



DCBA Bowls Over Volunteers

By Roy W. Horton, Mediator-Lawyer.

The Denton County ADR Program held its 7th Annual Thank You Party at Strikz in Frisco.

Being fairly new to the DCAP social/bowling scene, I didn't really know what to expect. Well, Michelle

Houston and her cute little elves promised a Totally

Awesome event and

they delivered a strike. DCAP volunteers and staffers as well as family members and friends were treated to delicious pizzas, pastas, brownies, cookies, sodas, and an appropriately limited number of adult beverages. Oh, and I think there was some green stuff that looked like rabbit food somewhere on the serving table.

Before, during, and after noshing, kids and adults enjoyed bowling on private lanes (just like the President's), air hockey, arcade games, billiards, and other really fun stuff I didn't even have time to sample. The Midway action was fast, furious, and fun. And it was nice to see the kids patronizing the adults on the gaming circuit and letting them win a few. I was even given an air hockey victory by the younger Ms. Houston.

However, there was one sad note to the evening's affair. The Blue team got totally schooled by the Red team in laser tag. "NOOBS!"

At the proper time, a halt was called to festivities so the Thank You's could be handed out. Elizabeth Nielsen was top honoree of the night, handling more DCAP mediations than any other mediator during the year. For her hard work and

dedication, she took home the coveted Wonder Woman award; although she refused to put on the entire costume since this was a PG event. Several volunteers received awards for coming to the rescue and mediating cases on short notice. Batman/Batgirl awards were given to mediators called in to cover a mediation the morning of:

Al Filidoro, Jason Galbraith, Caprice Garcia, Julia Kerestine, Andrew Lloyd, Amie Peace, and Joe Zellmer. Robin awards were given to mediators called in to cover a mediation 24-48 hours prior: Janette Baldwin, Kyle Basinger, Mike Gregory, Roy Horton, Julia Kerestine, Bill Kincaid, Beth Nielsen, Delia Parker-Mims, and Randy Stout.

Putting on events like this can be harder than making a 7-10 split. But DCAP spared no expense and showed that it's no turkey when it comes to making its volunteers feel truly appreciated. I think I speak for all those in attendance when I say this was a fantastic way of showing us DCAP's support and appreciation.



What's Inside

<i>From the President.....</i>	<i>2</i>
<i>Upcoming Events & CLE.....</i>	<i>3</i>
<i>For Your Practice.....</i>	<i>4</i>
<i>Around the County.....</i>	<i>5</i>
<i>From our Sponsors.....</i>	<i>7</i>
<i>Announcements.....</i>	<i>8</i>



From the President

As you read this letter we are well into the summer—it really is going by fast! I hope that you are able to take a little time to relax, reflect, and refresh your mind. As you gear up for Fall, I would like to encourage you to consider participating in our new Mentor Program. You will be able to access information and applications soon from the DCBA website. We should have the program up and running by January 2012. If any of you would like to volunteer for the Planning committee, please let me know. The program includes assisting new or transitioning lawyers with law practice management, effective client representation, and career development. We hope to have mentors and mentees from all types of practices. We plan to provide CLE programs that are relevant to

the transition from law school to the actual practice of law.

I believe that mentoring is now more important than ever. We have many new lawyers graduating from law school and fewer positions available with firms. Many new lawyers find it necessary to practice in a solo setting. For them, and for lawyers transitioning to a new area of law, mentoring can be invaluable. We experienced lawyers who are committed to professionalism have a responsibility to connect with these new lawyers and support them with the tools they need to succeed as well as guide them to be better advocates for their clients and the communities we serve. Our profession is often maligned in the media and public at large because of erroneous and confusing messages. It is our duty individually to act with honor and integrity in the zealous representation



Dena A. Reecer, President

of our clients to counteract such negative messages. Overseeing our profession through programs such as mentoring will serve to promote positive messages through better representation of our clients.

Again, I hope you all will participate and I look forward to working with you. Have a great rest of the summer!

Accepting Donations and Volunteers for Kinship Fair

Please help us raise money and gather volunteers for the 2011 Kinship Fair being held at TWU's Pioneer Circle on October 22. If you are interested in donating or volunteering, please contact Andrew Passons by calling 940-591-1191. Donations of any amount are welcome, donations of \$250 or more received prior to August 16 places the donor's name on the 2011 Kinship Fair T-shirt.



DCBA Officers

President, *Dena A. Reecer*
Immediate Past President,
Don R. White, Jr.
President-Elect, *Duane L. Coker*
Vice President,
Theodore D. Ogilvie
Treasurer, *Amie Peace*
Secretary, *Travis Biggs*
CLE Director, *Julia Kerestine*

DCBA Directors

Cynthia Burkett, Brent Hill, Vicki Isaacks, Andrew M. Lloyd, John Rentz, Joe Zellmer

DCBA Committee Chairs

Courts Committee,
Theodore D. Ogilvie
Library Board of Governors,
Andrew M. Lloyd
Social Committee, *Brent Hill*
CLE Committee, *Julia Kerestine*
Communications Committee,
Andrew M. Lloyd and Joe Zellmer
Fee Dispute, *John Rentz*
Pro Bono, *Cynthia Burkett and Vicki Isaacks*

Membership, *Travis Biggs*
Awards, *Dena A. Reecer*
Planning Committee,
Duane L. Coker
Local Rules, *Theodore D. Ogilvie*

DCBA Sections

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

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.

Upcoming Events & CLE



TAPS 2011
PEARLS OF
Wisdom 30th



Save the
Date

Texas Advanced Paralegal Seminar

Date: October 5–7, 2011

Location: Marriot Hotel and Golf Club, Forth Worth

Details: Register online at www.txpd.org.

The How-To Attorney Adoption Day Training For Attorneys

Date:

Friday, September 16
9:00–11:30 am

Location:

Denton County Court House
Central Jury Room

Registration:

To RSVP please contact Michelle Houston at 940-320-1500 or mhouston@dentonbar.com.



2011 Adoption Day will be on Friday, November 4 from 9:00–11:30 am. We are accepting donations and volunteers. Contact Michelle Houston at mhouston@dentonbar.com if you are interested in participating. Please drop off any teddy bear or monetary donations to the DCBA/DCAP office.



DCAP Sign Up Party

Date:

Thursday, August 18, 5:00–10:00 pm

Location:

Parker Brother's Trail Dust
26501 US Highway 380 E.
Aubrey, Texas 76227

Details:

Join us for a three course meal with the entire dinner menu to select from while you sign up for the next DCAP mediation year. Gifts for each volunteer and door prizes to go around, including a \$500 Southwest Airlines voucher. There will be a live country band, dance floor, and large slide! Dress in western wear (including your starched jeans!), and if you wish, wear an ole' tie to be cut off by the staff! RSVP to Michelle at 940-320-1500 or mhouston@dentonbar.com.



Monthly Meetings

Collaborative Professionals

DCCP will meet at **9:00 am** on Tuesday, **August 2**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

Family Law

Family Law will not meet in August. The next meeting will be Thursday, **September 15** in the Central Jury Room, 1450 E. McKinney St. in Denton.

Paralegals

DCPA will meet at **12:00 pm** on Thursday, **August 25**, at Oakmont Country Club, 1901 Oakmont Dr. in Corinth.

GDCYLA

GDCYLA will gather for their monthly:

- Meeting at **11:45 am** on Thursday, **August 4**, at Jasmine's, 801 Sunset St. in Denton.
- Happy Hour at **5:00 pm** on Thursday, **August 11**, at The Loophole, 119 W. Hickory St. in Denton.

REPTL

REPTL will not meet in August. Regularly scheduled meetings will begin again in September.

Boost the Value of Your Expert Examinations

By John A. Zervopoulos, Ph.D., J.D., ABPP; www.psychologylawpartners.com.

Ms. Smith struggled as she cross-examined the psychologist whose evaluation opinions favored the opposing side. Earlier, Ms. Smith felt a bit uneasy while reviewing her consulting expert's detailed critique of the evaluation. Although some of her expert's points made sense, others seemed overly technical, obtuse—even when he had explained them to her. Ms. Smith decided that her knowledge of the case law on experts and whatever parts of her expert's critique she understood would suffice. But the cross-exam muddled quickly. Error-rates? General acceptance? Peer review? The expert sidestepped her questions. The judge seemed impatient.

Examining mental health experts is difficult. But the task is best handled by applying two key perspectives: the psychological perspective and the legal perspective. As I noted in my recent Psychology Law Brief (see archives at website below), these perspectives are best appreciated as different sides of the same examination coin. Separately, each provides the court with different, but essential, information. The psychological perspective focuses on an expert's methods, data, and reasoning that support the testimony. The legal perspective comprises legal guides that gauge the quality, if not admissibility, of expert testimony (see Daubert- and Frye-related cases). Jointly, the perspectives sharpen direct- and cross-examinations and show the court a clear, informed roadmap for legal arguments. Keep the coin in mind: Apply the psychological and legal perspectives separately and

jointly to boost the value of deposition and courtroom expert examinations.

As Ms. Smith found out, not following the separately and jointly formula can result in muddled expert examinations. Ms. Smith received her consultant's detailed critique of the inadequate methodology and reasoning that the expert used to support the testimony (the separate psychological perspective). But though Ms. Smith was familiar with legal principles that address the reliability of the testimony (the separate legal perspective), she had difficulty applying those perspectives jointly in her cross-examination.

Why the difficulty? It's a matter of bridging the gap between psychology and law. Ms. Smith's consultant, not trained as a lawyer, is unlikely to recognize what psychological issues fit best with the legal principles that Ms. Smith knows best and that the court will weigh. Ms. Smith, not trained as a psychologist, will less likely recognize what psychological issues best highlight the legal principles that will support compelling arguments to the court.

Lawyers routinely apply the psychological and legal perspectives separately to mental health materials and testimony. While this approach is necessary, it's not sufficient for effective mental health expert examinations. Focusing merely on the separate perspectives can produce predictable results. Confronting mental health testimony from just the legal perspective results in shallow cross- or direct-examinations that provide

the court with little information about the testimony's deficiencies or strengths. Confronting mental health testimony from just the psychological perspective results in confusing examination questions mired in obtuse psychological methods and terminology. Either way, the expert's answers will lack clarity, frustrate the examining lawyer, and conceal from the court the examination's goals.

To remedy these problems, the psychological and legal perspectives should also be applied jointly. Consider the following suggestions:

- Use Daubert-related factors to gauge the quality of mental health experts' materials and testimony, including factors other than those listed in Daubert. See, e.g., Fed. R. Evid. 702 advisory committee's note. Don't dismiss Daubert merely because the testimony has been admitted. The factors are useful "hooks" with which to examine the quality of expert testimony.
- Think strategically. Each question has three purposes: to contribute to your case narrative; to convince the judge or jury whether the testimony is "trustworthy"—a Daubert synonym for reliability; and to set the table for your later legal arguments.
- Compare parallel language in case law with psychologists' ethics codes and practice guidelines. For example, Daubert notes that Fed. Rule Evid. 702 "is premised on an assumption that the expert's opinion will have a reliable basis in the knowledge and

Boost continued on page 5.

The Path to Wellness

By L. James Ashmore, Neal, Ashmore, and Killebrew; www.northtexasdivorcelawyers.com.

I wish my friend Teresa was still alive. She was not only a friend, but also a former client. Sadly, she hung herself on December 30, 2007—exactly one month after her 14 year old daughter did the same. Both incidences were due to depression and addiction. Teresa was an inspiring soul—very creative, beautiful, and full of life. But, she was addicted to painkillers, depressed, and tired of the legal system disrupting her family. She, and her beautiful daughter, could not take it anymore.

I must say, I cried when I heard about Teresa's death, especially since she called me the day she died. I was too busy to call her back that day, for whatever reason. Now, she is gone.

Addiction and depression are horrible. They actually go hand in hand, mostly. By the Grace of God, I have been sober since November 15, 1997. I knew I was an alcoholic when I

was 12. I am 50 now. You do the math.

We, as attorneys, come into contact with lots of hurting people, both fellow lawyers and clients. We have a unique ability to help people—unlike most professions. But do we take the time to do so?

Before we can reach out to others, we have to reach out to ourselves first. Recognizing that you have a problem is the first step.

The DCBA wants to reach out to attorneys who are struggling. I am happy to assist them in doing so in any way possible. I am thankful for the support system I have with my partners and staff who support and care about me. I realize many are not as fortunate as I. I also know how it is to know you have a problem but have no idea how to start addressing it.

I have a few suggestions for you. First, you can call me. I understand the initial reluctance to reach out to

someone in your own profession (and in your own County) for fear that they are going to let everyone else know. I assure you that will not happen with me. Second, you could contact the Texas Lawyer's Assistance Program (TLAP) at 800-343-8527. They are a tremendous source of information and help if you don't know where to turn. I would also suggest reading one of the best series of articles I have ever seen on the subject, as it pertains to lawyers in trouble. It is a section titled, "The Path To Wellness", beginning on page 647 of the September, 2010 issue of the Texas Bar Journal. Even if you do not have a problem yourself, reading it will give you some insight into what others struggle with.

Whatever your addiction, there is hope for you. There are people who are willing to help you. However, you are the only one who can take that first step.

Boost continued from page 5.

- experience of his discipline." The American Psychological Assn.'s Ethics Code echoes Daubert's requirement: "Psychologists' work is based upon established scientific and professional knowledge of the discipline" (Standard 2.04). Emphasize similar language from key documents of both disciplines to provide compelling hooks for your arguments to the court or jury.
- Utilize a case law-based model that incorporates the above suggestions and adopts the separately and jointly formula to apply the psychological and legal perspectives. For example, see my practical four-step "Frye-Daubert Legal Analysis Model"

(now named the PLAN approach—PsychologyLaw ANalysis approach) in *Confronting Mental Health Evidence* (ABA, 2008, p. 28). The PLAN approach helps lawyers organize a case's mental health materials and guides lawyers in their direct-and cross-exams by sequentially applying four case law-based steps:

1. Determine whether the witness is qualified as an expert to testify about the actual subject about which he or she is offering opinions.
2. Determine whether the expert's methods follow the applicable professional standards of the relevant professional specialty.

3. Evaluate the empirical and logical connections between the data arising from the expert's methods and conclusions.
4. Gauge the connection between the expert's conclusions and the proffered expert opinion.

Separately and jointly. Use this formula to apply the psychological and legal perspectives of mental health testimony and boost the value of your expert examinations.

John A. Zervopoulos, Ph.D., J.D., ABPP is a forensic psychologist and lawyer who directs PsychologyLaw Partners, a forensic consulting service. He can be contacted at 972-458-8007 or by email at jzerv@psychologylawpartners.com.

Law Library Open for Business

By Stephanie Bassinger, MLS, Assistant Law Librarian, Denton County Law Library.

After many months of being displaced due to renovations, the Denton County Law Library is, once again, fully operational. We have



The new Law Library features a starburst floor plan.

two brand new print/copy/scan/fax machines from which you can make your own copies, but they will still pay the Librarians. There are nine public computers now; 3 have Westlaw access and 2 have LexisNexis access, and the floor plan includes many private research areas.

All of our print resources are out of storage and available for use.

June and July updates to our print resources:

- Forensic Sciences, LexisNexis

- Litigation Guide, LexisNexis
- Tax, Estate and Financial Planning for the Elderly, LexisNexis
- Qualifying and Attacking Expert Witnesses, James Publishing
- Texas Employment Law, James Publishing
- Defending Drinking Drivers, James Publishing
- Texas Pretrial Practice, James Publishing
- Criminal Jury Charges, James Publishing

Denton Dines Out: Loco for Loco

By Sharon L. Wilson, Law Office of Sharon L. Wilson, PLLC; www.sharonwilsonlaw.com and www.dentondinesout.com.

This is the first column of a new monthly feature where fellow DCBA Member, Sharon Wilson, will be scouting out local yummy restaurants for us to experience.

Loco Cafe is located in Denton and serves breakfast and lunch.

This location brings back memories for me. When I was young, I went there back when Showtime Dance Studios was located there. It was strange for me to be going there for lunch on my first trip. I couldn't help but remember where everything in the studio used to be.

When you walk in, a line forms along the windows where you wait to order and pay for your food. There is a big menu hanging over the cashier. Once you order, they give you a magnetized number that you put on the wall (if in a booth), which tells the servers where to take your order. There is a coffee bar at the back where you

pick up all drink orders. The chocolate milk and fresh squeezed orange juice come in a shaker with a chilled glass.

Some of the breakfast items include biscuit & gravy (\$3), french toast (\$6, with cinnamon apples \$8), and LOCO MOCO, which is stacked hash browns, egg, and biscuit (\$6, add bacon, sausage, ham, or grilled avocado \$8). The LOCO MOCO can also come unstacked, but it must be requested. Some lunch options include snapper tacos (\$6), the snapper sandwich (\$7), and the ham & cheese sandwich (\$7).

On my first trip, I ordered the french toast with cinnamon apples, and it was delicious. I was eyeing the biscuits (which are HUGE), but I'm glad I got the french toast. It came with cinnamon apples on top and warm syrup. My friends opted for the snapper tacos, which came with three tacos, a side of black beans, and salsa.

On my next trip, I decided to try the LOCO MOCO, stacked, with grilled avocado and gravy on the side. I was impressed. The hash browns were cubed potatoes, which were placed on the egg, then avocado, and then the biscuit on top. I have really enjoyed every meal I've gotten there.

The only down side I have seen is that the menu is so small. The lunch menu consists of only a few items, fish, tacos, soup and salad. That's not much variety for any picky eaters. It's a great place to meet friends on a Saturday morning.



FREE
Cup of Coffee

breakfast lunch **loco CAFE 803** biscuits coffee

Open 7 Days a Week
M-F 6-8 Sat & Sun 7-3
603 N Locust Denton, TX 76201
940.387.1413 www.locodenton.com

Not to be combined with any other offers.
One coupon per table/check. Expires Dec. 30, 2011

From our Sponsors



QUESTIONS ABOUT YOUR CLIENT'S HIP IMPLANT RECALL?

SpringerLyle

940-387-0404
www.springerlyle.com
1807 Westminster, Denton, Texas

The DePuy Orthopedics division of Johnson and Johnson recalled its ASR XL Acetabular System in August 2010.

Jeff Springer & Frank Lyle have been serving clients in Denton and surrounding counties for 25 years.

Our firm will gladly joint venture these cases or pay customary joint counsel fees.

YOUR FIRST CHOICE IN INVESTMENT & TRUST BANKING

- WILLS & TRUSTS
- INVESTMENT MANAGEMENT
- RETIREMENT ACCOUNTS



CAROL MILLS CHRISTIAN
VICE-PRESIDENT

Downtown Denton

400 WEST OAK • 940-349-5444

www.F-S-B.com

DENTON • CORINTH • GAINESVILLE
VALLEY VIEW • LAKE KIOWA
Member FDIC

**First
State Bank**

BUSINESS ★ HOME ★ AUTO ★ HEALTH

INSURANCE *with a personal touch*

All Court Bonds Including Guardian & Probate



Insurance Coverages For Your Clients



Accurate And Efficient



Denton
940.382.9691

Dallas
940.243.4400

Fort Worth
817.431.1141

www.rameyking.com

Build your future on our foundation

- Competitive fixed rates for as long as 40 years
- Low down payment
- Over one hundred years of banking experience

Purchase - Refinance - Construction



www.F-S-B.com

**First
State Bank**
Member FDIC

DCAP Sign Up Party

Date:

Thursday, August 18
5:00–10:00 pm

Location:

Parker Brother's Trail Dust
26501 US Highway 380 E.
Aubrey, Texas 76227

Details:

Please see page 3 for
more details.

DCBA in 2011-12

August Bar Luncheon

Date:

Friday, August 12, Noon
Meal included

Location:

Oakmont Country Club
1901 Oakmont Drive
Corinth, Texas 76210

Program:

*Criminal Law Answers to
Civil Lawyers Cocktail Party
Questions*

Speaker:

Coby Waddill

September Bar Luncheon

Date:

Friday, September 9, Noon
Meal included

Location:

Oakmont Country Club
1901 Oakmont Drive
Corinth, Texas 76210

Program:

Social Media & eDiscovery

Speaker:

Peter S. Vogel

Save the Date Law Library Reception

Date:

Thursday, August 25
2:00–4:30 pm

Location:

Law Library, Second Floor
Denton County Court House

Details:

Please join us for cookies and
punch at the newly renovated law
library. To read more about the
new renovations and resources
please see page 6.