



DICTA

NATIONAL FBA OUTSTANDING NEWSLETTER AWARD
2011, 2012

THE NEWSLETTER OF THE FEDERAL BAR ASSOCIATION — EL PASO CHAPTER



Winter Snow 2013 Albert Armendariz Sr. United States Courthouse

President's Message

By Kristin M. Connor

How time flies! I cannot believe that more than three years have passed since I joined the FBA-El Paso Chapter Board. Thanks to steady leadership and to an active membership over the years, the Chapter continues to expand its programs and to support the federal legal commu-

nity. Having just celebrated New Years, I wanted to share my top five 2013 resolutions for our Chapter:

1) Increase members' participation in committees and the Chapter. Thanks to recruitment

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President's Message Continued

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at our annual meeting, we are already incorporating members into committees who were not previously involved. These new committee members' ideas and energy excite me and instill confidence that our Chapter will continue thriving under new leadership in the years to come.

2) Facilitate bench-bar relations. Within the span of a year, the El Paso Division received a new district judge, the Honorable David C. Guaderrama, and two new magistrate judges, the Honorable Miguel A. Torres and the Honorable Anne T. Berton. To ensure that our members get to know our current and new judges, the Chapter will host bench-bar events. We will also continue raising our members' concerns with the judiciary, as we did in helping to craft a courthouse technology policy.

3) Create additional membership benefits. To thank our members and to create an incentive for membership, we will create a membership directory and mentorship program for new federal attorneys. We will also continue offering pertinent monthly CLE, although the Chapter will charge \$10 per CLE hour to non-members.

4) Provide community service activities for our members. In addition to our annual Law School Scholarship and the Introduction to Federal Practice for New and Future Lawyers Seminar, the Chapter will participate in community service events and a pro bono legal service fair. Such activities integrate the federal bar into the greater El Paso community.

5) Transition a strong Chapter to the next president. By the end of my presidency in September 2013, I will place a larger and more financially sound Chapter in the able hands of current Vice President Louis Elias Lopez, Jr.

IN MEMORY OF DUANE BAKER



On January 23, 2013, the El Paso legal community suffered the loss of one of its gentleman attorneys. Known for his gentle personality, knowledge of the law and his deftness in the courtroom, his colleagues respected and admired Duane.

Duane was born in Cleveland, but moved to El Paso when he was a child. He graduated from Austin High School. And afterward, he served in the U.S. Army in Vietnam, earning several honors including a Bronze Star and a National Defense Service Medal.

After his service, Duane attended the University of Texas at El Paso, and then the University of Houston School of Law.

Duane is survived by his wife of 38 years, Isabel, and his three children Regina Porras, Monica Baker and Ryan Baker.

I sincerely appreciate your participation in our Chapter as well as your ideas and feedback. Please contact me at kristinconnor@gmail.com if you would like to be involved. Please enjoy this fifth issue of *DICTA*.



DICTA

THE NEWSLETTER OF THE FEDERAL BAR ASSOCIATION — EL PASO CHAPTER

Mission Statement

The mission of the FBA is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the federal practitioner, both public and private, the federal judiciary, and the public they serve.

Vision Statement

Community recognition of the Federal Bar Association as the premier bar association serving the federal practitioner and judiciary.

Masthead

Editor-in-Chief: Louis E. Lopez, Jr.
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FEATURES

Judicial Profile

Hon. David C. Guaderrama

U.S. District Judge for the Western District of Texas



U.S. District Judge David C. Guaderrama

By Ronald Banerji

When given the opportunity to meet and interview U.S. District Judge David C. Guaderrama, the newest district court judge in the El Paso Division of the Western District of Texas, I jumped at the chance. I heard wonderful things about Judge Guaderrama — that he was a kind and humble man, as well as an excellent judge and attorney — and looked forward to the opportunity to interview a fellow Notre Dame lawyer. Suffice it to say that not only was I not disappointed, it was an absolute pleasure to meet Judge Guaderrama and his hard-working staff.

Judge Guaderrama is a native West Texan, having lived life-long in the greater El Paso/Southern New Mexico area. Born in Las Cruces, he grew up on a farm south of Deming, with his older brother and two sisters. The family cultivated cotton, grew sorghum crops, and kept chickens.

Like most farm children, Judge Guaderrama had his share of chores, including weeding the cotton rows, irrigating the fields, and driving the tractor. During this time in his life, Judge Guaderrama learned that hard work produces results and that all life has its cycle.

At the age of twelve, with his father semi-retired from farming, the family moved to El Paso. Judge Guaderrama attended Cathedral High School, home of the “Fighting Irish.” From there he at-

tended New Mexico State University graduating in three years with a double major in police science (akin to criminal justice) and psychology.

Originally interested in joining the New Mexico State Police, Judge Guaderrama developed an interest in joining the FBI. At the time, Judge Guaderrama learned that the FBI was looking for accountants and lawyers. Not interested in studying accounting, Judge Guaderrama decided on law.

Judge Guaderrama was admitted into the University of Notre Dame law school — the dream school of every Cathedral High School alumnus. Judge Guaderrama graduated in 1979 switching focus from law enforcement to a career as a practicing attorney.

Upon graduation, Judge Guaderrama promptly moved back to El Paso and spent approximately one year in solo practice and seven years within a group. Judge Guaderrama practiced mostly criminal defense, with a mix of civil matters. He especially enjoyed probate practice during this time.

After eight years in private practice, El Paso County selected Judge Guaderrama to become the first County Public Defender on January 1, 1987. Prior to that time, there was no County Public Defender’s Office in El Paso, much less in the state of Texas. Instead, El Paso judges routinely appointed private attorneys to represent indigent defendants.

(Continued on page 4)

Judge Guaderrama Profile Cont. ...

(Continued from page 3)

Judge Guaderrama started the Public Defender's Office with one assistant public defender and was tasked with handling 50 percent of all indigent felony cases in El Paso County. Judge Guaderrama served as the County Public Defender until 1994 when he ran for judicial office.

After a competitive primary, Judge Guaderrama won the general election and took the bench on January 1, 1995, as district court judge for the 243rd District Court. He remained a state judge for almost sixteen years, until he received his appointment as a U.S. Magistrate Judge in the El Paso Division of the Western District of Texas on October 1, 2010.

But as fate would have it, six months into the job as a U.S. magistrate judge, President Barack Obama nominated Judge Guaderrama for a position as a U. S. district judge in the El Paso Division of the Western District of Texas. In April 2012, the U. S. Senate confirmed Judge Guaderrama, and he was sworn in on May 3, 2012, as the fifth U. S. District Judge in the El Paso Division of the Western District of Texas. Grateful for the opportunity to work as a U.S. magistrate judge, Judge Guaderrama looked forward to this next phase.

Judge Guaderrama's judicial philosophy is straightforward: he does his best to know the law and endeavors to apply it fairly. A tip to those who appear before him – he likes it when you are prepared and have done your homework. He also



U.S. District Judge David C. Guaderrama, left, sworn-in by U.S. District Judge Philip R. Martinez, right. Photo Courtesy of Courtroom Deputy Greg Duenas.

enjoys the interactions with the attorneys who appear before him.

As a U.S. district judge, Judge Guaderrama finds that one of the greatest challenges of the federal bench is coordinating with several federal agencies to get things done, especially when compared to the state bench, where he felt he had more control over scheduling events.

Judge Guaderrama's docket is approximately 80 percent criminal and 20 percent civil cases, and he enjoys working on evidence issues again — something he did not have much of an opportunity to do as a U.S. magistrate judge.

Married to Annalisa Davila, his wife of seven years, Judge Guaderrama enjoys

hunting, the outdoors, and working with tools. He has recently taken up bow hunting, and looks forward to improving his skills during hunting season. He also recently built a corral on his property, and hopes to own horses in the future, as he used to in the past.

Judge Guaderrama's commitment to justice, the law, and the community make him a valuable addition to our local federal judiciary. I wish him many satisfying and productive years on the bench.

Ronald Banerji is an Assistant District Attorney in the 34th Judicial District Attorney's Office and a University of Notre Dame Law School graduate.



DICTA

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Federal Docket

Keep an eye out for upcoming CLEs.

You can check the FBA's bulletin board on the 1st floor of the Courthouse across from the Clerk's Office or on the web: <http://www.fedbar.org/Chapters/El-Paso-Chapter/Calendar.aspx>

February 7, 2013

Civil Discovery & How to Avoid a Dispute in Federal Court

Moderator: the Honorable Richard P. Mesa

Panelists: Francisco X. Dominguez, Mark Osborn, and Ed-die Castillo.

12-1 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Jury Assembly Room 2nd floor.

1 hr. CLE approved, 0.5 ethics.

Free for members / \$10 for non-members.

\$10 lunch available at door with RSVP to Deborah Fischer at (Deborah_Fischer@txwd.uscourts.gov).

February 21, 2013

Criminal Trial Issues

Speaker: Richard Esper and John Johnston.

12-1 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Jury Assembly Room 2nd floor.

1 hr. CLE.

Free for members / \$10 for non-members.

\$10 lunch available at door with RSVP.

March 8, 2013

Federal Court Practice Seminar

12-5 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Special Ceremonies Courtroom, 8th floor.

4 hrs. CLE pending, including 1 hr. Ethics

\$115 for current FBA members

\$215 for non-FBA members

March 21, 2013

Civil Dispositive Motions

Speaker David M. Mirazo.

12-1 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Jury Assembly Room 2nd floor.

1 hr. CLE.

Free for members / \$10 for non-members.

\$10 lunch available at door with RSVP.

April 18, 2013

Habeas/Mandamus Issues in Immigration Cases

12-1 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Jury Assembly Room 2nd floor.

1 hr. CLE.

Free for members / \$10 for non-members.

\$10 lunch available at door with RSVP.

May 16, 2013

Civil Jury/Trial/Technology Issues

12-1 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Jury Assembly Room 2nd floor.

CLE pending.

Free for members / \$10 for non-members.

\$10 lunch available at door with RSVP.

June 20, 2013

Civil Appellate Practice

12-1 p.m.

Albert Armendariz Sr. U.S. Courthouse,
Jury Assembly Room 2nd floor.

CLE pending.

Free for members / \$10 for non-members.

\$10 lunch available at door with RSVP.



DICTA

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NATIONAL FBA OUTSTANDING NEWSLETTER AWARD 2011, 2012

IN HOUSE

First Annual Chapter Meeting

Out with the Old, In with the New:

New Bi-Laws Adopted! New Officers Sworn-In!

By Kristin M. Connor

On October 3, 2012, the El Paso Chapter of the FBA held its first annual meeting in many years. Over fifty members attended to vote on the Chapter's proposed bylaws, hear about upcoming events, and learn about FBA National's activities.

Past-President Cara N. Rodriguez recognized the members of the Bylaws Committee and noted the most significant changes. In particular, pursuant to the proposed amendments, the bylaws could be amended in the future without a special meeting for that purpose, as voting by the Board and by the membership could be done electronically. The floor opened for questions, and none being asked, the attendees voted in favor of adopting the amendments.

The Honorable Norbert J. Garney swore in the new Chapter officers, officially beginning the 2012-13 term.

The program closed with an address by FBA Fifth Circuit Vice President Todd Hedgepeth from San Antonio, who provided an update about the opportunities the FBA offers such as national CLE programs, networking opportunities, and nonpartisan lobbying efforts on Capitol Hill to support the federal courts, judiciary, and practitioners.

Thanks to everyone's participation, the Chapter updated its bylaws and recruited new committee members.

Become a member, and join us at the next annual meeting in 2013!



U.S. Magistrate Judge Norbert J. Garney swears in the 2012-13 El Paso Chapter Officers, (left to right) Kristin M. Connor, Louis E. Lopez Jr., Mara Blatt, Marta McLaughlin, U.S. Magistrate Judge Miguel A. Torres.



Members at the 2012 Annual Meeting

IN HOUSE

National News! from “Sunny” San Diego



By Cara N. Rodriguez

From Wednesday, September 19, through Saturday, September 22, 2012, the Federal Bar Association held its National Convention in San Diego, California.

The Convention kicked off with three full days of CLE. Topics spanned every legal dimension imaginable and included a Supreme Court update by Dean Erwin Chemerinsky. In addition to the high quality CLE, many opportunities for networking at social events and luncheons were provided, including a reception at the U.S.S. Midway Museum.

On Saturday, representatives from chapters around the country gathered to discuss best practices and biggest challenges and to recognize each other

for the awesome work in their respective homes. Many attendees participated in a round-table discussion at the Chapter Education Program presented by the FBA Vice Presidents of the Circuits.

Presidents, vice presidents, and national representatives learned new ways to increase and support chapter membership and exchanged ideas for future programming. At this program, I discussed our chapter's activities, and our chapter's new CJA Mentorship and Training Program was discussed again highlighting the innovation of our Board.

Following the Chapter Education Program, representatives attended the FBA Awards Luncheon. Awards were given in two different categories: programming and newsletters. El Paso was one of a handful that received top

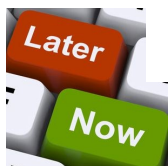
honors in both categories, earning a Chapter Activity Presidential Excellence Award and an Outstanding Newsletter Award!

Finally, during the National Council Meeting, the Council discussed FBA business and took votes on various national initiatives.

At the conclusion of the meeting, national leaders encouraged all to attend next year's National Convention slated for beautiful San Juan, Puerto Rico!

So, mark your calendars for September 26-28, 2013, and consider nabbing your CLE on the island at the Caribe Hilton!

Cara N. Rodriguez is the Immediate Past President of the El Paso Chapter and represented the Chapter at the National Meeting.



JOIN THE FEDERAL BAR ASSOCIATION NOW!

Go to: <http://www.fedbar.org/Membership.aspx>

IN HOUSE

Chapter Wish List

Initial Appearances

In every issue, the Editorial Staff at DICTA encourages members to submit ideas, or “wishes,” to the Chapter with the hopes of bringing these ideas to fruition. Below are some of the “wishes” made and granted since the last issue.

Wishes Granted or In-Progress

1. Lunches available at CLE now for both members and non-members, providing convenience to all who attend.
2. Raising funds to continue our ongoing projects and grow, while providing a benefit to membership by charging non-members for CLE.
3. A Civil CLE series

Pending Wishes

1. Initiate a project to facilitate visitation between minors in El Paso and their mothers incarcerated at the nearest women’s detention facility in Phoenix.
2. Initiate a Clinic Project
3. Facilitate mentorship for all attorneys new to the Western District of Texas, welcoming them with a tour of the courthouse.
4. Coordinate an “open house” event for attorneys to visit chambers and mingle with judges and chambers staff.
5. Membership Directory

What do you wish FBA-El Paso would do? Have an idea for a CLE, project, event, or newsletter item? Send your wishes, or let us know if you can make a wish come true, to: elpasofba@gmail.com. Thanks for your ideas; keep ’em coming!

The El Paso Chapter is pleased to introduce its newest members (0-6 months). We welcome your knowledge, comradery, and involvement!

Anna Arreola, U.S. Attorney’s Office

Tristan N. Bouilly, Law Office of Woodrow Bean III

Lynn Coyle, Dominguez & Coyle PLLC

Robert M. Estrada, Blanco Ordóñez Mata & Wallace, PC

Sergio Garcia, Federal Public Defender’s Office

Shane McMahon, Federal Public Defender’s Office

Xavier A. Mendez

David M. Mirazo, Cox Smith Matthews Inc.

Ruben Nunez, Law Office of Ruben Nunez

Marie Romero, U.S. Federal Public Defender’s Office

Jed Untereker, Paso Del Norte Civil Rights Project

Felix Valenzuela, U.S. District Court Law Clerk

Stephanie Welch, Texas Rio Grande Legal Aid

Membership demographics:

The El Paso Chapter currently has 116 members. Over the past six months, the El Paso Chapter averaged 115 members, comprised of approximately 75 male and 40 female attorneys, 41 law firm attorneys, 28 solo practitioners, 25 government attorneys, 10 judges, 6 nonprofit attorneys, 5 members with no organization listed, and 1 law student; located in 3 states, 4 cities, and 22 different zip codes, with the majority located in 79901 and 79902 in central El Paso.

“Wishes” and “Appearances” are prepared by senior staff writer and editor Marta McLaughlin.

IN CHAMBERS

U.S. Magistrate Judge Richard P. Mesa Retires After 19 years

By Louis E. Lopez, Jr.

On December 14, 2012, at the Albert Armendariz Sr. United States Courthouse, a group of many friends, family and colleagues came together to wish U.S. Magistrate Judge Richard P. Mesa well in his retirement.

Joyful memories relived, old anecdotes recalled, and an occasional hint of sadness surrounded the event.

After nineteen years of service, an era had definitely come to an end. And, as it has been said in many movies, "say it isn't so Shoeless Joe!"

The El Paso Chapter wishes Judge Mesa the best and hopes that his retirement is fulfilling and joyful.



U.S. Magistrate Judges Richard P. Mesa and Norbert J. Garney.



U.S. Magistrate Judge Richard P. Mesa and Chapter President Kristin M. Connor

IN CHAMBERS

INTRODUCING U.S. MAGISTRATE JUDGE ANNE T. BERTON



U.S. Magistrate Judge Anne T. Berton, center, sworn-in by U.S. District Judge Philip R. Martinez.

U.S. Magistrate Judge Robert F. Castaneda pictured far left.

By Louis E. Lopez, Jr.

This spring, the Western District of Texas welcomes one of our newest U.S. magistrate judges, the Honorable Anne T. Berton to the bench in the El Paso Division. Filling the newly created magistrate position, Judge Berton adds to the dynamic

that is the El Paso federal judiciary.

Born and raised in El Paso, Judge Berton attended Bel Air High School before obtaining a Bachelor of Science degree from the United States Military Academy at West Point. While attending the Academy, Judge Berton completed Jungle

School in Panama.

After graduation, Judge Berton served in the U. S. Army for five years ultimately attaining the rank of captain. Judge Berton also completed Airborne School while serving her country.

After her military service, Judge Berton attended Texas Tech University School of Law graduating in 1995. She worked as an Assistant Public Defender for the El Paso County Public Defender's Office from 1996 to 1998. Beginning in 1998 and up to her selection as a U. S. magistrate judge, Judge Berton served as an assistant public defender for the Federal Public Defenders Office. In 2004, she received the Outstanding Assistant Federal Defender Award from the National Association of Federal Defenders.

Welcome to the federal judiciary, Judge Berton!



YOU are invited to ORDER LUNCH at the next CLE seminar.

Check your next CLE announcement and RSVP a lunch request one week before the next CLE.

Lunch will come from one of our local area restaurants for you.

You pay \$10 at the door.

All orders are the same unless you order vegetarian.

IN CHAMBERS

INTRODUCING U.S. MAGISTRATE JUDGE MIGUEL A. TORRES

HELPFUL INFORMATION



U.S. Magistrate Judge Miguel A. Torres, center, accompanied by his mother, Carmen Torres, sworn-in by U.S. District Judge Philip R. Martinez.

By Louis E. Lopez Jr.

With the retirement of U.S. Magistrate Judge Richard P. Mesa, the El Paso Division found itself with a vacancy. Taking the bench this spring to fill this void is U.S. Magistrate Judge Miguel A. Torres.

Judge Torres, an El Paso native, attended Canutillo High School in the city's upper valley. Upon graduation, Judge Torres attended New Mexico State University, obtaining a Bachelors in Business Administration with a concentration in human resources.

Always intent on becoming a lawyer, Judge Torres graduated from the University of Texas School of Law in Austin where he

served as the president of the Chicano Law Students Association (CHLSA). Also, while in law school, Judge Torres clerked for the Federal Public Defender's Office in El Paso.

Upon graduation, Judge Torres worked two years for the San Antonio firm Matthews & Branscomb. In 1997, Liz Rogers, then head of the Federal Public Defender's Office in El Paso, hired Judge Torres as an Assistant Federal Public Defender. In 2002, Judge Torres entered private practice.

Judge Torres worked primarily in the field of criminal defense while doing some civil rights actions, including prison litigation and employment law.

Main Court Number: 915-534-6725
Clerk's Office, Official Court Reporters, Official Court Interpreters, Information Technology Support

5th Circuit Library Librarian Rebecca Chamberlain: 915-834-0539
Pretrial: 915-534-6758
Probation: 915-585-6500
U.S. Marshals Service: 915-534-6779
United States Attorney's Office 915-534-6884
Federal Public Defender's Office 915-534-6525

Chambers of U.S. District Judge Philip R. Martinez
6th Floor, Suite 661, 915-534-6736
Eva Gonzales — Judicial Assistant
Adrian Garcia — Law Clerk
Felix Valenzuela — Law Clerk
Darlene May — Court Reporter
Roberto Velez — Courtroom Deputy

Chambers of U.S. District Judge Kathleen Cardone
5th Floor, Suite 561, 915-534-6741
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Edward Torous — Law Clerk
David Riesenber — Law Clerk
David Perez — Court Reporter
Javier Martinez - Courtroom Deputy

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Anji Hamilton — Law Clerk
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Jayna Genti — Law Clerk
Suky Briggs — Court Reporter
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Deborah Fischer — Career Law Clerk
Jode Bejarano — Courtroom Deputy, 834-0505

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Marta McLaughlin — Career Law Clerk
Veronica Montoya — Courtroom Deputy, 834-0520

Chambers of U.S. Magistrate Judge Anne T. Berton
4th Floor, Suite 451, 915-834-0579
Terry Hernandez — Judicial Assistant
TBA — Law Clerk
Cecie Rodriguez — Courtroom Deputy

Chambers of U.S. Magistrate Judge Miguel A. Torres
7th Floor, Suite 751, 915-534-6732
Kathy Hinojos — Judicial Assistant
Leslie Wille — Career Law Clerk
Margie Molina — Courtroom Deputy, 834-0519



IN CHAMBERS

MEET THE NEWEST LAW CLERKS

Adrian Garcia, one-year term law clerk for U.S. District Judge Philip R. Martinez, grew up in El Paso and graduated from William H. Burges High School. He received his B.A. from the University of Texas at Austin and his J.D. from Stanford Law School. Upon completion of his clerkship, Adrian will practice in Dallas, Texas for the law firm of Jones Day.

David Riesenbergh, one-year term law clerk for U.S. District Judge Kathleen Cardone, received his B.A. from the University of Southern California and J.D. from Duke Law School. David worked for White & Case LLP for one year after law school in Washington D.C. David plans to return to Washington after completing his clerkship.

Edward Torous, one-year term law clerk for U.S. District Judge Kathleen Cardone, received his B.A. from Rice University and his J.D. from the University of California, Berkeley. Prior to law school, he worked for Microsoft.

Mario Franke, two-year term law clerk for U.S. District Judge Frank Montalvo, grew up in El Paso. He received his Bachelor and Masters in Professional Accounting degrees from the University of Texas at Austin. After college, he spent two years working

in Public Accounting with Ernst & Young, LLP. Mario returned to the University of Texas for law school where he served on the Texas International Law Journal and the Texas Hispanic Journal of Law and Policy. After moving to El Paso in 2010, Mario worked as an associate attorney at Mounce, Green, Myers, Safi, Paxson & Galatzan prior to his clerkship.

Cristina Calvar, two-year term clerk for U.S. District Judge David C. Guaderrama, grew up in Miami, Florida. She received her B.A. in political science, and her B.F.A. in dance from the University of Michigan, and her J.D. from the University of Notre Dame Law School. Upon completion of her clerkship, Cristina plans to practice in New York.

Jayna Genti, two-year term law clerk for Senior U.S. District Judge David Briones, grew up in Dallas and received her B.A. in international development and urban studies from New York University and her J.D. from the University of Texas School of Law in Austin. Prior to law school she worked on sustainable development projects in India and Senegal.

"Clerks" is prepared by senior staff writer and editor Marta McLaughlin.



ANNOUNCEMENT

NOW NOT JUST FOR MEMBERS

LUNCH DELIVERED DURING BROWN BAG CLE SEMINARS

No time to pick up lunch before coming to our Brown Bag CLE seminars?

Have lunch waiting for you when you arrive.

You RSVP a lunch request* a week before the next CLE.

We will order lunch from one of our local area restaurants for you.

We have it delivered.

You pay for your lunch at the door.

You eat.

Simple!

Lunch is \$10.

*All orders are the same unless you order vegetarian



WE WANT YOU!

WHY WAIT? JOIN NOW

<http://www.fedbar.org/Membership.aspx>

DIRECT EXAMINATION



U.S. Magistrate Judge Richard P. Mesa

U.S. Magistrate Judge Richard P. Mesa

This issue's Direct Examination celebrates the career of the Honorable Richard P. Mesa, who retired in 2012 as a United States magistrate judge for the Western District of Texas El Paso Division.

By Louis E. Lopez Jr.

Tell us about yourself?

I am a native El Pasoan. My mother was from El Paso, and my father was from Mexico. I have three older sisters and one older brother. I attended Hughey Elementary School, followed by Ross Middle School. I then attended Burges High School, and from there, I attended the University of Texas at El Paso where I graduated with a BA in political science in January 1969.

Did you go straight into law school after college?

No, I did not. I worked for a year and then moved to D.C. where I attended Georgetown Law School, graduating in 1973.

How did you meet your wife Linda?

I met my wife in college after a cousin introduced us. I used to give my cousin a ride to school. One day, she asked me if I would give a friend of hers, Linda, a ride as well. After a couple of weeks, Linda and I began to get to know each other and as a result, my cousin went from riding in the front seat of the car to riding in the

back seat. Linda, after 41 years, has been in the front seat ever since. We married while I attended law school and have two children, Olivia and Richie.

Why did you become a lawyer?

I always wanted to become a lawyer after watching Perry Mason on Television.

What did you do after law school?

After law school, we moved to Philadelphia, Pennsylvania where I worked for the Attorney General's Office for three years. In 1976, we returned to El Paso where I also worked for the Attorney General's Office, and then the U. S. Attorney's Office. In 1981, I left the U. S. Attorney's Office and opened up my own practice. I then applied for the U.S. magistrate judge's position in 1994.

What attracted you to the position of U. S. magistrate judge?

I feel every lawyer wants to be a judge at some point in his career. I appeared before the Honorable Harry Lee Hudspeth while he was a U. S. magistrate judge, and I saw what a magistrate judge did in court. After that, I always thought about the job, and actually, what people don't know is that

being a U. S. magistrate judge is the best kept secret.

What are your hobbies?

Now, it's golf. Throughout my life, I have always been athletic. I played basketball and baseball in high school. Many years later, I played in the lawyer's basketball leagues. And, now, it's golf. I also like to read—mostly historical fictions.

Why retire now?

Actually, I became eligible to retire in January 2011, and Linda and I discussed this quite a bit since then. It's a big life change—retiring. I mean, I've worked since the summer after my eighth grade year. I just felt that now it's time for me to move on to the next phase of my life—to be creative.

Are you going to travel?

This summer, we plan to go to Germany and then Poland. Afterwards, we plan to see a great deal of the U.S. I still haven't seen Mount Rushmore.

Any regrets?

Like most attorneys, the time spent in the

DIRECT EXAMINATION

Chapter Member Michael Whyte

FBA Member to Recruit the Most New Members to the FBA – El Paso Chapter



By Valerie Auger

Where did you go to law school?

I attended law school at Texas Tech University School of Law. I graduated from Texas Tech in 2006.

How are you currently employed?

I am an Assistant United States Attorney in the Western District of Texas, El Paso Office. I work as a member of the Organized Crime Drug Enforcement Task Force.

What drove you to become an Assistant U.S. Attorney?

I had a coach in law school who mentored me. He was an Assistant U.S. Attorney. I saw how content he was with what he was doing, his practice of law, so I thought it would be a good career fit for me, as well. I wanted to be as happy as he was practicing law.

What made you pick criminal work over civil litigation?

I have always been interested in criminal law and the criminal system. I have a B.A. in psychology, which has influenced my interest in criminal law. I have always been fascinated by the criminal mind. I

never had any compelling interest in civil litigation.

When did you join the Federal Bar Association?

I joined the FBA in 2010.

What compelled you to join the FBA?

I had the opportunity to interact with some of the members of our Chapter, who made me aware of what the FBA can offer me in my career as an Assistant U.S. Attorney. The FBA holds excellent programs. It creates opportunities to meet with the federal judges and become familiar with members of the federal bar at luncheons. The FBA-El Paso Chapter offers excellent continuing legal education opportunities. I have been absolutely impressed with the SOLACE program. It is amazing that the FBA-El Paso Chapter was able to offer these programs free to the El Paso legal community for so long.

So what was your winning strategy for recruiting the most new members?

It was easy. I just talked about what the FBA-El Paso Chapter has done for the federal legal community here in El Paso. I explained that if you practice law in federal court here in El Paso or anywhere else, it is important to become involved with the

federal bar to meet other practitioners, who may one day be very important to your own practice. I explained that the FBA provides opportunities to make friends with federal bar members, who you may be able turn to for help in your own practice of law. We are a tight knit community here. I discussed all of the CLE programs our Chapter offers to members of the federal bar, particularly the CLE programs that provide opportunities to earn ethics credits, which occasionally are hard to come by. I also expressed how impressed I was in particular with the SOLACE program, which has proven to be so valuable to the members of the federal bar here in El Paso.

Anything else about you that we should know?

People think it is funny that I used to be a public defender in Clovis, New Mexico, a small town on the Texas/New Mexico border, and I “changed sides” to become an Assistant U.S. Attorney.

This “Direct Examination” features the chapter member who recruited the most new members this past season. Look for future member profiles as a way of learning more about a fellow colleague.

VACATION CERTIFICATE

DICTA DISCOVERS SAN ANTONIO IN THE SUMMER TIME



Louis and DICTA at the Tycoon Flats in San Antonio, TX.

By Louis E. Lopez Jr.

Well, Bora Bora and Tahiti it is not, but San Antonio, is the place to be in the summer time. Home to Sea World, the Riverwalk, the Tower of America's and Fiesta Texas, as well as Bill Miller's BBQ, San Antonio is the perfect place to spend a vacation a home away from home.

Heading first to Sea World, my wife and I entertained the idea that our three-year-old, Louie, would enjoy seeing "Shamu" the killer whale and all of the other oceanic wonders. We were wrong!

Unbeknownst to us, Sea World built a water park to accompany its oceanic "sea world," and needless to say, Louie spent all his time in the wading pools. If any of you have a small child,

then you know that meant "mommy and daddy" also spent the entire day in the two-foot wading pool.

After a good sunburn-inducing afternoon, we headed to St. Mary's street for burgers from Tycoon Flats. Famous for the "piggy burger," Tycoon Flats provided the perfect place to nurse searing red skin and aching feet. Louie ate "chicken strips" of course!

In any case, here I am and my copy of DICTA at Tycoon Flats, in San Antonio, summertime 2012.

Editor's Note: If you go somewhere cool on vacation, let us know about it. Better yet, wherever you vacation, take a picture of yourself holding a copy of the newsletter, DICTA. If your DICTA reaches a far-away shore, or otherwise cool place, we will submit your photo to the Board for a chance to win a \$5.00 Starbucks gift card. So file those vacation certificates, and get going!

COMMUNITY OUTREACH

Partnering with the PATH Project — Providing Advocacy To Hijos — to Train Attorneys Representing Immigrant Youth



By Kristin M. Connor

Since May 2012, the El Paso Chapter of the FBA and the Diocesan Migrant & Refugee Services' (DMRS) PATH Project have provided monthly CLE training programs to attorneys who represent undocumented immigrant children eligible for legal immigration status.

A local non-profit organization, DMRS began the PATH Project to match eligible youth with pro bono attorneys, putting them on a path to citizenship and future success. Over forty attorneys attended at least one of the monthly programs, and currently fourteen are working pro bono with twenty clients.

Most PATH Project cases involve children eligible for special immigrant juvenile status (SIJS) due to abandonment, abuse, or neglect by their parents. Attorneys volunteer for pro bono roles in SIJS cases, including state-court representation

of the petitioner for a conservatorship, the best interests of the child, or an absent parent as an ad litem, and representation of the child before immigration officials. Attorneys who successfully complete a PATH Project case pro bono can be listed on DMRS's PATH Project referral list distributed to clients who do not qualify for free services.

The PATH Project waiting list has over thirty youth, and more are waiting to be screened for SIJS. This influx of numbers is largely due to President Obama's creation of Deferred Action for Childhood Arrivals (DACA) announced this summer. Since the President's announcement on June 15, 2012, over 1,000 potential deferred action applicants have come to DMRS's free information sessions. Based on questionnaires completed by these potential applicants, approximately 5 percent of youth eligible for deferred action may also be eligible for SIJS. Unlike deferred action, which only offers a two-year work permit, SIJS would actually put these youth on a path to citizenship. SIJS is definitely a better benefit, but the process is more complicated and requires the assistance of an attorney.

If you are interested in volunteering for the PATH Project, please contact DMRS attorney Michelle Martinez at (915) 532-3975 ext. 236 or

mmartinez@dmrs-ep.org. The new PATH Project training schedule will be available in the spring.

DMRS and the El Paso Chapter of the FBA thank the following attorneys for their pro bono representation in a PATH Project case in the past two years:

Lauren Armstrong
Tristan N. Bouilly
Chris Marie Borunda
Mark Briggs
Beatriz Ferreira
Linda Flores
Iliana N. Holguin
Veronica Teresa Lerma
Cynthia Lopez
Mark Mainwaring
Pamela Munoz
David Proper
Francisco Ortega
Enrique Ramirez
Susan Waller Ramos
Arturo Rodriguez Hernandez
Raymondo E. Rojas
Everett Saucedo
Corey Sheri Sainz
Karla Vargas
Jessica Vazquez
Kristina Voorhies Legan
Jamyne Boone Ward
John L. Williams

COMMUNITY OUTREACH

THE EL PASO CHAPTER'S SCHOLARSHIP RECIPIENT 2012

By the Hon. Richard P. Mesa

The El Paso Chapter awarded its 2012 Law School Scholarship to first-year law student Adriana Leal. Following a review of numerous and exceptional candidates, she received the \$2,000 scholarship based on her outstanding personal and academic achievements.

Although Adriana is originally from the Texas Rio Grande Valley (born in Weslaco, Texas), she spent most of the recent years of her life in El Paso.

Married, and the mother of two boys (ages 8 and 6), Adriana graduated *Summa Cum Laude* from University of Texas at El Paso in May 2009. Adriana is currently a first-year law student at St. Mary's University School of Law in San Antonio, Texas.

Adriana recognizes herself as a nontraditional student. This is born out in her varied and somewhat unusual work history.

Adriana has worked as a tutor for high school students with AmeriCorps Youth Harvest in San Juan, Texas; as an administrative clerk with the U.S. Department of Commerce Census Bureau in McAllen, Texas; as an assistant secretary at the University of Texas Pan American

in Edinburg, Texas; as a substitute teacher with the El Paso Independent School District; as an assistant to a real estate broker in El Paso; and most recently as a legal secretary with the El Paso law firm of ScottHulse, P.C. Adriana's ability to speak fluent Spanish facilitated her success in all of these endeavors.

Acknowledging her strong sense of family, Adriana recognized the conflict in her life between the duty to her family and the desire to participate in community activities. This presented a difficult obstacle in her professional career.

Nevertheless, she met the dual challenge by focusing on her children's extracurricular school activities and dedicating herself to activities with Phi Alpha Delta and serving as a volunteer in an important and difficult political campaign.

Not only was she able to raise two young children, work as a full time legal secretary, and participate in a long political campaign, but she graduated from UTEP with a 4.0 GPA.

In recognition of her achievements, the El Paso Chapter awarded Adriana this year's law school scholarship. Good Luck, Adriana!



2012 El Paso Chapter Scholarship Recipient Adriana Leal

WHO'S ABSENT?

Is it You?

JOIN THE
FBA
NOW!

Go to: <http://www.fedbar.org/Membership.aspx>



VERDICTS

By Valerie Auger

United States v. Samuel Gomez, EP-11-CR-365-DB. Honorable David Briones, presiding.

Antonio Franco, Jr., Ken Kaplan & Anna Arreola for the United States.

John Floyd, III & Christopher Choate for Defendant.

On August 24, 2011, the Government filed a Superseding Indictment against Defendant Gomez, charging him in counts one, three, four, five, and seven with conspiracy to possess a controlled substance, 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A) (vii); one count of possession with intent to distribute a controlled substance and aiding and abetting the same, 21 U.S.C. § 841(a)(1), (b)(1)(B)(vii), 18 U.S.C. § 2; one count of possession with intent to distribute and aiding and abetting possession with intent to distribute a controlled substance, 21 U.S.C. § 841(a)(1), (b)(1)(A)

(vii), 18 U.S.C. § 2; one count of conspiracy to possess a controlled substance with intent to distribute, 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A)(ii), and one count of possession with intent to distribute a controlled substance, 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), 18 U.S.C. § 2; and noticing its demand for forfeiture.

After being awarded a mistrial on March 22, 2012, a second jury trial commenced on May 14, 2012. On May 17, 2012, Defendant Gomez orally moved for acquittal. On the same day, the Court denied the motion. On May 18, 2012, the Court instructed the jury on counts one, three, four, five and seven of the superseding indictment. On May 18, 2012, the jury returned a verdict of not guilty on counts five and seven and guilty on counts one, three, and four.

On August 20, 2012, the Court sentenced Defendant Gomez to 320 months each on counts one, three, and four, to be served concurrently; five years of supervised release as to each count; a \$10,000

fine; a \$100 special assessment fee for each count, and ordered him to forfeit \$57,335. The Court entered final judgment reflecting the sentence on the same day.

United States v. Ramon Renteria, EP-CR-2213-KC. Honorable Kathleen Cardone, presiding.

Anna Arreola, Brian Skaret & George Leal for the United States.

Scott P. Foster & Christopher Antcliff for Defendant.

On March 2, 2011, the Government filed a third Superseding Indictment against Defendant Renteria, charging him with one count of RICO conspiracy, 18 U.S.C. § 1962(d); one count of conspiracy with intent to distribute a controlled substance, 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A)(i), (ii) & (vii); one count of conspiracy with intent to import a controlled substance, 21 U.S.C. §§ 963, 952, 960(b)(1)(A)-(B),(G); and one count of conspiracy to launder a monetary instrument, 18 U.S.C. § 1956(a)(1)(A)(i)(B)(i) & (h).

On May 18, 2012, a jury trial commenced. On May 26, 2012, Defendant Renteria was found dead in his jail cell. On June 15, 2012, the Government dismissed the charges against Defendant Renteria.

Michael Short v. Arvin West, Individually and in His Capacity as Sheriff of Hudspeth County, and Hudspeth County, Texas, EP-09-CV-264-DB. Honorable David Briones, presiding.

Lynn Coyle, Enrique Moreno, Francisco Dominguez & Michael Wyatt for Plaintiff.

Charles Straith Frigerio for Defendant.

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VERDICTS

(Continued from page 18)

On July 15, 2009, Plaintiff filed his complaint, alleging a 42 U.S.C. § 1983 cause of action against Defendants. On August 14, 2009, Defendants moved to dismiss the complaint. On February 3, 2010, the Court denied the motion. On July 16, 2010, Defendants moved for summary judgment. On August 10, 2010, Plaintiff filed a competing summary judgment motion. On October 13, 2010, the Court denied both the Plaintiff's and Defendant West's motion for summary judgment. On October 15, 2010, Defendant West filed an interlocutory appeal. On December 5, 2011, the Fifth Circuit affirmed the Court's order denying Defendant West summary judgment.

On July 9, 2012, a jury trial commenced. On July 10, 2012, Defendant West orally moved for judgment as a matter of law, which the Court denied. On July 11, 2012, the Court charged the jury. On July 11, 2012, the jury found Defendant West deprived Plaintiff of his constitutional rights by arresting him without probable cause and detaining him without reasonable articulable suspicion. The jury, however, found these acts were not the legal cause of Plaintiff's damages. The Court entered its final judgment on the verdict on July 19, 2011.

United States v. Jeffrey C. McNealy, EP-11-CR-3015-DB. Honorable David Briones, presiding.

Aaron Lykling, Anna Arreola, Brandy Gardes & Julie Ann Worthington for the United States.

Robert Ramos for Defendant.

On December 14, 2011, the Government filed a four-count Indictment against



Defendant McNealy, charging him with one count of receipt of child pornography, 18 U.S.C. § 2252(a)(2); one count of distribution of child pornography, 18 U.S.C. § 2252(a)(2); and two counts of possession of child pornography, 18 U.S.C. § 2252(a)(4)(B).

On August 27, 2012, a jury trial commenced. On the same day, Defendant McNealy orally moved for acquittal. On August 28, 2012, the Court denied the motion for acquittal. On August 29, 2012, the Court charged the jury. The Court granted a mistrial as to the distribution of child pornography charge. The jury returned a verdict of guilty as to the remaining three counts.

On September 4, 2012, the distribution of child pornography count was dismissed. On October 10, 2012, the Government moved for forfeiture of property. On December 14, 2012, the Court sentenced Defendant McNealy to 97 months on each count to be served concurrently, five years supervised release as to each

count and a \$100 special assessment for each count.

United States v. Irma Ramona Navarro, EP-11-CR-2576-KC. Honorable Kathleen Cardone, presiding.

Richard Watts & Robert Almonte for the United States.

Robert Ramos for Defendant Navarro.

On October 26, 2011, the Government filed a two-count Indictment against Defendant Navarro, charging her with one count of importing a controlled substance, 21 U.S.C. §§ 952(a), 960(a)(1); and one count of possession with intent to distribute a controlled substance, 21 U.S.C. § 841(a)(1).

On September 14, 2012, a jury trial commenced. On the same day, Defendant Navarro orally moved for acquittal, which the Court denied. On September 17, 2012, the Court charged the jury. On the same day, the jury returned a verdict of not guilty as to both counts of the indictment.

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VERDICTS



(Continued from page 19)

ment. The Court entered a judgment of acquittal on the same day.

United States v. Ricardo Gabriel Valencia, EP-12-CR-626-KC. Honorable Kathleen Cardone, presiding.

Kerry Blackburn for the United States.

Mary Stillinger & Sandra Prieto Ortega for Defendant Valencia.

On March 21, 2012, the Government filed a one-count Indictment against Defendant Valencia, charging him with one count of transporting aliens for financial gain, 8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(B)(i).

On September 21, 2012, a jury trial commenced. On September 24, 2012, Defendant Valencia orally moved for acquittal, which the Court denied. On September 25, 2012, Defendant Valencia orally moved for acquittal a second time, which the Court denied. On the same day, the Court charged the jury. The jury returned a verdict of guilty on the same day. On December 13, 2012, the Court sentenced Defendant Valencia to probation for three years, a \$100 special assessment and a \$250 fine.

National Fire Insurance Company of Hartford v. Hector Giron, EP-11-CV-405-DCG. Honorable David C. Guaderrama, presiding.

David Brenner & Jose Vega for Plaintiff.

Robert Eric Riojas for Defendant.

On October 3, 2011, Plaintiff filed a complaint, appealing the decision of the Appeals Panel of the Texas Department of Insurance, Division of Workers' Compensation, after the Panel did not enter a decision on Plaintiff's appeal, contesting the hearing officer's decision that Defendant was entitled to life income benefits based on a loss of and/or total and permanent loss of use of both hands. Defendant answered the complaint on October 31, 2011.

On July 13, 2012, Plaintiff moved for summary judgment. On August 16, 2012, the Court denied the motion on the grounds that substantial questions of facts remained as to the loss of use of Defendant's hands at or above the wrist.

On November 5, 2012, a jury trial commenced. On November 6, 2012, both parties orally moved for judgment as a matter of law, which the Court denied. On November 7, 2012, the jury returned a verdict that Defendant was not entitled to life income benefits based on the loss of and/or

total loss of use of both hands at or above the wrist. On December 10, 2012 the Court entered an order reversing the Appeals Panel's decision.

United States v. Sandra Isabel Alcocer De Ventura, EP-12-CR-1944-PRM. Honorable Philip R. Martinez, presiding.

Patricia Aguayo & Robert Almonte for the United States.

Luis Islas for Defendant.

On October 17, 2011, the Government filed a first Superseding Indictment against Defendant De Ventura, charging her with one count of making a false statement with regard to citizenship, 18 U.S.C. § 1001(a)(2); and one count of aiding and abetting bringing aliens, 18 U.S.C. § 2, 8 U.S.C. § 1324(a)(1)(A)(i), (a)(1)(B)(i).

On November 13, 2012, a jury trial commenced as to count one of the Indictment regarding the false statement with regard to citizenship. On the same day, Defendant De Ventura orally moved for acquittal. On November 14, 2012, the Court denied the motion. On the same day, the Court charged the jury on count one, which returned a verdict of guilty. Defendant De Ventura's sentencing hearing is set for January 23, 2013.