



# Discover Law at the Denton County Law Library

Story by Theodore D. Ogilvie

Lawyers are a peculiar bunch when it comes to our libraries. We hold sacred the treatises, codes, journals, and lexicons that fuel our intellectual and professional abilities. Each of us has his or her own library in our office, at our house, and even on our Blackberry. And each of us remembers the intimacy experienced with our institutional library during law school. Some of us practically lived there.

We cherish libraries because of what they offer us—a wealth of information and knowledge. Denton County citizens (including lawyers) have available to them a law library centrally located in the second floor of the Denton County Court. Many of our local Bar visit regularly, while some

don't even know such a facility exists.

Whatever your degree of familiarity, I would invite each of you to visit the Denton County Law Library on the second floor of the Courthouse. Peruse the reports, manuals, codes, and forms on the shelves, and then feel free to do the same on the eight computer terminals. Did you know our library now subscribes to West and Lexis programs to accommodate most of your research and preparation needs? Many other software programs are on subscription and readily available to you. As a matter of fact, the Lexis system is a brand new subscription, check it out!

And while you are at the library, be

sure to visit the lawyer's lounge. A comment box is there this month for you to express and suggest ideas to improve the lounge. Please visit and see it often this month of February. The library Board of Governors will present feasible ideas to the Bar Board of Directors in March for improvements and changes that will better accommodate your practice at the courthouse. Use it or lose it! We need your participation and use of the library and lounge. It's there, it's free, it's convenient, and it's yours! Enjoy it in your own peculiar (but legal) way!



## Denton County Law Library Quick Facts

- Where:** 2nd Floor of Denton County Courthouse
- When:** Hours of Operation are the same as the County Clerk's offices
- Who:** Librarians: Kathleen Bransford, Steve Gilmer, and County employees supervised by County Clerk Administration
- Funding:** Denton County tax dollars appropriated by Denton County Commissioner's Court
- Open to:** Public, including Denton County residents and Denton Bar members
- Oversight:** Library Board of Governors (advisory capacity)
- Lawyer's Lounge:** Open to Denton County lawyers and visiting attorneys to relax, think, prep, socialize, etc.
- Conference Room:** Large conference room available by appointment (at librarian's desk) for various meetings, depositions, conferences, etc.
- Available Resources:** Too many to mention! Stop by and see for yourself!

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# From the President

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## DCBA Membership

Your DCBA Membership includes

- Free and discounted CLE programs
- Monthly luncheon and happy hours
- Networking opportunities
- Listing on the bar website which includes a photo, two areas of practice, and a link to your website

## Your DCBA Sections

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

“Equal and exact justice to all persons of whatever state or persuasion, religious or political... freedom of person under the protection of the law; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps.... They should be the creed of our political faith—the text of civil instruction—the touchstone by which to try the services of those we trust.”  
—President Thomas Jefferson

This new year is bringing a new beginning for me and my family. Almost two years ago I started my campaign for County Commissioner to bring an attorney's prospective to the Commissioners Court and on January 1, 2009, I was sworn in after winning two elections against persistent opponents in both the primary and the general election. The whole experience was something new to me, but the whole time I campaigned I stressed the fact that as an attorney I would bring

good representation to the citizens of Denton County.

As so eloquently stated by Thomas Jefferson above we should all be mindful of our duties to ensure equal and exact justice and freedom of person under the protection of the law. That should be the creed of our political faith as lawyers. As your bar president, please know that I will do my best to represent the bar and the citizens of Denton County and enhance the reputation of the legal community through this public service.

Lastly, I want to thank all of you who helped me during the campaign. Your support and words of encouragement and positive criticism were invaluable.

*Hugh Coleman with his family at his swearing in on January 1, 2009 as Denton County Commissioner. As Commissioner, Hugh will bring an attorney's prospective to the Commissioners Court.*



## 10 Steps to Getting the Most Out of Your Mediation Session

Part three of a three-part series by Julia A. Kerestine

Part three of a three-part series, this article will help you get the most out of your mediation session and to ensure your clients the best result. The first seven steps were published in the December and January editions of the *Denton County Lawyer*. Those steps are

1. Know Your Case
2. Analyze the Potential Trial Results
3. Analyze the Potential Risks
4. Identify Your Client's Interests
5. Identify Client's BATNA
6. Ensure All Participants Have the Necessary Information
7. Select An Appropriate Mediator

### 8. Educate Your Client

Be sure to educate your client. In addition to the conversations described above, explain the challenges as well as the strong positions you will be taking. Prepare him or her for things that they might hear that may be difficult. Clients are experiencing great stress. They do not always hear what we intend to communicate or perhaps focus on only the positive aspects of their case. It is important to know that you have spent time to prepare your client for real challenges they face as well. When the mediation session unfolds as you predict, you gain the confidence of your client.

### 9. Provide the Mediator With Information

Provide information to the mediator. In the end, it doesn't really matter how formal the position papers and

briefs are; the important thing is that the information is organized. In simpler cases that are scheduled on short notice, a telephone call to give some background may be all that is necessary. In other more complex cases—products cases, construction defect, complex transactions, environmental, professional liability, and other matters that require expert information—it is important to give the mediator an time and information to learn about your case and read reports. Providing materials to the mediator in advance will cut the down time that you have in your mediation session.

Some helpful information to include: Concise statement of facts and issues, status of case (trial dates, motions pending, etc), identity of parties and also any participants to mediation and their roles, any pleadings or documents that you feel would be helpful (motions for summary judgment, inventory and appraisal forms, expert reports), history of settlement negotiations, your opinion as to why the case has not already settled, any potential obstacles to settlement, and any challenges or objections to a joint meeting.

The mediation statements that you provide to the mediator are confidential unless you specify otherwise. It is often helpful for the parties to exchange briefs and at least settlement demands in

advance; this is especially important when an organization must bring someone with monetary authority to negotiate. It is imperative in a civil matter for the defending attorneys to know the parameters of settlement negotiations so that they can identify the appropriate parties with authority to address the demands.

In some cases, I receive briefs that the parties exchange and a supplement with private information that the parties think would be helpful to me but not to opposing counsel.

### 10. Bring Your Best Game

On your mediation day, it should go without saying that one should behave courteously during the mediation session. Participants get the best results when they set a collaborative tone early in the process. It is important to arrive on time and to bring the appropriate person with authority to negotiate and sign off on the settlement. If your client is engaging and makes a strong impression that opposing counsel, (or perhaps an insurance or corporate representative) has not had the opportunity to meet, prepare him/her and allow him/her to speak during an opening session. One common mistake attorneys make is preventing clients from talking. I have mediated many cases in which the defendant became willing to pay more after hearing a Plaintiff tell his or her story in an

*Steps continued on page 5*

# From the Sections

## Monthly Meetings

### Collaborative Professionals

DCCP will meet at **12:00 PM** on Tuesday, **February 3** at Oakmont Country Club located at 1901 Oakmont Dr. in Corinth.

### Family Law

Family Law will meet at **5:30 PM** on Monday, **February 23** at Giuseppe's located at 821 N. Locust St. in Denton.

### GDCYLA

GDCYLA will meet at **11:45 AM** on Thursday, **February 5** at Frilly's located at 2303 S. I-35 E. in Denton.

GDCYLA will meet for happy hour at **5:00–7:00 PM** on Thursday, **February 12** at The Abbey Inn located at 101 W. Hickory St. in Denton.

### Paralegals

DCPA will meet at **12:00 PM** on Thursday, **February 19** at Oakmont Country Club located at 1901 Oakmont Dr. in Corinth.

### REPTL

REPTL will meet at **12:00 PM** on Wednesday, **February 18**, at Oakmont Country Club located at 1901 Oakmont Dr. in Corinth.

## UNT Moot Court Volunteers Needed

The UNT will be hosting the Texas Undergraduate Moot Court Association state tournament March 6-7, 2009 at the Denton campus. We need between 180-200 attorneys/faculty members/law students from the DFW community to help judge. Please contact Dr. Kimi King or [kking@unt.edu](mailto:kking@unt.edu) for more details, and [www.tumca.org/caseproblem.htm](http://www.tumca.org/caseproblem.htm) to see the case problem. We will send out a bench brief as soon as you let us know you can volunteer. We hope to see you at this extraordinary event!

## New Filing Procedures For Occupational Licenses as of January 1, 2009

Applications for ODLs based upon FILED MISDEMEANOR OFFENSES will no longer be filed with the civil county clerks on the second floor, they will now be filed with the Criminal Court Clerks on the first floor of the courthouse (through the glass doors across from the elevators). The filing fee is still \$198.00.

## Honorable Vicki Isaacks Portrait Hanging

On January 6, 2009, the DCBA held a reception for the Honorable Vicki Isaacks, former presiding Judge of the 393rd District Court. The time for the reception to be held in the 393rd District Court courtroom was graciously donated by the current presiding Judge, Doug Robison. Many bar members attended the reception, along with the staff of the 393rd Court and other courts in the building.

At the reception, DCBA President Hugh Coleman thanked Judge Isaacks for her nine years of service on the bench, and noted how well it has worked out for the family lawyers in the county to have a court that was able to focus the docket more precisely on the volume of family cases to be heard. A portrait of Judge Isaacks was unveiled and hung in the courtroom. With the portrait hanging, DCBA has begun the tradition of commissioning a portrait of each presiding judge to



hang in the 393rd courtroom, which is something that has also been done in the 16th District Court over the years.



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**february 6, 2009**

**8:00 AM—4:30 PM**

**Oakmont Country Club**

### 2009-DCBA Probate, Guardianship and Ad Litem Seminar

**Cost:** \$75.00 before February 1, \$100.00 after February 1

**Hours:** MCLE: 6 hrs  
 TBLS: 6 hrs Estate Planning/Probate and Civil Trial 2 hrs Family Law  
 Ad Litem certification pending approval  
 CEU: 6 hrs, pending approval. (Additional fee if you need a CEU  
 cert: \$5.00 for NASW members, \$20.00 for non-NASW members.)

**8:00–8:45 AM:** Probate Practices Local and Statewide, Judge Don Windle  
**8:45–9:15 AM:** Mental Health Practice, Judge Jerry Parr  
**9:15–10:00 AM:** What Attorneys, Ad Litem, and Clients Need to Know About Guardianships,  
**10:00–10:30 AM:** Fee Applications, Required Reports, and other Probate and Guardianship  
 Issues  
**10:30–10:45 AM:** Break  
**10:45–11:15 AM:** Local Guardianship Resources, Vickie McMurry, Dir of Guardianship Services  
**11:15 AM–12:00 PM:** Selected Topics in Probate and Guardianship Litigation, Richard Kelsey  
**12:00–1:30 PM:** DCBA Luncheon—Michelle Jones speaks on “Condemnation”  
**1:30–2:30 PM:** Practical Solutions for the Ad Litem, Attorney panel  
**2:30–3:00 PM:** Medicaid/Medicare and Medical eligibility, Mark Sutherland  
**3:00–3:15 PM:** Break  
**3:15–4:00 PM:** Case law & Statutory Update, Judge Don Windle  
**4:00–4:30 PM:** Ethical Issues in Ad Litem Practice, Attorney panel  
**4:30 PM:** Reception

**Registration:** Send this form and payment to DCBA: 512 W. Hickory, Ste, 202, Denton Texas 76201

Name: \_\_\_\_\_ Firm: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### *Steps continued from page 3*

opening session.

Mediation works when you bring all of the parties necessary to address the issues, negotiate, and sign off on a settlement. It is the process that works and it can be challenging to try to include a new person into the process in the middle of the afternoon because the wrong person is attending.

Be sure to allow enough time for the parties to “process.” Although some cases can be resolved in a half day, the chances of success are greatly enhanced when a full day is set aside. Often an attorney represents

that “this is an easy case with only one issue.” There might be only one legal or property issue. But there are other issues fueling the conflict or there would be no need to mediate; most attorneys can help their clients to address one issue. The truth is that it is often difficult to determine why the matter has not settled and it sometimes takes a while for the client to process the emotion, or attachment to that issues before he or she is able to address them. That amount of time is difficult to predict. Many clients, however, “want their day in court.” They often want someone to listen to the case that they will not be presenting in trial and will not be able to make the decision to settle until

someone has.

This is not a comprehensive list of ways to improve your mediation advocacy. If, however, you are preparing in most of these ways, then you likely experience success and enjoy the process of mediation. Your clients probably enjoy working with you also and leave with confidence that they were well represented. If you would like a copy of the entire article and a worksheet that helps clients identify their concerns, anticipate the opposing parties’ concerns, identify options, and Best Alternative To a Negotiated Agreement (BATNA), please contact Julia at Julia@jkadr.com or 866-559-4440.

# From our Sponsors



## Upcoming Tour Dates:

### Grayson County

February 24, 2009

5:30-7:30 PM

Sponsored by Siebman, Reynolds, Burg, Phillips & Smith, LLP. Meet at Clarks Outpost on 101 Highway 377, Tioga, Texas 76271.

### Cooke County

March 19, 2009

5:30-7:30 PM

Sponsored by Hatcher, Harris & Tatum, P.C., located at 109 W. California St., Gainesville, Texas 76240.

### Denton County

April 16, 2009

5:30-7:30 PM

Sponsored by Hayes, Berry, White & Vanzant LLP, located at 512 W. Hickory, Suite 100, Denton, Texas 76201.

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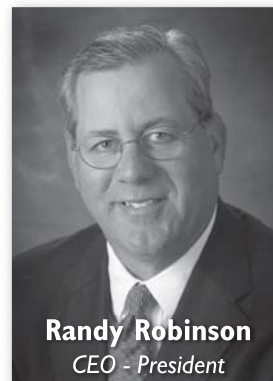


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## DCBA in 2008-09

### February Bar Luncheon

**Date:**

Friday, February 6, Noon  
Meal included

**Location:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

*Condemnation*

**Speaker:**

Michelle Jones

### March Bar Luncheon

**Date:**

Friday, March 6, Noon  
Meal included

**Location:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

*Disaster Preparedness for your  
Law Firm*

**Speaker:**

Shipman & Steppick