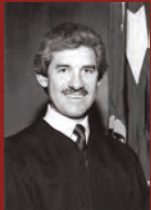
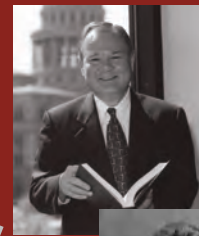




STATE BAR of TEXAS



HONORING THE PAST – EMBRACING THE FUTURE

Top row, from left to right: **Adelfa Callejo** – First female Hispanic practitioner in Dallas; **Alberto Gonzales** – First Hispanic US Attorney General (2005-2007); **Gustavo C. Garcia** – Together with Carlos Cadena, first Hispanic Attorney to argue before U.S. Supreme Court in the landmark case *Hernández v. Texas* (1954); **Richard Peña** – First Hispanic to serve as State Bar President of Texas (1998-1999); **Justice Eva Guzman** – First Hispanic Woman on Texas Supreme Court (2009-present); Bottom row, from left to right: **Justice Raul A. Gonzalez, Jr.**, – First Hispanic appointed or elected to statewide office in Texas; first Hispanic on Texas Supreme Court (1984-1998); SBOT President **J. Chrys Dougherty** with founding members/leaders of the Concerns of the Spanish Speaking Community Section: James W. Ray, Jr., J. Manuel Banales, Hon. Reynaldo G. Garza and Frank Herrera (1980); **Linda Reyna Yañez** – Appointed by Gov. Ann Richards in 1993, the first Hispanic woman to serve on an appeals court in the history of the State of Texas and the first woman to serve on the 13th Court of Appeals; **Carlos Cadena** – Together with Gustavo C. Garcia, the first Hispanic attorney to argue before U.S. Supreme Court in the landmark case *Hernández v. Texas* (1954).

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## Message from the Chair

It has been an honor to serve as Chair of the Hispanic Issues Section for the 2016-2017 bar year. With the collective hard work of our Officers, Council and Members, whom I thank pro-foundly, we have successfully raised our section's profile statewide, updated our website and increased our membership. In the last year, we have co-hosted networking mixers with local bar organizations in Corpus Christi,



**Arturo M. Aviles**

Austin, and San Antonio, and most recently we partnered with the Dallas Hispanic Bar Association to host a membership drive at a Texas Rangers game (updates from our last two events are below).

In keeping with our purpose to study and report on laws, judicial decisions and governmental regulations affecting the needs of the Hispanic community, in April, we co-hosted a full-day CLE program and legislative reception in Austin with the Mexican American Bar Association of Texas. In addition, we continue to closely monitor and report on relevant bills at the Texas Legislature and we will continue monitoring the enforcement of SB-4<sup>1</sup> and the ensuing litigation following its passage into law.

Further, in support of access-to-justice initiatives, we have made significant progress in our service project focused on combating notario fraud in Texas. Our Houston coalition is developing informational materials to provide to immigrant communi-

*Continued on page 2*

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Message from the Chair

Continued from page 1

ties and attorney training materials to assist private attorneys in representing victims of notario fraud.

In summation, this has been an extremely tumultuous period for Hispanics. The struggle for civil rights, social justice and legal equality continues. The Hispanic Issues Section pledges to continue championing the Hispanic community in the face of these obstacles and urges you to get involved, volunteer, donate, or otherwise support groups that seek to help Hispanics in need. To learn more about our organization, please contact us or join us at our events at the State Bar of Texas Annual Meeting in Dallas (see details below). For true inspiration, I share with you below the powerful and pertinent poem by Alberto Ríos entitled “*The Border: A Double Sonnet*”, which I was moved to encounter at a recent U2 concert.

Kindest regards,

Arturo M. Aviles

Chair, Hispanic Issues Section State Bar of Texas

*Arturo M. Aviles, Of Counsel with Segal McCambridge, Singer and Mahoney, Ltd. in Austin, focuses his practice on civil litigation including personal injury, labor and employment. Mr. Aviles is also a bilingual mediator.*

\*\*The opinions expressed in this article are the opinions of the author and not necessarily the opinions of the State Bar of Texas.

<sup>1</sup>SB4, legislation that penalizes law enforcement officials who refuse to cooperate with federal authorities on detaining and turning over undocumented immigrants, was signed into law by Governor Greg Abbott on May 7, 2017.

*Continued on page 3*

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**Message from the Chair**
*Continued from page 2*
**The Border: A Double Sonnet \***
*-Alberto Ríos, 1952*

The border is a line that birds cannot see.

The border is a beautiful piece of paper folded carelessly in half.

The border is where flint first met steel, starting a century of fires.

The border is a belt that is too tight, holding things up but making it hard to breathe.

The border is a rusted hinge that does not bend.

The border is the blood clot in the river's vein.

The border says *stop* to the wind, but the wind speaks another language, and keeps going.

The border is a brand, the "Double-X" of barbed wire scarred into the skin of so many.

The border has always been a welcome stopping place but is now a stop sign, always red.

The border is a jump rope still there even after the game is finished.

The border is a real crack in an imaginary dam.

The border used to be an actual place, but now, it is the act of a thousand imaginations.

The border, the word *border*, sounds like *order*, but in this place they do not rhyme.

The border is a handshake that becomes a squeezing contest.

The border smells like cars at noon and wood smoke in the evening.

The border is the place between the two pages in a book where the spine is bent too far.

The border is two men in love with the same woman.

The border is an equation in search of an equals sign.

The border is the location of the factory where lightning and thunder are made.

The border is "NoNo" The Clown, who can't make anyone laugh.

The border is a locked door that has been promoted.

The border is a moat but without a castle on either side.

The border has become Checkpoint *Chale*.

The border is a place of plans constantly broken and repaired and broken.

The border is mighty, but even the parting of the seas created a path, not a barrier.

The border is a big, neat, clean, clear black line on a map that does not exist.

The border is the line in new bifocals: below, small things get bigger; above, nothing changes.

The border is a skunk with a white line down its back.

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\*Copyright © 2015 by Alberto Ríos. Reprinted with the express written permission of the author. Alberto Ríos is a Regents' Professor at Arizona State University, where he has taught for over 30 years and where he holds the further distinction of the Katharine C. Turner Endowed Chair in English. Among his numerous awards, Ríos has been named Arizona's inaugural Poet Laureate.



## HIS Activities and Events

### March 29, 2017, Mixer and Membership Drive, San Antonio

Hispanic attorneys gathered at the Palm in San Antonio. The event was a mixer sponsored by the Hispanic Issues Section and the Mexican American Bar Association (MABA) of San Antonio. Special thanks to Jaime Vasquez, who organized this successful event and and MABA San Antonio, Larry Bruner Mediation Services, Chamberlain Hrdlicka and the Herrera Law Firm for their sponsorship and hospitality



*Jaime Vasquez, Director, MABA San Antonio, addresses guests.*

*Continued on page 5*

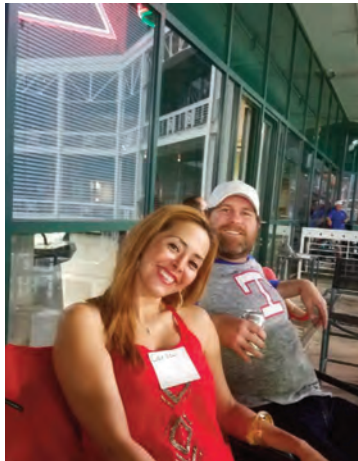


## June 2, 2017 Networking Mixer and Membership Drive, Globe Life Park, Arlington, Texas

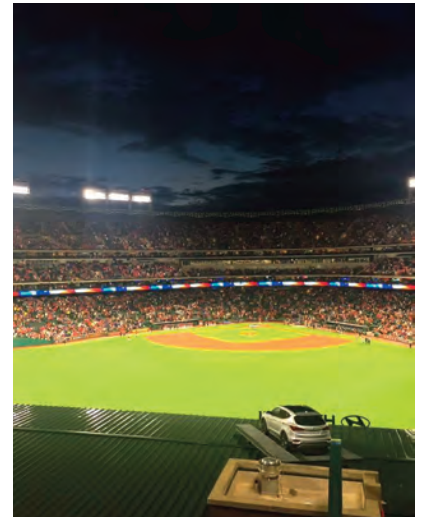
On June 2, 2017, over 40 Hispanic attorneys and guests from the Dallas/Ft. Worth area braved the weather and a 2-hour rain delay to watch the Houston Astros take on the Texas Rangers in a suite at Globe Life Park in Arlington, Texas. The membership drive was co-sponsored by The Hispanic Issues Section of the State Bar of Texas, The Dallas Hispanic Bar Association, ESCAMILLA & PONECK, LLP, and SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD. Special thanks to HIS Secretary Larry Banda for spearheading this event and to Carl Peterson and his colleagues at InterRel Consulting for their friendship and hospitality.



*Betty Torres (HIS Chair Elect), Valerie Carrillo (HIS Treasurer), Arturo M. Aviles (HIS Chair) and Larry Banda (HIS Secretary)*



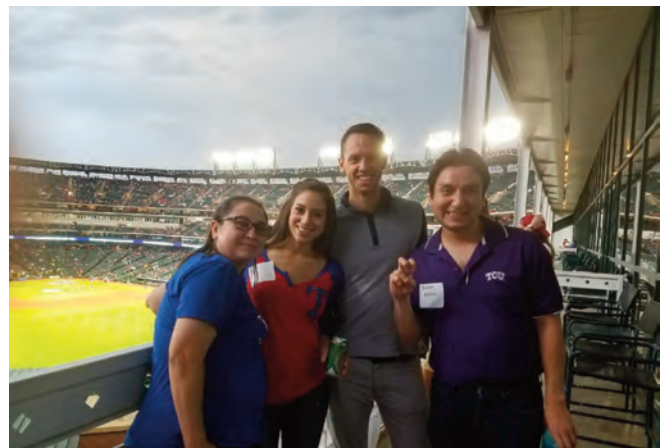
*Carla DeLeon, Judson McBride*



*After 2-hour rain delay. It is time to "play ball!"*



*While waiting for ball game, Edward Roske, Damian Perez, Raul Hernandez, Juan Renteria tear up Rock Band!*



*Mary Gutierrez, Jennifer DeHaro, Cody Acuff, Marcus Babena*



*Alexandra Giurio, Kristen King, Steven Darling, Alexis Sein*





## HIS Activities and Events

Continued from page 5

## HIS CLE and MABA-TX Legislative Day and CLE

The Hispanic Issues Section of the State Bar and the Mexican American Bar Association of Texas jointly conducted a legislative and CLE conference on Wednesday April 12, 2017, at the Texas Law Center in Austin. Arturo Aviles, chair of HIS, and Jana Ortega, MABATX president, welcomed attendees to the forum. The well-attended, successful day-long program consisted of CLE presentations, Supreme Court and Capitol visits, finalizing with a reception. The program also included a BBQ luncheon and was approved for 4.5 hours of CLE credit, including ethics.



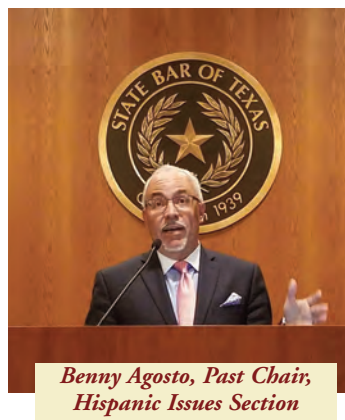
*Celina Moreno, MALDEF, Gloria Leal, Gloria Leal & Associates, Jose Garza, Garza Golando Moran*



*Justice David Medina, Senior Counsel, Chamberlin Hrdlicka*



*Justice Gina Benavides, 13th Court of Appeals*



*Benny Agosto, Past Chair, Hispanic Issues Section*



*Rep. Roberto R. Alonzo, Texas House Dist. 104*

The CLE program included presentations by former Texas Supreme Court Justice David Medina on the Ethics of Mediation, by Benny Agosto, former National Hispanic Bar and HIS chair, on commercial vehicle litigation, an appellate court update by Justice Gina Benavides of the Thirteenth Court of Appeals, and a presentation on challenges to the current system of election of judges by Jose Garza of the Texas Civil Rights Project and Celina Moreno, staff attorney, with MALDEF. A special presentation by Sheriff Sally Hernandez focused on Travis County's response to federal immigration dictates and the potential impact of sanctuary city legislation on Austin and other cities.



*Jana Ortega, President MABA Texas; Justice Eva Guzman, Texas Supreme Court, Arturo M. Aviles, HIS Chair*

During the Legislative portion of the program moderated by MABATX Legislative Director Gloria Leal, several Texas Legislators including Rep. Roberto Alonzo (Dallas), Jessica Ferrer (Houston), and Bobby Guerra (McAllen) took time while the House was in session to attend and provide their valuable insight into issues and legislation being considered by the Legislature. In addition, Gloria and attorney Laura Sharp discussed litigation challenging the constitutionality of the statute authorizing the appointment of four minority director positions to the State Bar's governing board and the legislative response.

The conference continued with an update on the access to justice project and a Supreme Court tour by Justice Eva Guzman which included a behind the scenes visit to private offices.



*Travis County Sheriff Sally Hernandez*

Continued on page 7

## HIS Activities and Events

Continued from page 6



*Arturo M. Aviles, Gloria Leal, Dave Olivas, Dallas County Assistant DA*

Many thanks to all who made the conference possible, especially Gloria Leal for organizing the conference and lining up such great speakers and legislative guests, the State Bar Sections staff for assisting with registration, and the TTLA for co-sponsoring the reception. A special thanks to Rep. Roberto Alonzo and his staff for their assistance in publicizing the event, sponsoring the reception at their office and other support of our activities.

See page 7 for the conference article presented by Justice Benavides.

The group then was invited to a reception sponsored by State Rep. Alonzo at his offices in the Capitol building. To top off the day's activities a reception co-sponsored by the Hispanic Bar Association of Austin was held on the terrace of the Texas Trial Lawyers Association building. The reception honored members of the Mexican American Legislative Caucus and the Senate Hispanic Caucus. Many legislators and staff too numerous to name, attended and provided excellent networking opportunities to attendees.



*Dennis Speight, TTLA, Director Government Affairs, David Escamilla, Travis County Attorney, Gloria Leal, Arturo M. Aviles*



*Betty Balli Torres, HIS Chair Elect; Arturo M. Aviles*



*Denise True, Fred E. Walker, PC; Tina Carnes, Counsel, Texas Department of State Health Services; and Hon. Elena Diaz.*



## State Bar of Texas Annual Meeting Events

As in past years, HIS will conduct and/or co-host several events at the State Bar of Texas Annual Meeting to be held in Dallas, Texas on June 22-23. **All events will be held on Thursday, June 22.** HIS will conduct its Annual Section Membership Meeting from 4:30 pm – 5:00 pm, to include the election of officers for the 2017-2018 bar year, followed by its Annual Reception, from 5:30 pm – 7:00 pm. HIS annual awards will be presented at the reception including the Reynaldo G. Garza Lifetime Achievement Award, given to an attorney or judge who has demonstrated a long commitment and made great achievement in addressing concerns and issues affecting the Hispanic community and the Hispanic Bar in Texas and has worked toward advancing diversity and access to justice in the practice of law; the Pete Torres, Jr. Community Service Award, given to an individual or organization that has demonstrated a history of service and commitment to the Hispanic community; and the James W. Wray, Jr. Founder's Award, given to recognize exceptional achievements on behalf of the Hispanic legal community.



We are also excited to host a CLE program from 1:30 pm – 4:30 pm on some timely issues affecting the Hispanic community, presented by experts in the areas covered. The CLE topics and speakers are as follows.

***Immigration Law Update*** presented by: Jenna Carl Jabara, Catholic Charities of Dallas; Mary Elizabeth Dedillo-Pereira, Senior Immigration Counsel, Mexican-American Legislative Counsel; and John Amaya, Obama Administration Homeland Security Senior Advisor and Attorney at Law.

***Voting Rights Update*** presented by: Mimi Marziani, Texas Civil Rights Project; Nina Perales, MALDEF; and Tomas Lopez, Brennan Center for Justice, New York City.

***The Past, Present and Future of Minority Participation*** presented by: Gloria Leal, Gloria Leal and Associates; Jose “Joe” Escobedo, Jr., Escobedo & Cardenas, LLP; Honorable J. Manuel Banales, Retired Senior Judge; and Angelica Hernandez, Linebarger Gogan Blair & Sampson, LLP.

In addition, HIS will co-sponsor a ***Diversity Forum*** with the African-American Lawyers, Asian Pacific Interest, LGBT Law, Native American Law, and Women and the Law Sections. The forum will be held on Thursday, June 22 from 9 am to noon. The topics of discussion will be: ***The Law of Affirmative Action at a Half Century*** and ***Intersectionality: The New Legal Imperative*** featuring HIS Vice Chair, the Hon. Gina Benavides, Justice, 13th Ct. of Appeals as panelist.

**Please join us for these events!**



## CIVIL AND CRIMINAL APPELLATE UPDATE

*Presented by The Honorable Gina M. Benavides, Justice, 13th Court of Appeals*

### Civil Cases

***Sinatra v. Sinatra*, 2016 WL 4040290 (Tex. App.—Corpus Christi 2016, pet. Denied.** The central issue in this case was whether Frank Sinatra Jr. and ex-wife Cynthia Sinatra had entered into a common law marriage following their 2001 divorce. The evidence in this case showed that after the 2001 divorce, Frank continued to support Cynthia and her children because “he felt it was the appropriate thing to do.” Cynthia claimed that after the 2001 divorce, the couple had entered into a common law marriage. Trial court held that the elements of common law marriage were satisfied. Three elements of a common law marriage: (1) an agreement to be married; (2) after the agreement, living together in Texas as husband and wife; and (3) representing to others in Texas that they are married. On appeal Frank challenged the first element. COA held that even if the evidence showed that Frank and Cynthia held out to others that they were married and cohabitated during that time, we find no evidence either direct or circumstantial that Frank ever intended to be married to Cynthia after the 2001 divorce or that he actually agreed to be married.

An agreement to be married must be “specific and mutual”. Cynthia testified that she believed that the couple entered a common law marriage because the couple continued their relationship and not because Frank had agreed or shown an intent to enter into a common law marriage. Further, Cynthia could not and did not specify when Frank agreed to be married and did not provide any evidence that Frank had an intent to be married to her after the 2001 divorce. When it came to legal matters such as purchasing a home and filing yearly income taxes, Frank and Cynthia bought as tenants in common and filed separate returns.

COA reversed and rendered judgment in favor of Frank’s estate.

**PRACTICE TIP:** Even if you have evidence of the last two elements to establish common law marriage, without specific and mutual evidence of the first element, everything else fails.

***UDR Tex. Props., L.P. v. Petrie*, --S.W.3d--, 2017 WL 382426 (Tex. Jan. 27, 2017).** Apartment complex visitor attended a party at his co-worker’s apartment complex at 2 o’clock in the morning in Houston and parked his car in the visitor lot of the complex. While still in his vehicle and making a phone call, a vehicle pulled up and parked behind his

car, blocking it, and two men exited the vehicle. One pointed a shotgun at Petrie through his window and ordered him to exit the car. Petrie complied and, when requested, surrendered his wallet and keys. But when ordered to lie down, he hesitated. So one of the men shot him in the knee and he fell to the ground. The shooter then placed the shotgun barrel to Petrie’s head and pulled the trigger, but the weapon did not fire. Petrie quickly crawled under the vehicle next to him while the assailants fled.

Petrie sued Gallery, alleging it knew or should have known about the high crime rate on its premises and in the surrounding area yet failed to use ordinary care to make the complex safe. After a two-day evidentiary hearing, the trial court concluded that the apartment complex owed no duty to Petrie and signed a take-nothing judgment in the complex’s favor. The 14th COA reversed holding that there was evidence of foreseeability of an unreasonable risk of harm that a person on the premises would be the victim of violent criminal conduct, citing *Timberwalk Apartments, Partners, Inc. v. Cain*, 972 S.W.2d 749 (Tex. 1998).

**General Rule:** Property owners have no legal duty to protect persons from third-party criminal acts. **But:** A property owner who “controls the premises does have a duty to use ordinary care to protect invitees from criminal acts of third parties if he knows or has reason to know of an unreasonable and foreseeable risk of harm to the invitee.

SCOTX emphasized that in order to impose a duty on a property owner, a risk must be both foreseeable and unreasonable. The four *Timberwalk* factors (proximity, recency, frequency, similarly, and publicity) were solely a means to aid courts in determining foreseeability specifically, not whether the risk was unreasonable. In conducting an unreasonableness inquiry, courts should explore policy implications of imposing a legal duty to protect against foreseeable criminal conduct. Thus, if a premises owner could easily prevent a certain type of harm, it may be unreasonable for the premises owner not to exercise ordinary care to address the risk, but if the burden of preventing the harm is unacceptably high, the risk of the harm is not unreasonable



## Civil &amp; Criminal Appellate Update

Continued from page 9

SCOTX reversed and rendered in favor of the apartment complex because Petrie failed to offer evidence of the burden that would be imposed on Gallery to prevent or reduce the risk from a crime like this one.

**PRACTICE TIP:** Remember there are two factors to consider when seeking to impose a duty upon a property owner to protect invitees from criminal acts of third parties if he knows or has reason to know of an unreasonable AND foreseeable risk of harm to the invitee. Present evidence as to BOTH elements in order to avoid a no-duty MSJ.

## Criminal Cases

***Shimko v. State*, 2017 WL 604065, (Tex. Crim. App. 2017), 5-4 decision.** Officer waves down Shimko in a public parking lot. Shimko was there to pick up intoxicated friend. Officers determined Shimko showed signs of intoxication and arrested him for driving while intoxicated. The trial court determined it was a consensual encounter and that the officer was acting in “community caretaking” function. The Court of Appeals held that officer’s words or actions did not amount to display of official authority.

The Court of Criminal Appeals found that consensual encounter does not implicate Fourth Amendment and a citizen can terminate encounter at any time. A seizure is based on “means of physical force or show of authority” and the liberty of a person has been restrained (ex: investigative detention). The Court of Criminal Appeals also found no evidence Shimko was not able to terminate encounter, so no Fourth Amendment violation was implicated. The decision in this case was based on the facts (CCA is not trying to create bright line rule regarding police encounters) and Shimko failed to prove there was a seizure. The dissent felt a reasonable person would not feel free to leave the scene or decline officer’s request to stop.

***Acosta v. State*, 2016 WL 6946933, (Tex. Crim. App. 2017), 8-1 decision.** Acosta was stopped for speeding and officers felt his behavior was abnormal (nervous, fidgety, very talkative). While being questioned, Acosta and wife gave inconsistent answers when separated. Acosta was suspected of drug trafficking (due to third party vehicle, only one key on key ring, carrying \$300 when unemployed, got consent to search and found herb for good luck in car, along with Santa Muerte statute). Officers also noticed spare tire had oil on it and was unusually clean, that there were tooling marks under spare tire, and when the officer cut tire open, he found close to 25 lbs. of marijuana. Acosta said would take responsibility if family was allowed to leave.

Jury convicted Acosta, but the COA reversed stating there was insufficient evidence to prove Acosta exercised control, management, or care over marijuana and because car was borrowed, more affirmative links to the drugs were necessary.

The majority of the Court of Criminal Appeals found there were affirmative links to support the jury’s verdict and based on cumulative evidence and reasonable inferences, the evidence could support the verdict. A concurring opinion found that facts could support knowledge or be indicative of non-criminal activity. Also that the trial testimony was full of assumptions based more on personal belief than factual information and omissions of relevant information and concurrence felt opinion needed more detail. The dissenting opinion felt affirmative links were not present and agreed that observations may have amounted to probable cause but did not affirmatively link Acosta to drugs. Dissent felt more investigation should have taken place to determine if he exercised care, custody, or control over contraband.

***Love v. State*, 2016 WL 7131259 (Tex. Crim. App. 2016), 6-3 decision.** Death penalty case that was reversed due to cell phone records being seized without a warrant supporting probable cause in violation of the Fourth Amendment. The records were turned over to the State via subpoena, not a search warrant.

The question the CCA reviewed was: did defendant have expectation of privacy in cell phone records (specifically text message content) and would society accept that expectation as reasonable or justifiable under the circumstances? The CCA held that text messages could not be obtained without probable cause—based search warrant. The Court found that text messages are analogous to regular mail and email communications which required search warrant and defendant had reasonable expectation of privacy in contents of text messages sent.

The CCA also found the trial court erred by failing to suppress the text messages, found harmful error for admission and weight given to text messages during the trial, and reversed and remanded for a new trial. The dissent found that the defendant did not sufficiently preserve the error the CCA ruled on because none of the objections were sufficiently specific.

*Justice Gina M. Benavides was first elected to the Thirteenth Court of Appeals in 2006 and re-elected to a second six-year term in 2012. She currently serves as the Vice-Chair of the Hispanic Issues Section.*



## JUDGES CORNER

***This is a new series to be featured in the HIS Newsletter, profiling our outstanding Hispanic Judges in Texas. In this series we will strive to provide a cross-section of Judges, from different areas of Texas and at different levels of the judiciary.***



Justice Alvarez was elected to Place 3 on the Fourth Court of Appeals in 2012. Before joining the court, Justice Alvarez was in private practice for 26 years in the San Antonio area, where she established the Alvarez Law Firm P.C. Since 2005, Justice Alvarez has served on numerous State Bar committees and as a trustee of the Texas Bar Foundation and a Director of the College of the State Bar of Texas. She has served on a variety of local, state and

national legal professional boards, including as a member of the MABA San Antonio Board. She also served as past chair of the Hispanic Issues Section.

*Where were you born/raised?*

I was born in México City to a Mexican father and an American mother. When I was 8 years-old, we moved to Monclova, Coahuila, México, where I was raised and married. I came to the United States in 1979 when I was 26 with my son, Eduardo.

*When did you know you wanted to become a lawyer?*

My dad is a lawyer, so the law was always part of our lives. When studying in the masters program at UTSA, I decided that finance was not for me. So, I took the LSAT and the rest is history!

*What were your practice areas before becoming a judge?*

I was a civil trial defense attorney specializing in transportation and oil and gas and property law. I loved trial work, and gave it all my passion and time.

*Who served as an inspiration/mentor to you in the legal field?*

My father and my mother are my first inspiration and on-going mentors. Along the way, however, many other people took me under their wings and mentored me. Two of the most important of those people were the late Henry B. Gonzalez (who at the time was a Congressman and who has roots in Monclova, Coahuila) and Phil Hardberger (who later became a Chief Justice of the 4th Court of Appeals and Mayor of San Antonio). Without my family's and my mentors' continuous support, I would not be a judge today!

*Justice Patricia O'Connell Alvarez,  
4th Court of Appeals, San Antonio.*

*What prompted you to become a judge?*

My dream was to end my litigation career as a judge. So, after litigating for 26 years, the moment I had an opportunity to run for the Fourth Court of Appeals, I put my name in the hat. I campaigned with passion and commitment, and won the election! If I had not done so, I would have always regretted not going after my dream.

*What advice do you have for a young lawyer aspiring to have a judicial career?*

I have three important points of advice.

First, work hard and with passion, but don't forget your family. Spend time with your family because time flies and when you are my age, you may regret not having memories of times shared with your family. You may also regret not being an example to your family!

Second, be ethical and honest with everyone. Be respectful and accommodating to opposing counsel --without sacrificing your client's interests. Remember Atticus Finch (the attorney in "To Kill a Mockingbird"). Your word should be gold, and your reputation as an attorney impeccable.

Lastly, go after your dream with passion and commitment.

*What issues affecting the Hispanic community most concern you?*

We are all human beings – we must treat everyone as an equal. Without being political, my concern is with the caliber of education that students are not receiving. There are too many inequalities in the education arena.

*How do you think the Hispanic Issues Section can most help Hispanic attorneys and the Hispanic community?*

HIS's purpose is to study and report on laws, judicial decisions and governmental regulations affecting Hispanics and to protect the constitutional rights of the Hispanic community. HIS must continue doing exactly this plus develop a civics program to educate our Texas youth, regardless of race or origin, as to the importance of constitutional rights in the United States.



Judge Lena Levario is the former presiding Judge of the 204th Judicial District Court of Dallas County, Texas and is currently a visiting judge and mediator. Judge Levario served as a public defender and also had a private practice prior to her judicial career. During her

tenure in the 204th District Court, Judge Levario heard only serious, felony cases. She also presided over a specialty court, STAR Court in Dallas, wherein she supervised women with a history of prostitution, drug addiction and mental illness. She also served on the State Bar Grievance Committee and as a member of the Dallas County Juvenile Board.

*Where were you born/raised?*

Pecos, Texas

*When did you know you wanted to become a lawyer?*

I have known I was going to be a lawyer since kindergarten. Like me, my parents were born and raised in Pecos, Texas. They grew up under Jim Crow laws. My father insisted I become a lawyer in order to combat discrimination. I learned about racism from my parents' stories and lives. I also experienced it personally, though to a much lesser extent.

*What were your practice areas before becoming a judge?*

I was an assistant public defender for about 5 years in the beginning of my career. I was a public defender when Governor Ann Richards appointed me to fill a judicial vacancy in 1993. The appointment made me the first Latina judge in Dallas County. After losing to a Republican in 1995, I went into private practice. My practice included mainly criminal and family law. I ran for office again in 2006 and won. I served 2 terms as judge of a criminal district court. I am now a visiting judge and a mediator.

*Who served as an inspiration/mentor to you in the legal field?*

I am sad to say that I did not know any attorneys before going to law school. I had heard of the ACLU. I aspired to be a civil rights attorney. While a law student, I worked for attorneys Tomas Garza and Jorge Hernandez in Lubbock, Texas. They won a lawsuit involving minority representation in local elections while I was working for them. They encouraged, guided and educated me more about the law than I could have expected. They gave me the courage to believe I could be become a good lawyer.

## Judge Lena Levario

*What prompted you to become a judge?*

In 1993, a judge in Dallas retired and it was up to the governor to appoint a replacement. The word was that she was looking for a Hispanic to appoint to the bench. I never considered it until others suggested I apply. It took my husband to convince me that I was qualified, even though I had the most criminal trial experience than any other Hispanic in Dallas County. I'll never forget what he told me. "Lena, you come home every day complaining about judges who don't know the law, or who know the law and don't apply it, and those that don't apply the law fairly. Are you telling me they are better qualified than you?" That made me realize I needed to be on the bench.

*What advice do you have for a young lawyer aspiring to have a judicial career?*

Become a judge because you want to work hard and make people's lives better. Becoming a judge doesn't make you a better person than others. A judge is a public servant. Act like it.

*What issues affecting the Hispanic community most concern you?*

The disparate treatment they and other people of color receive in the criminal justice system.

*How do you think the Hispanic Issues Section can most help Hispanic attorneys and the Hispanic community?*

I have tried to collect data from Dallas County regarding the disposition of criminal cases in order to determine whether Hispanics are receiving similar sentences to others. I have run into problems. Dallas County does not distinguish between White and Hispanics in their record-keeping. It is also expensive to get the data. I suspect there is different treatment. The City of Dallas Police Department keeps data regarding contacts with the public. That data shows that Hispanics and Blacks are more likely to get stopped, more likely to get searched and more likely to get arrested than Whites. A statewide study by the HIS would provide the data to begin conversations with elected and appointed official to bring fairness to the criminal justice system.





Justice Contreras is in her 15th year as a Justice on the 13th Court of Appeals and is seeking the Chief Justice position in 2018. If elected, she will be the first female Chief of the 13th Court and the second Latina Chief Justice statewide. Retired Chief Justice Alma Lopez, 4th Court of Appeals, is the only Latina Chief Justice

that has served in the State of Texas. Justice Contreras began her legal career in private practice in Houston, then practiced in San Antonio and McAllen with the Law Offices of Frank Herrera. In 1991, she became a partner in a civil trial firm that litigated and tried state and federal court cases. Justice Contreras also formed a mediation practice in 1997. Justice Contreras served as President of the Hidalgo County Bar Association; was a board member of the Texas Trial Lawyers Association; and, served on the board of the Association of Trial Lawyers of America. She has also served as a member and on boards of numerous legal and community organizations.

*Where were you born/raised?*

I was born in San Juan, Texas and raised in Pharr, Texas. I am a 1976 graduate of Pharr-San Juan-Alamo High School.

*When did you know you wanted to become a lawyer?*

I'm a bit of a late bloomer. When I was attending undergraduate at UT, I was of the mindset that law school was beyond my abilities. I truly believed you had to be a genius to attend law school. I became an accountant and worked for several years before realizing it wasn't what I wanted to do for the rest of my life. By then, I knew I was fully capable of studying law. I was 29 years old when I enrolled in the University of Houston Law Center.

*What were your practice areas before becoming a judge?*

I practiced as a civil trial lawyer for twelve years with an emphasis in the areas of personal injury and employment law.

*Who served as an inspiration/mentor to you in the legal field?*

I was first inspired to become a lawyer by a childhood friend named Albert Garcia. He was attending law school at the time I decided to apply. Albert now practices in San Antonio. We continue to be close friends today.

## *Justice Dori Contreras, 13th Court of Appeals.*

As a young lawyer, I was employed by Frank Herrera from San Antonio. He was my mentor legally, professionally and politically. Frank encouraged me to get involved in professional and community organizations.

*What prompted you to become a judge?*

I first ran for a County Court at Law position at the suggestion of a close friend, Leticia Hinojosa. She was the first female judge in the Rio Grande Valley. In 1995, she stepped down from Hidalgo County Court at Law number 4 in order to run for a District bench and encouraged me to succeed her. I was one of five that sought the position. Although I did well in the democratic primary, I lost in the run-off election. However, it was a learning experience and helped me when I ran for my current position in 2002 because Hidalgo County is the largest county in our twenty district so I had name recognition and support that served as a base for my campaign for the appellate court.

*What advice do you have for a young lawyer aspiring to have a judicial career?*

First, become the best lawyer you can. Always be prepared and thorough in your practice to develop your reputation accordingly. Second, always conduct yourself in an honest and trustworthy manner. Your word should count. Although you are an advocate for your client, you will cross paths with opposing counsel time and time again so it behooves you to always be cordial and professional. Third, develop your network because that will be your starting point when you decide to run for a judicial position. It is the manner in which you treat others and conduct yourself that will earn you respect, not the law license.

*What issues affecting the Hispanic community most concern you?*  
The poverty rate is concerning because it impacts the education of our youth.

*How do you think the Hispanic Issues Section can most help Hispanic attorneys and the Hispanic community?*

HIS can help by serving as role models in our respective communities and encouraging our youth to pursue higher education.

## SPECIAL ANNOUNCEMENT: THE FAMILY HELPLINE

### New Resources for Parent and Parent Advocates: The Family Helpline and Spanish Version of the Children's Commission's Parent Resource Guide

On January 31, 2017, the Texas Legal Services Center (TLSC) launched The Family Helpline to assist parents with CPS legal issues. The Family Helpline is staffed by experienced attorneys who will refer to pertinent portions of the Children's Commission's Parent Resource Guide while offering callers live support in a one-on-one exchange. TLSC will employ attorneys with CPS case experience who will offer callers legal information and education, but not offer legal advice or establish an attorney-client relationship with the caller. The CPS process will be explained to callers in concrete, easy to understand, and compassionate language. Parents will be given referrals to local resources that benefit children, families, and the community at large.

**The Family Helpline Hours are Monday – Friday, 9 am to 6 pm; the phone number is: 844-888-6565.**

Additionally, the Children's Commission is excited to announce that a Spanish language version of the Parent Resource Guide is now available on Lawbox and as a pdf on our website. Just like the English version, the Lawbox Spanish language Parent Resource Guide is mobile friendly and searchable. Both the English and Spanish versions are designed to help educate parents about the CPS process, their role and responsibilities, and the responsibilities and duties owed to them by others. Both versions are available at the following links:

<http://parentresourceguide.texaschildrenscommission.gov/espanol>  
<http://texaschildrenscommission.gov/media/1149/Final-Online-PDF.pdf>

For more information, please contact Dylan Moench, Staff Attorney, Children's Commission, at 512-463-3182.

## UPCOMING LOCAL BAR EVENTS

*We encourage everyone to support and attend the following events:*

<b>Wednesday, August 23, 2017</b>	<b>12th Anniversary Mexican-American Bar Association of Texas Foundation Scholarship Luncheon</b> Benefiting students at each of the Houston law schools Downtown Doubletree Hotel Houston 11:30 a.m - 12:00 p.m. Registration 12:00 p.m. - 1:30 p.m. Lunch and Awards Presentation  For More Information Contact: Benny Agosto, Jr. (713) 222-7211 <a href="mailto:bagosto@abrahamwatkins.com">bagosto@abrahamwatkins.com</a>
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\*\*\* We encourage the submission of items for future newsletters. Those may be sent to Dolores Alvarado Hibbs, Newsletter Editor, email: [dhibbs1@austin.rr.com](mailto:dhibbs1@austin.rr.com).\*\*\*

Also, if you have thoughts or comments about the website or the activities of the Hispanic Issues Section, or have something you would like to see in a future newsletter, please contact us.