



Membership Resolves to Support Creation of New District Court

Story by Judge Lee Gabriel

At the March meeting of the Denton County Bar Association, the members unanimously voted in favor of a resolution supporting the creation of a new District Court in Denton County. President Hugh Coleman will now submit the resolution to both the Denton County Commissioner's Court, who will consider a similar resolution, and to the Texas Legislature.

Senator Jane Nelson has introduced a bill in the Texas Senate requesting the creation of a new District Court for Denton County. Representative Myra Crownover has filed the same bill in the Texas House of Representatives.

Each year in December the Office of Court Administration publishes an Annual Statistical Report for the Texas Judiciary. The December 2008 report showed that the average population served per District Court in Denton

County was 102,060, which is almost twice the State's average. Denton County had the highest average population served in the entire state for the second consecutive year.

A weighted caseload study was ordered by the Texas Legislature and conducted in 2007 to provide objective statistical analysis of the workload of all District Courts in the State of Texas.

The study concluded with a finding that, at that time, Denton County had a need for eight District Courts to handle all the cases coming before the Courts in a timely, efficient and fair manner.

Denton County presently has six District Courts.

The members of the Bar Association recognize that a new District Court will help provide the citizens of Denton County with the needed judicial officers to manage and resolve court business without delay while also delivering quality service to litigants.



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From the President



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Awards, *Amie Peace*
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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

This has been quite a year for me. Not only have I had the honor of serving as your President but I have also had the privilege to be elected to the Denton County Commissioners Court. I have thoroughly enjoyed participating in these endeavors and I want everyone to know that I truly appreciate your support.

As President, my goals were to increase the amount of family friendly events, increase bar participation of attorneys who practice in areas other than civil or family law, reach out to attorneys in our neighboring legal communities, and enhance the image of lawyers in the community. It is my hope that we accomplished those goals through our many events such as: our sponsorship of the reception after the Texas Criminal Defense Lawyers Association meeting and CLE, the Denton County Bar Tour, our trip to the City of Denton Water Park (no unauthorized picture taking was allowed!!), and our event at the Frisco Rough Riders Game.

Also, who could forget that we, by we

I mean Michelle, Tiffany, and their helpers, built a cruise ship, among other things, on the second floor of the Court House for National Adoption Day. I hope everyone had as much fun with all of these activities as much as I did.

Now that my term comes to an end I would like to thank Tiffany Haertling and Michelle Houston for their determination in seeing the National Adoption Day project through to the end. It really was one of our best pro bono projects ever. I would also like to thank Travis Biggs for overseeing the Denton County Bar Tour. He has done a wonderful job in helping us reach our goal of outreach to other legal communities. And, of course, I would like to thank everyone at Hayes, Berry, White and Vanzant for all their support during this year. They have really gone above and beyond.

I truly appreciate having the honor to serve as your President and I hope I have improved the Bar Association during my term. I wish Darcy Loveless the same wonderful experience that I had!



Distinguishing Conclusions from Opinions

Taking the Measure of Mental Health Testimony

Part One by John A. Zervopoulos, Ph.D., J.D., ABPP. Copyright © 2008 by John A. Zervopoulos.

Dr. Jones, a psychologist who had conducted a child custody evaluation, took the stand. On direct examination, Dr. Jones stated that because mother was depressed and psychological research showed that depressed mothers are less emotionally responsive to their children than mothers who are not depressed, the child's best interest would be served if the court granted father the right to establish the child's primary residence. Mother's lawyer had difficulty understanding how Dr. Jones's evaluation data supported the opinion but was unable to crack Dr. Jones's certainty, especially when Dr. Jones invoked research to support his conclusions. Mother's lawyer felt that her examination of Dr. Jones lacked focus in the face of Dr. Jones's certitude.

Lawyers in cases other than family law may feel similar frustrations with mental health experts who proffer confident opinions supported by seemingly relevant research. But how can lawyers get behind those opinions to understand the reasoning that these experts bring to their findings and testimony? A key is to determine the difference between the conclusions and experts' opinions. Doing so will aid trial preparation and focus deposition and trial questions.

How do conclusions and opinions differ? In short, conclusions arise

from the data mental health experts gather, consider, and review. As a result, conclusions are within the social science sphere. In contrast, experts give opinions when they apply their conclusions to the legal standard the court is considering—e.g. the best interest of the child or criminal responsibility. Caselaw appears to meld the notions of expert conclusions and opinions. But lawyers who consider these concepts separately in their thinking, preparation, and expert examinations will improve their understanding of experts' testimony. In this first of three columns on this issue, let's look briefly at why.

The tie between data and conclusions makes sense and is legally required: "[C]onclusions and methodology are not entirely distinct from one another." Obviously, data from unreliable methods—poor interviewing, inappropriate testing, lack of considering relevant information from sources outside the evaluation—cannot lead to reliable conclusions. Experts link data to conclusions by interpretation and synthesis, products of their knowledge, experiences, and training. Experts' conclusions are reasoned inferences. Consequently, lawyers should keep in mind the adage that "there is much that may slip between the cup and the lip" when they address this subjective element to any expert conclusion. And be aware that experts' connections

between their evaluation or therapy data and conclusions may not be as tight as experts try to present in their testimony.

In contrast to conclusions, experts give opinions when they apply their conclusions to legally-relevant case questions. For example, given the expert's conclusion that mother is depressed and, therefore, may not be optimally responsive to her child, will the best interest of the child be served by granting father the right to designate the child's primary residence? Or, in a criminal case, is the defendant legally responsible for the act with which he has been charged?

Not all psychologists agree that mental health experts should offer expert opinions beyond social science conclusions. But if the expert offers an opinion, lawyers should ask how the expert understands the legal standard at issue. While the expert may not be expected to know the standard as a lawyer would, the expert may have idiosyncratic views of the standard that might compromise the opinion's reliability. In sum, expert conclusions and expert opinions address different issues. How, then, should lawyers gauge the reliability of experts' conclusions and opinions and exploit the difference? We'll discuss this in Part Two. Contact John A. Zervopoulos at jjerv@psychologylawpartner.com or at www.psychologypartners.com.

From the Sections

Monthly Meetings

Collaborative Professionals

DCCP will meet at **12:00 PM** on Tuesday, **April 7** at Oakmont Country Club located at 1901 Oakmont Dr. in Corinth.

Family Law

Family Law will meet at **5:30 PM** on Monday, **April 27** at Giuseppe's located at 821 N. Locust St. in Denton.

GDCYLA

GDCYLA will meet at **11:45 AM** on Thursday, **April 2** at On The Border located at 2829 S. I-35 E. in Denton.

GDCYLA will meet for happy hour at **5:00–7:00 PM** on Thursday, **April 9** at II Charlies located at 809 Sunset St. in Denton.

Paralegals

DCPA will meet at **12:00 PM** on Thursday, **April 30** at Oakmont Country Club located at 1901 Oakmont Dr. in Corinth, the speaker is Mr. J. Jeffrey Springer of Springer Lyle, LLP.

REPTL

REPTL will meet at **12:00 PM** on Wednesday, **April 15** at Oakmont Country Club located at 1901 Oakmont Dr. in Corinth, the speaker is J. Mitch Little.



The graphic features a central circular emblem with a clock face and a building, surrounded by silhouettes of people and symbols of law. The text '2008-2009 Denton County Bar Tour' is on the right, and 'Next Stop:' is on a banner at the bottom. County names are listed around the emblem: Wise, Cullin, Denton, Cooke, and Grayson.

**2008-2009
Denton
County
Bar
Tour**

Next Stop:

Collin County
April 16, 2009
5:30–7:30 PM
Sponsored by Mackoy, Hernandez, & Qualls
6017 Main Street, Frisco, Texas 75034

Denton County
May 7, 2009
4:30–7:30 PM
Sponsored by Hayes, Berry, White & Vanzant
Denton County Fair Grounds

Update From Your Board

Over the last several years the DCBA has experienced tremendous growth. Through our rise in membership, partnership with DCAP, and the programming vision of our last several boards of directors, we have evolved from a smaller bar association with a matching budget to a larger group with budgeting and programming issues common to the larger bar associations in the state. Through this evolution, our internal structure has remained the same. As president-elect for the 2009-2010 year, the vision I have is for DCBA to review and formally update its infrastructure so that we can run as a more efficient, effective organization. Your board of directors has

been unanimously supportive of accomplishing this task.

Therefore, we have had two board retreats in the last sixty days to begin working on long-range and short-range planning so that in May, when the new bar year begins, we have a better structure in place to serve your needs. The board first focused on reviewing the 14 year old mission statement. The result is an updated mission statement that will be presented to the bar for discussion, comment, and, hopefully, approval at the May business meeting. After finalization and approval of the mission statement by the membership, DCBA plans to unveil the statement and our complementary vision for the

bar association on our website.

We plan to have one more formal meeting before May to finalize plans for next year and revise our current committee system. In order to revitalize our structure and keep relevant, enjoyable programming and activities in place, we need to better use the unique qualities each of our members bring to the bar association. That means we will be looking for more member participation in our committees. If you have ideas for future programming or bar services or want to serve on a specific committee, please let one of your officers or directors know.

—Darcy Loveless

Denton County Bar Tour Stopped for their Mixer on Professionalism at Grayson County

The Denton County Bar Tour traveled to Grayson County for our February 2009 mixer on professionalism. Over 20 members from the Grayson County Bar Association attended including the Honorable Carol Siebman and her county host/husband Clyde Siebman and Grayson County District Attorney Joe Brown. Denton County Bar Association was also well represented as over 20 members drove from Denton to Tioga (home of Gene Autry) to meet and network with their Grayson County colleagues. World famous Clarks BBQ was provided and enjoyed by all. This event was historic as it was the first time the Denton County's Bar Association hosted its colleagues from Grayson County. Grayson County Bar has expressed interest in hosting our bar association next year. This event has instilled a renewed commitment to professionalism between the neighboring associations.

On March 19, 2008, the Denton County bar association ventured north to Gainesville. Cooke County has become a secondary practice area to many members of our association just as Denton has become a secondary practice area for many Cooke County lawyers. The Law Firm of Hatcher Harris and Tatum, located on the north side of the square in downtown Gainesville, was our county sponsor and provided the refreshments. Our next county tour is on April 16, 2009 in Collin County. We will be leaving around 4:30 from the bar office parking lot, if you would like to carpool please contact Michelle Houston at 940-320-1500.



Pictures from top to bottom, left to right: Above One: D.A. Joe Brown, Julia Kerestine, Camille Houston, Michelle Houston, and Mike Gregory. Above Two: Lance Vanzant, Jamie Russell, Cynthia Burkett, Debby Mackoy, Christine Qualls, Lisa Hernandez, and Gina Hill. Above Three: Mike Gregory, Susan Fisher, Clyde Siebman, Joe Brown, Hugh Coleman, Judge Carol Siebman, and Judge Shipman. Left: Barbara Evans, Mrs. Price, Van Price, Jason Brinkley, Ryan Webster, and Kelly Brazzil.

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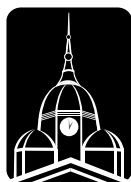
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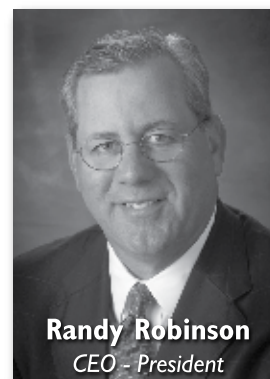
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DCBA in 2008-09

April Bar Luncheon

Date:

Friday, April 3, Noon
Meal included
0.5 CLE included

Location:

Oakmont Country Club
1901 Oakmont Drive
Corinth, Texas 76210

Program:

Appealing Summary Judgements

Speaker:

David Johnson

May Bar Luncheon

Date:

Friday, May 1, Noon
Meal included

Location:

Oakmont Country Club
1901 Oakmont Drive
Corinth, Texas 76210

Program:

Business Meeting

Announcing

Save the date, May 7, Denton County Tour Blowout, DCBA Kick-Off party, and GDCYLA Membership drive.

Congratulations to Darcy Loveless and John Rentz on their new baby girl, Sydney Elizabeth Rentz, who arrived on February 24, 2009.

Condolences

The DCBA sends their condolences to the family of Judge L. D. Shipman, on the passing of his sister, Carolyn Creach, on March 1, 2009.

The DCBA sends their condolences to the family of Joe Zellmer, on the passing of his mother, Marie Zellmer, on March 11, 2009.