insisting his was under qualified to serve in that capacity. Secretary Fall went on to become the first New Mexican to achieve cabinet status when he accepted President Harding's nomination as Secretary of Interior.

II. Teapot Dome

As Secretary of Interior, Fall believed that the nation's resources were to be used for the public welfare and that the government should exploit those resources. Unfortunately, this thinking made him the least suited individual for the position in which he served. Relying on reports from high ranking officers in the Navy, upon the government's switch from coal-burning ships to oil-burning ships, the belief that war with Japan was imminent, and that surrounding property owners were slant drilling and depleting the country's oil reserves, Secretary Fall and Secretary of the Navy Edwin Denby convinced President Harding that the Department of Interior was best suited to prepare our nation for its war-time needs with respect to its oil reserves.

Secretary Fall initiated talks with Mammoth Oil Company (Teapot Dome, Wyoming) and Pan American Petroleum Company (Elk Hills, California) to lease the reserves and refine the crude oil outside of the public bid process. The companies were also required to build storage facilities at Pearl Harbor and the required

Fall, who had no means of raising any money, lost his ranch valued at \$750,000 due to his inability to repay the \$100,000 loan the government considered a bribe! In 1929, Doheny foreclosed on Fall's ranch at Three Rivers at a sheriff's sale for \$168,250. A few months later, to add insult to injury, Secretary Fall was found guilty of accepting a bribe that Doheny was later acquitted of giving.

pipelines to Los Angeles and a number of cities on the Atlantic coast. These leases also netted the government a return of 28-29% while other leases negotiated by the government were only averaging a 10% return. Moreover, the leases were approved and signed by a number of government agencies and department heads as well as affirmed by the president.

During this time, Secretary Fall was already planning to resign from office and was making arrangements to return to Three Rivers. His ranch, which lacked sufficient water rights and was subject to back taxes, was in need of his attention. Accordingly, he asked his long-time friend Ed Doheny, president of Pan American Petroleum Company, to lend him \$100,000 to pay the back taxes and to exercise rights on surrounding ranches that had sufficient water to operate Three Rivers. Fall secured the loan with the deed to Three Rivers. He also entered into a number of contracts with Harry Sinclair of Mammoth Oil Company regarding the sale of cattle and real estate worth \$309,000. These dealings were investigated and eventually became the subject of the Teapot Dome Scandal.

In the years that followed, Fall became the poster child or "Fall Guy" for the corruption that plagued President Harding's administration. The scandal resulted in four trials on conspiracy and bribery charges in 1925, 1926 and 1927. He was acquitted in three of the trials and the fourth resulted in a mistrial. The government eventually retried Fall in 1929, which ended in a conviction for Fall for accepting a bribe from Doheny. Even though the jury asked for clemency on behalf of Fall, he was ordered to serve a term of one year in prison and to pay a \$100,000 fine. He served nine and a half months at the New Mexico State Penitentiary in Santa Fe but was unable to pay the fine due to his depleted resources and failing

health. The fine portion of the sentence was eventually waived when the Justice Department successfully petitioned the court to do so as it was determined that Fall had exhausted all financial resources in defending himself. Ironically, Doheny was acquitted one year later of offering that same bribe.

Fall's attorneys appealed the verdict in vain but to no avail. The D.C. Court of Appeals affirmed the conviction in *Fall v. United States*, 49F.2d 506 (D.C. Ct. App.) cert. denied, 283 U.S. 867 (1931). Fall's application for a writ of certiorari from the Supreme Court was denied on June 6, 1931, and his application for an executive pardon was also refused.

III. History Reveals Truth

According to noted historian Leon C. Metz, "Fall was guilty only of poor judgment, plus an inability--due to poor health, a depleted bank account, and vanishing friends--of conducting a vigorous defense." Fall's one regret was that he lied to a Senate committee regarding the source of the loan from Doheny. His intense loyalty to friends, coupled with following bad advice from his lawyers, resulted in his attributing the loan to a false source. He soon recanted the story and termed it the most grievous error of his public life.

Fall, who had no means of raising any money, lost his ranch valued at \$750,000 due to his inability to repay the \$100,000 loan the government considered a bribe! In 1929, Doheny foreclosed on Fall's ranch at Three Rivers at a sheriff's sale for \$168,250. A few months later, to add insult to injury, Secretary Fall was found guilty of accepting a bribe that Doheny was later acquitted of giving.

Secretary Fall died on November 30, 1944, a broke and beaten man. At the time of his death, it was reported by one of his granddaughters that his only source of income was \$32 per month

as a veteran for his service during the Spanish-American War. This is a sharp contrast to the \$75 million and \$3.6 million¹ fortunes Doheny and Sinclair respectively left their heirs. Nonetheless, he died knowing that his plans to prepare the nation for war with Japan 20 years earlier were well-founded. Today, we know that World War II has proven it so.

Secretary Fall's contributions to West Texas, the State of New Mexico and the country as a whole are too numerous to mention here; but, suffice it to say, his debt to society has long since been repaid and his one impropriety should be forgiven. It is said that President Franklin Roosevelt left a document to all following Presidents asking that Secretary Fall not be pardoned for 60 years. Well, 75 years is more than enough time to recognize the positive impact Secretary Fall made on the lives of New Mexicans and Americans as a whole. He continues to be recognized as one of the most loved and respected men in the history of New Mexico.

IV. Plea for Pardon

According to Prof. David Stratton, author of *Tempest over Teapot Dome: The Story of*

Albert B. Fall:

"The most compelling example I can think of in bolstering the plea [for pardon] comes from a brief conversation I had a few years ago with Stewart Udall, who served as secretary of the interior under Presidents Kennedy and Johnson. Prior to Udall's tenure in the cabinet, Fall's portrait had not been displayed among the other secretaries of the interior in that imposing federal office building. Instead it had been relegated to an obscure storage area where it became dirty and blemished. Udall ordered the restoration of the portrait, and that it should be displayed among the other secretaries. I asked Udall why he had done so. He replied that it had been an obvious decision. Fall had taken on the burdens of serving as interior secretary, had paid his debt to society in prison, and therefore his portrait should be restored to its rightful place among the others. In other words, Udall seemed to say that as far as he was concerned the record on Fall was cleared."

Another example bolstering the plea for a pardon would be Fall's highly significant

and successful efforts for New Mexico statehood, which stand out among his many accomplishments. Also, as a U.S. senator, Fall gave immediate prestige, through his personal charisma, sharp political savvy, and connections with prominent national figures, to the brand new, and at the time politically insignificant, State of New Mexico. He served New Mexico's particular interests well, although he was often in conflict with other senators and presidents as well. He was also the leading expert on Mexican affairs within the Senate.

Theodore Roosevelt is considered by historians as one of the most important and respected presidents. Without going into detail about the close relationship between President Roosevelt and Fall, Roosevelt told Fall during the 1918 senatorial election, "[T]o a peculiar degree you embody the best American spirit and I trust that every good American will join in supporting you," adding a little later, "[Y]ou are an American after my own heart."

¹ The government successfully recovered \$47 million from the oil the Mammoth Oil Company drilled from Teapot Dome.

Where Do You Stand On *Pro Se*?

■ BY CARMEN RODRIGUEZ

Pro se representation is generally regarded as undesirable, ineffective and not very smart. However, TRLA supports and promotes pro se representation under certain limited conditions. Where the need for representation far exceeds available and affordable legal services; where the cases involve only basic legal principles and procedures; and where the litigants have the capacity and inclination to understand the judicial system to the extent they will be able to resolve their own problem; then we say, let's provide the knowledge and tools necessary so that these individuals can resolve their own legal problems.

For many laypeople, the legal system can be such a conundrum of confusing and unintelligible rules and procedures, that when individuals come along with the courage and confidence to undertake a legal proceeding on their own, we wish only to encourage them and to help them along in the process, if possible. This undertaking can be the source for a greater



understanding and respect for our legal system, and just as importantly, a source of personal empowerment for that individual.

Our Pro Se Divorce Clinic is available for eligible English-speaking individuals who contend, there is agreement between the parties, there are no children of the relationship; and there is little or no community property to be divided. In order to receive the services

of the pro se clinic, the participants must attend at least two sessions. The process takes approximately 90 days. We welcome referrals from the courts, county law library staff, lawyers, and agencies that know of our program and our basic eligibility requirements. In order to facilitate access to this service, we have established Thursday mornings in our office especially for interviewing potential pro se clinic applicants.

If you agree that pro se representation of this type is worthwhile and should be supported, we ask for your assistance in our pro se clinic by helping to explain waivers and service, the pleadings or the final hearing to our pro se participants. Your assistance, will not only fulfill your pro bono obligation, but will provide a very substantial service to the individuals in need of this service. In the future, we hope to extend pro se clinics to other kinds of cases such as landlord tenant and collection cases. For more information, please contact Gracie Martinez at 585-5100.

R.E. Thomason

El Paso's Greatest Leader. Part II

■ BY FRED J. MORTON

Thomason loved trying law suits, both civil and criminal, loved the legal profession and enjoyed lawyers all throughout his life. When I clerked for him, he would go almost every day of the week to a different place for lunch, where he knew different groups of lawyers were gathering. On Monday, he went to the Paso Del Norte Hotel, where he lunched with the "Manicure Set," which consisted of such prominent legal lights as senior partners in the largest law firms and state judges, including James Hulse, Wyndham White of Kemp Smith, R.E. Cunningham and others. On Tuesday, he would gather at what he called, "the Democrats Table" at the old Gateway Hotel dining room on the first floor, where fifteen or twenty lawyers would gather almost every day. Most of them were proud members of the Democratic Party, including Ray Pearson at that time. Pearson was the right hand man for Governor John Connolly, initially a Democrat, which led Thomason to greet Pearson as "our Leader". On Wednesday, I believe there were some other places where Thomason usually went, but which I cannot recall. Thursday or Friday was the usual weekly gathering place of "the Young Turks" for Mexican food at Leo's on the first floor in the old Toltec Club, where Sib Abraham practices on the third floor now. Thomason enjoyed these gatherings and being with lawyers and joining in their discussions about everything under the sun (except the merits of any litigation pending before him). It was typical of Thomason to enjoy meeting and being with people and greeting them and reminiscing with them even though he was a federal judge. Many people who knew him well commented that he continued to act like he was still running for Congress. On the rare occasion that he wanted to leave the courthouse privately and without running into jurors, lawyers or the press, he would say, "Let's take Judge Boynton's elevator," by which he meant the elevator at the rear of his offices which very few people were aware of and allowed him to leave the building though the back door. His name for it merely confirmed the reputation of his Republican predecessor, Charles A. Boynton, who was as

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famous for his reclusive life as Thomason was for being gregarious.

Thomason often told self-deprecating stories about himself. In *Saga of Era* Thomason recalled an incident that occurred shortly after he started practicing law in Gainesville:

"The district court called a case against Ras Adam, a well known Negro charged with burglary. Ras had no lawyer and no money; but the Judge told him that there were three young lawyers in town: Bill Midkiff, Charlie Pearman and Ewing Thomason, and that he could take his choice. The Judge then asked the three of us to stand up; Midkiff and I did so, but Pearman was not in the court room. The Judge told Ras he could have any one of the three. Ras looked at Bill and at me and said, "Judge, if it is the same with you, I'll take the one not here."

Some believe that Judge Thomason was no great legal scholar and he even cultivated this view of himself. One of his favorite stories was about the lawyer who asked the bailiff who had served Judge Boynton and later Judge Thomason "Which of those two fine judges was the better lawyer. The bailiff, named Whit Leveritt, kind of hemmed and hawed around and finally said:

"Well, it must be Judge Thomason. I worked for Judge Boynton for twenty two years and hardly a day would pass that I would not take him a stack of law books and he would pour over them. I have been working for Judge Thomason for five years now and he hasn't needed a law book yet!"

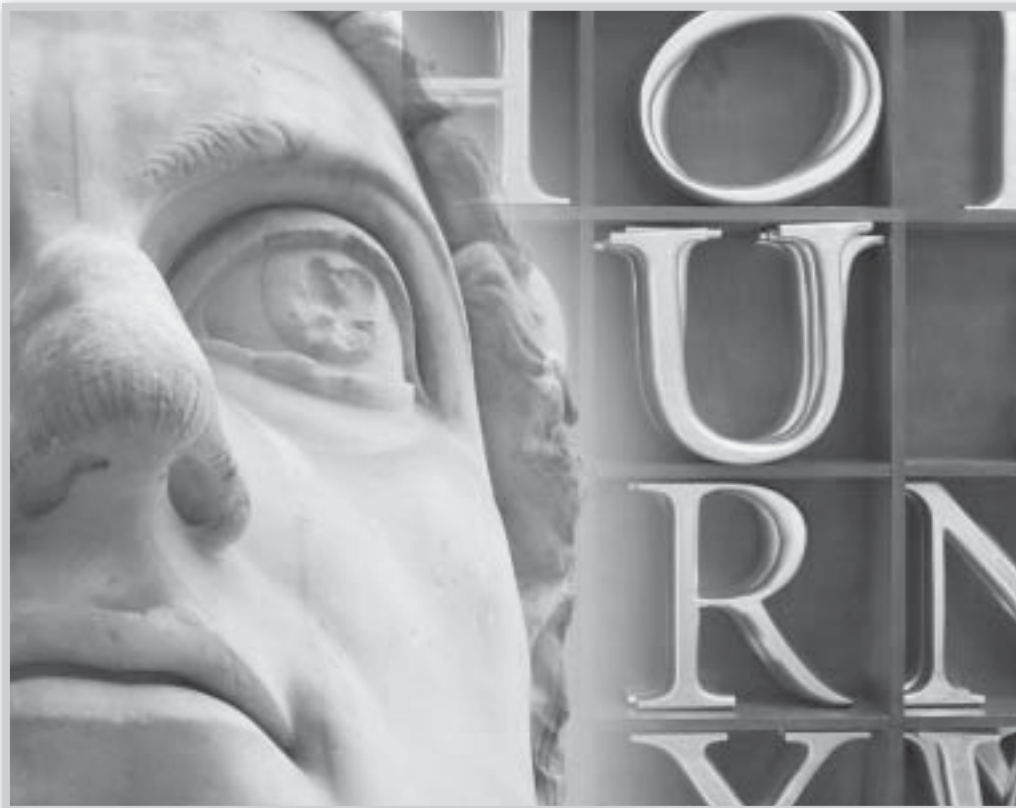
Next Month, as the Saga of Era concludes

Our Reputation Precedes Us

■ BY JUDGE OSCAR G. GABALDÓN, JR.

In his celebrated work entitled *Memoirs and Essays*, Washington Allston tells us that “Reputation is but a synonym of popularity: dependent on suffrage, to be increased or diminished at the will of the voters.” However, is the description of reputation really that simplistic and limited? The concept of reputation is much more encompassing, and its role in the lives of people is quite significantly impacting. Our reputation touches so many aspects of our lives. We develop a reputation about ourselves in areas such as character, work ethic, treatment of others, professional skills, loyalty to others, reliability, time management, honor, fidelity, integrity, and a million other areas. Are we trustworthy? Are we persons whose promises are honorable and binding? Are we faithful spouses? Are we arrogant? Are we respectful of others’ time? Are we possessed of a superiority complex? Are we perceived as self-serving? Are we known to have a good sense of humor? Are we considered to be resilient? The questions go on and on concerning the aspects of our lives from which we form reputations about ourselves.

In the forward section to the article “Reputation,” by Thomas Friedman of the New York Times, reputation is described in this way: “Reputation is the overall quality or character as seen or judged by people in general. It concerns the recognition by other people of some characteristic or ability, such as being clever, clumsy, honest or dishonest. Reputation concerns a place in public esteem, i.e. how a person is regarded.”¹ As such, therefore, our reputation is an opinion that others have formed about us. Moreover, that opinion is one that we sometimes help create without our full and focused awareness, such as by inattentively engaging in certain practices that become habits with time. On the other hand, we also help to form opinions about ourselves by conscious choice. We know or are aware of our attributes and of our follies. Knowing these, we proceed to pursue a course of conduct or decision-making that others take note of. From these actions and choices, we become the creator’s of our reputations. Reputation is many times the end product of a slow and gradual process. We build our reputation little by little, step by step.



Reputation is the overall quality or character as seen or judged by people in general. It concerns the recognition by other people of some characteristic or ability, such as being clever, clumsy, honest or dishonest. Reputation concerns a place in public esteem, i.e. how a person is regarded

After establishing a pattern or course of conduct that others witness, our reputation begins to take shape. Perhaps one of the situations from which our reputations blossom or begin to take form is with the handling of our failures. How we handle failures usually will bring about perceptions about who we really are.

However, just as we have the power to purposely contribute to the formation of our reputation, we also have the ability to change and modify our reputation for better or worse. True, others can instigate a reputation about us that is untrue and inaccurate. This may be done deliberately, inadvertently, carelessly, or accidentally. However, when we are honest

and stay true and loyal to good character, good behaviors, and good practices, those untrue and inaccurately formed reputations can more easily be rectified to reflect the truth of the matter regarding our real self.

Realistically, we are judged many times by our reputation more so than by who we truly are. That is, sometimes our reputation fails to define us correctly or accurately. To put it in another perspective, Abraham Lincoln (1786-1846) said “Character is like a tree and reputation like its shadow. The shadow is what we think of it; the tree is the real thing.”

Another type of reputation that can have a significant impact on our successes in life is the

reputation we personally hold about ourselves. "Self-esteem is the reputation we acquire with ourselves."² Since our self-esteem is critical to our ability to succeed in both our professional and personal lives, it is important that we carefully maintain and nourish our self-esteem. We do this by being positive-minded, by being virtuous, by being resilient to petty matters, by constantly seeking to improve ourselves, by cherishing hope, by developing good habits, and by other pursuits that help us to recognize

our uniqueness and good qualities.

So, is worrying about our reputation the best way to assure ourselves of fine tuning our reputation and remembering to continuously polish it? It is worthwhile to worry about our reputation insofar as it helps us to focus on it so as to keep it in check. Is our reputation the most important way of showing others who we are? While our reputation is, in fact, a very important objective to consistently and attentively monitor and protect, it is character

that ultimately defines us. John Wooden, a Basketball Hall of Fame inductee, puts it this way: "Worry more about your character than your reputation. Character is what you are, reputation merely what others think you are."

(Footnotes)

1 Reputation Essays. <http://www.ssqq.com/stories/advent51.htm>.

2 Quote from Nathaniel Branden.



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The Bar Association needs your financial support to restore the Lady Justice statue, which adorned the 1886 Courthouse and return her to the courthouse.

Removed from her place of honor in 1917, the first piece of public art in El Paso County, now stands at Ascarate Park.

The El Paso County Commissioners Court has unanimously approved the request of the Bar Association to restore the Lady

Justice Statue and return her to the Courthouse at no Public expense.



Lady Justice atop the 1886 courthouse.

Your donation to this project is tax deductible. Please make your contribution to the:

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What do the Feds have on you?

■ BY DAVID J. FERRELL

djf@elpasolaw.com

The FBI has recently used the Texas Public Information Act to continue its investigation of El Paso events asking the Ysleta Independent School District and the Socorro Independent School District to produce a list of their "...10 largest monetary purchasing contracts..." (El Paso Times - Page 1 - Saturday, April 4, 2008, "FBI Employs information act, gets facts on contracts" by Tammy Fonce-Olivas).

What about the federal government, and what about investigative information that is on your clients? Like all federal agencies, the Department of Justice (DOJ) and the FBI generally are required under the federal Freedom of Information Act (FOIA) to disclose records requested in writing by any person. However, agencies may withhold information pursuant to nine exemptions and three exclusions contained in the statute. The FOIA applies only to federal agencies and does not create a right of access to records held by Congress, the courts, or by state or local government agencies. Each state has its own public access laws that should be consulted for access to state and local records. The Texas website for public information is linked on my website, <http://www.elpasolaw.com> left column tab "FOIA".

So, we see that the FBI must release information it has on "any person" if that information does not fall into the nine exemptions and/or three exclusions.

Is the FBI watching your client(s)? How about you? When it comes to the FBI, some people get a little nervous. Sometimes that may be deserved.



But many times it is not.

Most of our clients have nothing to worry about. But that doesn't mean the FBI doesn't have files on them!

I suspect many files have been generated on persons of interest here in El Paso, and the information provided to the public in the regular course of business has been sketchy.

So, how can technology help you make a request for information and expedite that request? First I would suggest that you become familiar with the FOIA by going to several websites that I also have linked on my website, <http://www.elpasolaw.com> left column tab "FOIA".

Then, if you need help generating the letters to make the FOIA requests from the FBI, go to this link <http://www.getmyfbifile.com/>. There is also a link on

this web page to get "Grandpa's FBI file". This website will help you request information from several other federal agencies and generates the letter request for printing at your office.

Chief Justice Warren Burger noted in *Richmond Newspapers v. Virginia*, 448 U. S. at 572,

"People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."

The FOIA is a tool that expresses the attitude of Congress and surely this is the attitude of those who really have the power to govern here in the United States, that is "WE THE PEOPLE..."

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▶▶▶ ASSOCIATION NEWS

El Paso Women's Bar Association

■ The El Paso Women's Bar Association will have its next meeting on May 1, 2008 at 5:30 pm at The Original Jaxson's on Mesa and Castellano. Join us for a panel discussion on "Mothers-in-Law: Advice on the Ultimate Balancing Act—Being a Mom and Successful Attorney."

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 546-8206 to arrange pick up. For more information on the El Paso Women's Bar Association, please contact Diana Valdez at 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 at 6:30 pm. Join the EPWBA for a murder mystery dinner theater and silent auction. We will also be honoring Judge Kathleen Olivares as the 2008 Winner of the EPWBA Trailblazer Award. 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. For more information, please contact Alex Kellner-Zant at azant@elp.rr.com.

El Paso Paralegal Association

■ EPPA's next general meeting will be on Thursday, May 15, 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.

Federal Bar Association

■ FBA Brown Bag on Thursday, May 15, 1998 at 12:00 noon in the Federal Courthouse. 1.0 hours of MCLE.

■ The FBA will hold its next Brown Bag Seminar on Thursday, May 15, 2008 from 12:00 – 1:30 p.m. in Judge Briones' Courtroom. 1.5 hours of Free MCLE.

El Paso Criminal Defense Lawyers Association

■ EPCDLA will have its General Membership Meeting on Friday, May 9, 2008 at 12:00 Noon in Room L-106 of the El Paso County Courthouse.

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Downtown Office Space Available for Lease: Central area, within 1 or 2 blocks walking distance to all courts, receptionist, runner, conference rooms, parking, etc. Call Adriana at 792-9401.

Save the Date!



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

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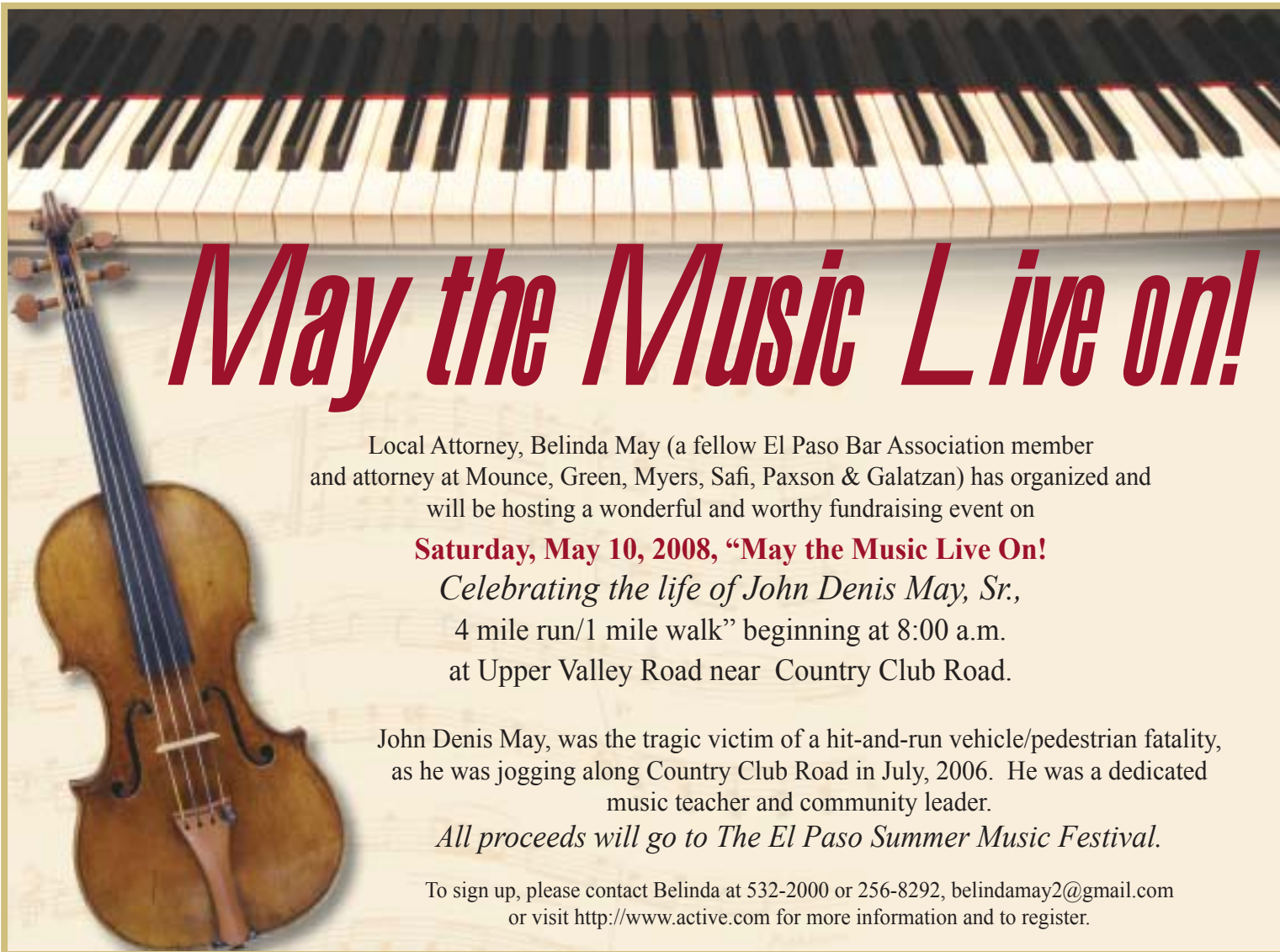
**May 31, 2008, Wyndham El Paso Airport Hotel
2027 Airway Blvd. El Paso, TX 79925**

Tickets \$100.00 per person

Proceeds to benefit the newly created EPWBA Foundation

~THE LEGAL CHARITABLE FOUNDATION OF EL PASO~
which will fund scholarships for high school students interested
in careers in the law and will benefit many other local charities.

*For more information, please contact Alex Kellner-Zant at azant@elp.rr.com or
Diana Valdez at dval@scotthulse.com.*



May the Music Live on!

Local Attorney, Belinda May (a fellow El Paso Bar Association member and attorney at Mounce, Green, Myers, Safi, Paxson & Galatzan) has organized and will be hosting a wonderful and worthy fundraising event on

Saturday, May 10, 2008, "May the Music Live On!"

Celebrating the life of John Denis May, Sr.,

4 mile run/1 mile walk" beginning at 8:00 a.m.
at Upper Valley Road near Country Club Road.

John Denis May, was the tragic victim of a hit-and-run vehicle/pedestrian fatality, as he was jogging along Country Club Road in July, 2006. He was a dedicated music teacher and community leader.

All proceeds will go to The El Paso Summer Music Festival.

To sign up, please contact Belinda at 532-2000 or 256-8292, belindamay2@gmail.com or visit <http://www.active.com> for more information and to register.



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