



## Third Annual Adoption Day, A Huge Success

*By Cynthia Burkett, Law Office of Cynthia M. Burkett.*

On November 12, 2010 the floor of the Denton County Courthouse was transformed into a vibrant Cruise Ship filled with stuffed animals, balloon animals, carnival games, goody bags, food, beverages, excited children, and happy families. Fourteen children who had been in foster care or placed with relatives because they were victims of abuse or neglect were adopted by eight families.

Denton County Adoption Day is a joint effort of the Texas Department of Family and Protective Services, CASA of Denton County, and the Denton County Bar Association. Many individuals and community businesses and groups contributed to making the 3rd Annual Denton County Adoption Day successful and meaningful to well deserving children and families.

The following attorneys volunteered to represent the adoptive families: Janette Baldwin, David Cole, Mari Flores, Jennifer Kelleher, Melissa Maldonado, Alexia McCrary,

Phillip Moore, Billie Riley, Victor Rivera, and Brody Shanklin. Justice Lee Gabriel, Judge Jake Collier, Judge Bruce McFarling, Judge Carmen Rivera-Worley, Judge Doug Robinson, and Judge L. Dee Shipman presided over the adoptions.

The following organizations, businesses and individuals made monetary and in-kind donations in support of this special day: BrandIt Promotions, CASA of Denton County, CBS Mechanical, Content Solutions, CPS of Denton County, Denton County Bar Association, Denton Quilt Guild, Lynn Eason's Divine Inspiration Makeup Studio, Edward Jones, Frisco Bar Association, Judge Vicki, KoonsFuller, McAlister's Deli, Newland Real Estate, Ramirez & Irick, Starbucks, TWU Practice III, Jorge Urbina, and Walter Eagleton Photography.

Through the generosity of all of these organizations, businesses,

and individuals; each child received a goody bag, a handmade quilt, teddy bears, books, and each family received an 8-by-10-inch family portrait. In addition, all the filing fees were paid for by donors within the community.

November is National Adoption Month, and Denton County Adoption Day is part of the nationwide effort to celebrate families that are welcoming new members from foster care and to draw attention to the continuing need for foster and adoptive homes.

On behalf of the Denton County Bar Association, I want to thank everyone who made this day so special for these families.

Please save the date and plan to join us on November 4, 2011 for the 4th Annual Denton County Adoption Day.



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# From the President

Another one of my favorite months of the year. I used to look forward to this month with glee. However, in the last few years not so much. This happens to be the month I was born and I remember not being able to wait until my next birthday so I could be older. Well now it is a time when I think about how much I wish I was younger. Of course, then I am reminded about that Country-Western song that has the phrase *I thank God for unanswered prayers* by artist Garth Brooks. Because if I was younger, then I would have to go through all this again!

Don't forget Valentines Day!  
Our Bar is doing great. I had

wanted to make our monthly meetings a little more fun and I think December's lunch was a welcome change. We had a little *Fantasy Island* skit which included Andrew Lloyd as Recardo Montalban, with his son playing Tatu. I had several members come up to me after the lunch and told me that was the best lunch they had ever attended! January gave us another performance by the *Not Ready for Primetime Bar Players*. Our February Bar Lunch is on February 4, 2011, come join us.

The Bench Bar Conference this year is going to be over the top. It will be at Tanglewood Resort again, and we have already obtained a commitment from five of our Court of Appeals Justices who will participate



*Don R. White, Jr., President*

in the Conference and also provide some CLE. Remember to register and reserve May 20-22, 2011 on your calendar. The registration form is at the [dentonbar.com](http://dentonbar.com) website.

I hope you all had a fantastic New Year celebration, and I hope we all have a great year in 2011.



## Fantasy Island Bench Bar II

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### DCBA Membership

Your DCBA Membership includes

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

For more information see our website: [www.dentonbar.com](http://www.dentonbar.com).

# Upcoming Events & CLE

## Monthly Meetings

### Collaborative Professionals

DCCP will meet at **12:00 PM** on Tuesday, **February 1**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

### Family Law

Family Law will meet at **12:00 PM** on Thursday, **February 17**, at the Central Jury Room, 1450 E. McKinney St. in Denton.

### Paralegals

DCCA will meet at **12:00 PM** on Thursday, **February 24**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

### GDCYLA

GDCYLA will gather for their monthly:

- Meeting at **11:45 AM** on Thursday, **February 3**, at Fuzzy's Taco Shop, 115 Industrial in Denton.
- Happy Hour sponsored by Hugh Coleman at **5:00 PM** on Thursday, **February 10**, at The LoopHole, 119 W. Hickory St. in Denton.

### REPTL

REPTL will meet at **11:45 PM** on Wednesday, **February 16**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

## Fee Dispute Committee Prevails

*By Patricia L. Ryan, The Law Office of Patricia L. Ryan, [www.patricialryan.com](http://www.patricialryan.com).*

Our initial consultation went well, and two days later, I issued my client a contract. Contrary to my customary practice requiring payment of the full retainer, I agreed to allow her to pay 50% down and 50% one month later. And while I believed my contract was clear on the issue of fees, my client apparently did not.

Within the first month after filing, the parties reached agreement regarding temporary orders, avoiding the need for a hearing. My office prepared the orders, obtained signatures, and had the orders entered. We set the date for final trial and provided notice to the parties. For reasons I have yet to discover, however, it became clear that the remainder of the retainer was not going to be paid in a timely manner.

Fortunately, my contract contains fee dispute arbitration language such that if a dispute arises between my client and me regarding fees or expenses due or claimed due,

the client agrees to arbitrate those disputes before the Fee Dispute Committee of the Denton County Bar Association. I contacted John Rentz, Chairperson of the Committee, to initiate the proceedings and filed a written request for arbitration. The fact that my contract contained the arbitration language allowed the committee to immediately accept the case and assign it to a panel. Had that not been the case, the Committee would have been required to send each party an agreement to arbitrate, which would then need to be executed and returned within 15 days. After receiving notice of the hearing date, I submitted my documents to the panel to assist in their deliberations.

On the day of arbitration, I arrived to find the panel already there—two attorneys, one of whom served as Chairman, and one non-attorney. They were professional, polite, concerned, and informed. My client appeared without counsel, although she had

the absolute right to bring one. I listened to her understanding of the requirements of the contract, as well as her interpretation of how the case proceeded. After hearing the issues on both sides, the panel rendered an award of attorney's fees that I believed was fair.

I was impressed with the process. It allowed the panel to question both parties impartially and request documents to support a belief or position. But most importantly, it allowed my client to resolve any remaining issues in her mind. She had her day in court, so to speak, and because someone other than the attorney to whom she owed money made the ultimate decision, it seemed more fair to her. I am happy to say she is paying me what is owed and has remained cordial. I am indebted to the members of the panel, as well as the Denton County Bar Association, for their assistance and will undoubtedly utilize the process again.

## Judges Recall Memories While Serving Denton County

By Patricia L. Ryan, The Law Office of Patricia L. Ryan, [www.patricialryan.com](http://www.patricialryan.com).

The Denton County Bar Association recently honored three outgoing Judges—Honorable Judge Jake Collier of the 158th Judicial District Court, Honorable Judge Don Windle of the Probate Court, and Honorable Judge Darlene Whitten of the County Court at Law #1. On December 13, 2010, during the noon hour, lawyers and court staff gathered in the Central Jury Room. In addition to sandwiches and cake, the reception provided an opportunity for the Judges to reflect upon their many experiences.

Although difficult to identify a single “best memory” during their years on the bench, Honorable Judges Collier and Windle will both miss the daily interactions with an “outstanding staff of dedicated people” and “some of the sharpest litigators” they have

had the privilege to know.

Honorable Judge Collier is quoted as saying, “This has been the best eight years of my life insofar as work is concerned. I consider myself blessed to have been a District Judge; it is the best job in the world. My thanks to all the lawyers, my fellow jurists, my wife, Denise and Cori, and Richard Hayes without whose help I would never have been a judge.”

Reflecting upon his 20 years of service, Honorable Judge Windle discussed the establishment of the Probate Court and conversion from County Court at Law. Particularly touching were his recollections of programs established to respond to the needs of “the most vulnerable citizens of Denton County.” Those involved the implementation of mental health procedures with access to a “highly qualified physician” for expedited evaluations of those suffering from mental illness, as well as the development of a guardianship program to address needs of indigent wards with no qualified family to advocate for them. In addition to the “pure law challenges of eminent domain and real estate litigation,” Honorable Judge Windle will especially miss the annual probate ad litem seminars and sharing “ideas and information with members of the Bar who have a real interest in serving the needs of people who are unable for some reason to protect themselves.”

When asked about the most outlandish occurrences in their courtrooms, Judge Windle was quick

to point out that the “perception that courtrooms are dull places... could not be further from the truth.” His favorite quote from an attorney was that his goal was to make the case “transparent to the casual observer.” The Judge then smiled as he recalled one highly contested guardianship case where much testimony had been developed about the family’s idiosyncrasies, and particularly one brother’s. On cross examination, another brother was asked about his qualification to serve as guardian of their father, if he was, in fact, anything like his allegedly disreputable brother. After what the Judge referred to as much too long contemplating an answer, the witness turned to the judge and stated, “He’s right, Judge. And you’d be a fool to appoint any of us.” And, of course, the Judge did not!

Honorable Judge Collier remembered two particularly interesting cases. In one criminal case, he granted the Defense’s Motion to not allow the Prosecution to inform the jury that the Defendant had licked the family cat’.... In another, the woman on the witness stand was asked why she hadn’t returned to work as a dancer. She replied, “Because my husband broke my breast!” and then demonstrated just how he had done that.

As aptly summarized by Honorable Judge Windle, “some of the greatest legal challenges have also resulted in the best memories.”

Thank you, Judges, for the memories—You will be missed!



## Holiday Hootenanny

By Andrew Lloyd., Lloyd Law Firm, [www.lloydfirm.com](http://www.lloydfirm.com).

You know, we DCBA members know how to throw a good party! We got dressed all schnazzy and mixed in merriment for a wonderful close to 2010. KoonsFuller was gracious enough to provide the space in their new offices for the Holiday annual event, and many of our friends and associates appeared for the season.

Food included filet mignon crostini with bacon and horseradish cream, smoked salmon, flat bread with hummus, an assortment of crackers and delectable, multi-colored cheeses, and more. I mean, come on, that's above the cut, off-the-hook, spankin' goodness. It's well above my collar ratio, anyway!

In actuality, the atmosphere was

rather laid back and casual, with friends and cheers throughout the office. Many had tours, some hung by the food table, and others lounged in the couches or in the kitchen. Soft music playing in the background and bar service (providing old-fashioned water and "sody-pop," in addition to the typical adult beverages) made for a delightful event.

Here are some memorable phrases I picked up while randomly roaming through the gang: "...pinch a booty while behind the guy..." "...wrapped asparagus with ham is still asparagus..." "...George Burns IS Megan Fox..." "...Howie's got some nuggets..."

I'm not quite sure what all

of that means, but it sounds like the characters I know from my Bar Association had a great time celebrating the holidays at the annual DCBA Holiday Party. Thank you all for those who participated in preparation as well as all who attended. Those who didn't make it, we missed ya! Have a wonderful New Year!



## Collaborative Law – Part 3

By Kim M. Munsinger, Munsinger & Munsinger, [www.munsingerlaw.com](http://www.munsingerlaw.com).

*This article is part three of a three part series, part two was in the December/January issue of the Denton County Lawyer.*

### Should All Divorces Be Collaborative?

To be fair, collaborative law isn't right for everyone. For example, in a divorce where power is wildly imbalanced between the parties, such as a case with domestic violence, a collaborative atmosphere is impossible. Also, in a case where there's blatant, unapologetic dishonesty, informal discovery—even

with sworn statements—would be unlikely to work.

Collaborative law is appropriate for many people, but some may find a collaborative divorce unacceptable because they're so traumatized from an emotionally abusive marriage. San Antonio family lawyer Jim Monnig recognizes the value of collaborative law and other alternative dispute resolution methods, but feels that some cases need to go to court.

Monnig says, "Sometimes people have really been mistreated in a situation and suffered a lot of damage to their feelings. They

need a champion to go down to the courthouse and stand up for them. It means an awful lot to them."

Another drawback for the collaborative divorce is that if the collaborative process fails, the lawyers must withdraw and the parties need to hire litigation counsel. This can be inefficient, adds expense, and can be upsetting to the parties. Fortunately, this rarely happens.

### History and the Future of Collaborative Law

So, where did this notion of nonadversarial divorces come from

# For Your Practice



In 2001, the Texas legislature enacted statutes specifically authorizing collaborative law in divorces and other family law matters. Texas was the first state to pass such statutes. This year, the State Bar of Texas added a new collaborative law section. There's also a state-wide organization, the

Collaborative Law Institute of Texas, for collaborative lawyers and allied professionals.

Collaborative law has spread to all fifty states and to Canada, England, Ireland, and Australia. Lawyers in the United States are working on a Uniform Collaborative Law Act, which would create a statutory framework that covers more than family law cases. There's also a growing international collaborative law group, the International Academy of Collaborative Professionals.

and where is it going? In a 1990 letter to Minnesota Supreme Court Justice A.M. Keith, lawyer Stu Webb said there's "got to be a better way" to resolve family law matters than the litigation model. In his letter to Keith, Webb outlined the basic collaborative model used today. Webb wanted to see lawyers use their "analytical, reasoned ability to solve problems and generate creative solutions and create a positive context for settlement." Webb noted that "these attributes of good lawyering are not utilized greatly in the usual family law proceeding...." Most family lawyers would agree.

## Resources and Training

If you're intrigued by this new concept and would like to know more about collaborative law, or if you know someone who's seeking an alternative to a litigated divorce, there are a couple of websites you can visit that have up-to-date information. The Collaborative Law Institute of Texas website at [www.collablawtexas.com](http://www.collablawtexas.com) has information on collaborative law and collaborative law training as well as a Texas-wide searchable directory of collaborative professionals. The International Academy of Collaborative Professionals website at [www.collaborativepractice.com](http://www.collaborativepractice.com) also has extensive information on collaborative law in addition to a worldwide searchable directory of collaborative professionals.

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## DCBA in 2010-11

### February Bar Luncheon

**Date:**

Friday, February 4, Noon  
Meal included  
0.5 hr. CLE credit

**Location:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

*CPRC Chapter 74 Medmal Statute*

**Speaker:**

Colleen Carboy

### March Bar Luncheon

**Date:**

Friday, March 4, Noon  
Meal included  
0.5 hr. CLE credit

**Location:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

*TBA*

**Speaker:**

Charles Miller

### Upcoming Event

#### Paralegals Seminar

**Date:**

Monday, February 24, Noon

**Location:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

The DCPA will host a 1/2 day seminar after the monthly luncheon titled *Changing Faces of the Denton County Courts*. The speakers will include new Judges, the District and County Clerk.