



Denton County Lawyer

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www.dentonbar.com

The Grass is Always Greener

By Julia Kerestine, Kerestine Law; www.juliakerestine.com.

As many law firms and even courthouses have opted to go green by accepting digital filings and documentation, DCBA has decided to take a similar route with our monthly newsletter. As of this month from here on out, all DCBA newsletters will be electronically delivered and stored for download at any time on our website.

The phrase, going green, has taken on a new meaning for me this year. While I am confident that most of us living in Texas would have preferred to see more green in our environment, the extreme heat this summer prompted me to take a harder look at the importance of making eco-conscious choices.

As the temperatures soared to record levels and Texas lakes and watering holes shrank, *going green* meant going brown and crunchy. I live on a half acre, and before this summer, a good deal of it used to be a lawn. When I considered how much water it would take to make and keep this land green while it baked in the Texas sun, I recalled the 9th grade Denton High School environmental awareness project that we were required to do. I made a poster that said, "Waste Not, Want Not" with an image of an oil tanker on the horizon of an ocean with

a beautiful sky.

That was 1971, and shortly afterward the price of gasoline rose from 30 cents a gallon to 75 cents. We panicked at the rumors that gasoline might ever cost \$1.00 a gallon. We started pumping our own fuel that year in order to save at the pump. Before then attendants filled our tanks and washed our windshields. Then, shortly before I turned 16 and started to drive, we found ourselves waiting in long lines around the block. Later, we were restricted to buying gasoline on certain days based on the last number of license plates.

We weren't living in a depression or a world war, but as a country we were rationing a natural resource. This was a strange concept to me as a young American in the 70s. At about this same time, the sale of bottled water also became popular. I remember wondering, "who in the world would pay as much for a drink of water as for a gallon of gasoline when we have safe and tasty water from the tap."

While reminiscing, I chose to refrain from watering my yard. By mid-summer, what used to be lawn turned to thick straw that crunched like snow under my feet. Then it evolved into a sandy plot, with brown and

flattened Bermuda that may or may not grow back. Now, my yard is beginning to become repopulated with all sorts of indigenous plants—my euphemism for weeds. I struggled a bit wondering whether I could at least keep a small semblance of a lawn if I watered occasionally, as I felt green with envy when I saw my friends' lush, green lawns. As the summer passed, though, I became more comfortable with my decision as I heard news reports of Texas communities projecting dates when they would no longer be able to provide drinking water from their sources. Today, I am researching xeriscaping, a method for landscaping with indigenous plants that does not require supplementing with irrigation.

My choice to let my lawn go native was a personal one based on my own personal set of values and after deliberation on my part. I also admit that I am not wholly ready to make every change that considers the environment first. I don't yet drive a hybrid or one of the newer 40 mpg plus automobiles. I don't go without

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From the President

It's that time of year again; a time to reflect on all the things that have occurred during the past year and, of course, the time to make the obligatory New Year's resolutions! The Denton County Bar Association has had a very busy and meaningful 2011. Most recently we enjoyed our annual Christmas party at Guiseppe's, which gave us an opportunity to enjoy one another's company and celebrate the season. We also added a new membership and mentoring social activity during December. We met for a mixer prior to the Denton Tree Lighting Festival on the square. Many members attended with their families and enjoyed good food and conversation prior to taking part in the ever-growing festival. Also in December we were visited by the 2nd Court of Appeals, who held arguments at the historical courthouse and then joined us at our monthly luncheon for a CLE presentation. All six justices attended and made presentations, which were very informative and well-received (and, along with Justice Gabriel and the 2nd Court of Appeals, the Denton County Bar Association loves dogs!).

In November we conducted a very successful Adoption Day with almost thirty children adopted into new families. In October, Judge Bonnie Robison presented her first Guardianship and Ad Litem Certification seminar, which was very well-attended and informative. Judge Robison has also been busy revising the Probate Court's Local Rules, along with a very capable and productive committee. We look forward to the Supreme Court's adoption of our new rules.

The summer and Fall provided many opportunities for free and low-cost CLE programs, opportunities to serve the community, and social activities. In August, many of you attended the annual DCAP Sign-up Party and volunteered to mediate cases through the program. DCAP has been very successful and is growing at a fast pace. Congratulations to all who take part in that program. It is a wonderful way to serve the public and our fellow attorneys. We also celebrated the opening of our newly renovated Law Library. July brought Wills for Heroes and a very fun (and hot!) Skeet and Meet, where over \$400

was raised to benefit Adoption Day. In June, we kicked off the Bar year with a fun outing to WinStar Casino, and our Bar was recognized with the prestigious Stars of the Bar Award for an outstanding series of substantive law articles on Collaborative Law.

In May, the Bar conducted the 2nd Annual Bench Bar Conference which was wildly successful and very popular. We are looking forward to the next one! The Young Lawyers have also been busy conducting their annual Kinship Fair which raised over \$1,500 to benefit children and families victimized by family violence. During the Spring, the Young Lawyers and Family Law Section conducted an Evidence Workshop that received rave reviews. We enjoyed quality CLE presentations all year long.

During this past year we welcomed new judges and said farewell and thank you to others. Individually and collectively, we celebrated personal and professional triumphs and grieved losses. I look forward to a new year as part of such a collegial and supportive Bar. Oh, yes, to those dreaded resolutions: exercise more, eat less...Enjoy!

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DCBA Sections

- Trial Lawyer's Association
- Family Law Section
- Greater Denton County Young Lawyers Association
- Real Estate, Trust, and Probate Law Section
- Criminal Law

DCBA Membership

Your DCBA Membership includes

- Free and discounted CLE programs
- Monthly luncheon & happy hour
- Networking opportunities
- Listing on the bar website, including photo, two practice areas, and a link to your website.

For more information see our website: www.dentonbar.com.

Legal Services Provided to Veterans

By Joseph F. Zellmer, Attorney at Law; www.zellmerlaw.com.

The Denton County Bar Association has joined with the State Bar of Texas, Legal Aid of Northwest Texas, and the Denton County Paralegal Association to offer Texas Lawyers for Texas Veterans legal clinics.

Texas Lawyers for Texas Veterans is a State Bar of Texas program to develop and assist pro bono legal clinics throughout the state for military veterans who otherwise cannot afford or do not have access to the legal services they need.

From the Texas Bar Website

"Our military servicemen and women have made great sacrifices in duty to their country," ... said Tottenham, a former Marine. "As lawyers, we have the opportunity to make a difference in the lives of a great many veterans."

Veterans' legal clinics are a primary component of Texas Lawyers for Texas Veterans, and they offer local bar associations the opportunity to provide veterans in their communities with the basic civil legal assistance they need. The Houston Bar Association, which has hosted veterans' legal clinics since 2008, has given invaluable assistance to the State Bar in providing its knowledge and resources to help other local bars establish their own clinics.

Civil practice areas covered in veterans' legal clinics include,

but are not necessarily limited to, Bankruptcy, Child Support, Consumer/Contracts, Divorce or Custody/Guardianship/Probate, Landlord/Tenant, Wills/Estate Planning, Employment, Housing, and Tax.

Pro bono clinics for veterans are available in all metropolitan areas of the state, including Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio, as well as in smaller communities, such as Bastrop, Beaumont, Denton, Galveston, and Midland-Odessa.

Your Denton County Bar Association has conducted two clinics this year. Members of the Denton County Bar Association, LegalAid of NorthWest Texas, the Denton County Paralegal Association, Texas Workforce Commission, and the Denton County Veterans Assistance Office have all provided volunteers and assistance.

One issue we have faced is the lack of veterans signing up for assistance. A veterans' assistance worker has said that veterans have been told for so long that there is no legal help available for them that they have quit asking for help. Because of the lower turnout, DCBA volunteers have staffed cases as referrals come in. This allows veterans to receive assistance right away without waiting for the next clinic date.

Efforts are being made to

increase veterans' awareness of and participation in the clinics. Leaders of all local veterans groups have been informed of our program; notices have been put in the newspaper, and local churches have also been notified. Also, Glenda Hill of LegalAid of NorthWest Texas and Sunnie Palmer of the Denton County Paralegal Association organized a table at the Veterans Day program on the Denton Square to get the word directly out to veterans.

If you are interested in assisting with Texas Lawyers for Texas Veterans, please contact Joe Zellmer at 940-383-2674, Sunnie Palmer at 940-383-2674 or sunnie@zellmerlaw.com, or Glenda Hill at 940-383-1406 ext. 1506.

Special thanks goes out to Mike Gregory for introducing this program



Around the County

to Denton and to Glenda Hill for her enthusiasm in assisting veterans.

Below is some information from the State Bar website about the program and FREE CLE to participants.

State Bar Sections Provide Expert Assistance

The State Bar of Texas Sections are recruiting volunteer expert panels to provide an additional level of support to local bar association veterans clinics. Certain cases or legal questions might require a level of expertise beyond what could reasonably be provided at the clinics and would be referred to the Section expert panels to assist in the matter or help find an attorney willing to assist. State Bar Sections are providing experts in most major substantive

areas. If you would like to participate as an expert, please email sections@texasbar.com.

Texas Bar CLE

The Basics of Veterans Benefits Law (online class). MCLE Credit: 3 hours. MCLE No. 901205325.

Military Service and the Law DVD/CLE

From the American Bar Association. Provides 6.5 hours of CLE credit. Learn how to provide expert guidance in assisting veterans with legal issues.

Advocating for Veterans

The Basics on Benefits, Discharge Upgrades and Cultural Competency. Free on-demand webinar from the Practising Law Institute that addresses the following issues:

- veterans are not aware of the



benefits to which they are entitled;

- injuries, both mental and physical, that are not connected to service by a proper paper trail; and
- veterans who received less than a fully honorable discharge for behaviors that were related to PTSD or minor disciplinary infractions and the status of their discharge makes them ineligible for benefits.

6.25 hours approved for CLE credit in Texas.

Grass is Greener continued from page 1.

air conditioning. I still buy too many pre-packaged items. But I am taking baby steps. I wash clothes only when I have a full load using earth friendly detergents. I do most of the things we are encouraged to do, e.g. adjust the temperatures on thermostats, turn out the lights and unplug electronics that are not being used, print on both sides of paper for internal use or drafts. Ironically, I have also given up my case-a-week habit of bottled water that I never thought I would buy and replaced it with a filtered pitcher and refillable containers.

The Iroquois taught that in every deliberation we should consider the impact of our decisions on the next seven generations. As people, we make lifestyle choices everyday that might be different if we took time to deliberate them. As attorneys, we

make office and practice decisions that we might also make differently if we were more aware of our choices and if we took the time to deliberate options.

The American Bar Association has posted information and suggestions on some choices that we can make to go green that attracts clients, cuts costs, and boosts the bottom line on the following website, <http://bit.ly/qrwMnw>.

On this same web page, there is a list of articles describing how law firms have saved money and become more successful while going green. Suggestions range from going paperless to installing high-efficiency lighting. I know of at least one bar association that requires that legal correspondence and pleadings be printed on recycled paper. While it would be brilliant and inspiring for our society and profession to experience

a global shift in action and deliberate choices that protect our environment, each of us also has great power to make small greener choices whenever we can.

As a member of the Texas and Denton County Bar Associations, I invite all of us to be more conscious of choices that we have that can impact our future environment, and thus our future lifestyles as well as that of at least seven generations. I invite all of us to share whenever we perceive a way that any of us can practice and live in a more balanced and eco-conscious way and hope that I will read your ideas and positive experiences in the near future. I look forward to your comments and suggestions that you can email to me at julia@juliakerestine.com. I promise not to unnecessarily print them.

2011 Annual Kinship Fair

By Michael Upshaw, The Law Office of Michael A. Upshaw.

It was a beautiful Saturday on October 22nd—the perfect sort of day for the annual Kinship Fair. The Kinship Fair is an event that is a joint effort of the Greater Denton County Young Lawyers Association, CASA of Denton, and social workers from the Texas Department of Family and Protective Services. The fair focuses on the Kinship Program in which children who are taken into protective custody are placed with extended family instead of a foster home. Often these families do not receive the same support as foster families, and, just as often, these families are not in the position to take on the extra economic burden that these children present.

The Kinship Fair is a fun, kid-friendly way to provide assistance

to families in the Kinship Program. The children receive clothing, coats, toys, and books. Families with young children receive diapers and a diaper kit. In addition, there is a bounce house, food, fire trucks, a motorcycle brigade, horse-drawn carriage rides, balloon animals, and games. Basically, it's a great time for kids, and the parents love having such a fun event to bring their families to at no cost. We have received a great deal of positive feedback from participating families this year—as we do every year—and this bar has a lot to do with that.

Kinship Fair is the biggest service project of the Young Lawyers by far, and it is paid for by donations in kind from several vendors, funds raised by the annual Kinship Fair Benefit

Concert, and funds generously donated by various members of the Denton County Bar.

It is our hope to continue this wonderful tradition of community involvement into the foreseeable future. The donations made by this bar are greatly appreciated, and they go towards an amazing cause that makes a real difference in the lives of children and families in Denton County.



Notice from the Denton Police Department

The Denton Police Department has been overloaded with child custody litigants exchanging children at their facility. They do not have a problem with exchanges taking place on Department grounds, but they are being inundated with requests to write reports every time a parent is late for an exchange. This has become so time consuming that, as a matter of policy, the Denton Police Department stopped writing reports about late parents, effective November 7, 2011.

This new policy will not stop the taking of any report on any criminal

offense that occurs. The Department suggests that a parent wanting to document the time of a child exchange should do the exchange in the jail lobby, where camera coverage should be sufficient to identify participants in the exchange. The Department does not feel that the overview cameras in the parking lot would be sufficient to document a late exchange, because they may not be close enough to accurately identify individuals. These cameras are probably sufficient to document a violent offense occurring in the lot, but again, may not

accurately identify individuals.

In the event a party needs to subpoena camera footage relevant to an exchange, that can be done. However, the cameras are electronic and motion-sensing. This means that the length of time footage is available will vary according to server space and the amount of motion a particular camera experiences during the time surrounding that particular footage. The Department loosely estimates footage could be available for 30-60 days, but they emphasize that there is no way to be certain.

Basic 40-Hour Mediation Training

Dates:

February 2–4 (times listed below)
and February 9–10 (times listed below)

Location:

Texas Women's University Main Campus
Administration and Conference Tower,
Room ACT 501 (the clock tower on the 5th floor).

Cost and Registration:

\$100 which is refundable once the participant successfully completes the course and signs up to volunteer to mediate for DCAP for four days between February to September 2012. \$600 for attorneys who do not wish to volunteer for DCAP and Non-Attorneys who wish to attend. Space is limited and Attorney/DCAP volunteers will get priority registration. To register, please contact Michelle Houston at mhouston@dentonbar.com or 940-320-1500.

The goals of this course include providing participants with the information that will allow them to: understand the legal definition of mediation, discuss forms of alternative dispute resolution used to resolve cases in litigation, demonstrate an understanding of negotiation, confidentiality, and ethics in mediation, practice ethical settlement techniques as a mediator, develop masterful strategies and tactics for closure, practice advanced mediation skills, and develop an extensive tool kit.

Agenda

Day 1: Thursday, February 2

12:30–1:00	Settlement of Court Annexed Cases
1:30–2:15	Mediation Process Overview: Stages, Tasks and Techniques
2:25–3:15	History of Texas ADR, Mediation and Collaborative Law
3:15–4:00	The Role of the Mediator: Resolving Legal Disputes
4:10–5:00	Pre-Mediation Preparation: Settlement Notebooks (Stage 1)
5:00–6:15	Mediation Opening Statements: Mediator and Advocate Simulations
6:15–6:45	Clarification Session – Adjourn

Day 2: Friday, February 3

8:45–10:00	Opening Statement Presentations (Stage 2)
10:10–11:45	Problem Solving Mediation: Facilitation of Legal Negotiation
11:45–12:15	Tasks for Mediators, Attorneys and Parties
1:00–2:45	Negotiating and Mediating in the Shadow of the Law
3:00–4:30	Facilitative Communication in the Settlement of Litigation
4:30–6:15	The Mediator as Negotiator: Integrative and Distributive Bargaining - Adjourn

Day 3: Saturday, February 4

8:45–9:30	Successful Resolution of Law Suits
9:30–10:30	Roleplay of Mediation and Critique
10:45–11:30	Caucus Techniques: Borrowing Mediator's Powers (Simulation)
11:30–12:15	Roleplay of Mediation

1:00–1:45	Critique of Mediation: Power Techniques and Legal Leverage
1:45–2:30	The Science of Law Suit Settlement: Kilman Inventory
2:30–3:30	The Dynamics of Conflict in Litigation
3:45–5:45	Advanced Litigation Settlement Techniques in Mediation
5:45–6:15	Clarification and Adjourn

Day 4: Thursday, February 9

8:45–10:30	Barriers to Resolving Litigation
10:45–12:15	Effective Settlement Techniques
1:00–2:00	Texas ADR Act
2:00–2:45	Confidentiality
3:00–5:00	Mediation Ethics and Ethical Dilemmas
5:00–5:45	Enforcement of Settlement Agreements
5:45–6:15	Unauthorized Practice of Law and Mediator Malpractice - Adjourn

Day 5: Friday, February 10

8:30–10:30	Roleplay with settlement agreements and Critiques
10:45–12:15	Mediation Advocacy: The Crucial Role of the Lawyer in Settlement
12:45–1:30	Credentialing, Professional Organizations and Professionalism
1:30–2:45	Getting Closure and Preparing Rule 11 Agreements
3:00–4:30	Roleplays with Agreement and Critiques
4:30–6:00	Critique, Feedback, Suggestions, Professional Development
6:00–6:15	Evaluations and Expectations for Future - Adjourn

From our Sponsors



PIRATES *of the* CARIBBEAN BENCH/BAR III

BENCH/BAR III

DATES:

May 18–20, 2012

LOCATION:

Tanglewood Resort
Pottsboro, Texas

DETAILS:

Come join us for Pirates of the Caribbean on Sundance Isle, The Search for the Lost Fountain of Law. Register online at www.dentonbar.com.

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Announcements and Events

DCBA in 2011-12

January Bar Luncheon

Date:

Friday, January 6, Noon
Meal included

Location:

Oakmont Country Club
1901 Oakmont Drive
Corinth, Texas 76210

Program:

*New Tricks for Law Dogs:
Collaborative Law in Non-
Family Civil Cases*

Speaker:

*Nicole LeBoeuf and Anne
Shuttee*

February Bar Luncheon

Date:

Friday, February 3, Noon
Meal included

Location:

Oakmont Country Club
1901 Oakmont Drive
Corinth, Texas 76210

Program:

TBA

Speaker:

TBA

Announcing

Congratulations to Jacqueline Cannon and her husband Colby Murrell on the birth of their daughter, Logan Colbie Murrell, on October 27, 2011 weighing in at 7 pounds and 12 ounces.



Condolences

DCBA would like to express our condolences to Elinor Caldwell and family, on the passing of her husband, Robert Henderson Caldwell, Jr., also known in Denton as "Tiny," on December 1, 2011.

Monthly Meetings

Collaborative Professionals

DCCP will meet at **9:00 AM** on Tuesday, **January 3**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

Family Law

Family Law will meet at **12:00 PM** on Thursday, **January 19**, in the Central Jury Room, 1450 E. McKinney St. in Denton.

Paralegals

DCPA will meet at **12:00 PM** on Thursday, **January 26**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

GDCYLA

GDCYLA will gather for their monthly:

- Meeting at **11:45 AM** on Thursday, **January 5**, at Greenhouse, 600 N. Locust St., in Denton.
- Happy Hour at **5:00 PM** on Thursday, **January 12**, at the offices of Hayes, Berry, White & Vanzant, 512 W. Hickory St., Ste. 100 in Denton.

REPTL

REPTL will meet at **11:45 PM** on Wednesday, **January 18**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.