



# Why Law?

Story by Philip Mack Furlow

Line three on the phone was flashing red as I hastily walked into my office with two files under my arm. I dumped them on my desk and looked at my computer screen as I sat down to answer the phone—had to be at least twenty new messages. Clients that had called, clients that had emailed, lawyers sending motions and demand letters, I shook my head and picked up the phone. “Hello, this is Philip Mack,” I said as cheerfully as possible. The familiar voice on the other line was upset.

Issues in his case were not going as he had planned or hoped, the emotional and spiritual turmoil taking its toll. Besides, it seemed like a lifetime since the case had started and there was no end in sight.

After listening to his complaints, easing his mind, and getting him focused back on his stated goals from the initial interview—he was better, not what I would call good, but better.

It was late in the afternoon, and I looked at the to do list for the day sitting beside my computer. I could not mark off even one item. Reviewing the messages, emails, and faxes; I thought to myself, “Why in the world do I practice law with days like these?” Many lawyers ponder that question.

Don White and I joke that law practice beats hauling hay or hoeing cotton.

But to be honest with you, some days those jobs sound better than law practice—and this was one of those days. So once again I asked myself the familiar question—“Why Law? Why do I put up with this profession? Why do I continue to put myself in the middle of other people’s problems, other people’s grief, other people’s turmoil?”

Contrast that day with one I had recently where a client and friend called me with an emergency situation. He was concerned, extremely worried, and maybe even a little fearful of what would happen if he let himself do what he wanted to do—which was to handle the situation himself.

It was a post-divorce issue involving children. Can there be anything more delicate than a person’s relationship with their child, the desire to protect, care for and ensure their safety, their well being, their lives and their hope for a future? Those are not situations to just be analyzed and processed. Those are situations that affect people at the very core of their being.

My friend and his child made their way to my office and I spoke to each of them individually, then together, and then laid out all of their options. We discussed everything from a collaborative approach to hard litigation; detailing each option and empowering the client to make an

informed decision.

We talked for about three hours in all. When they left, my client looked me in the eye, shook my hand firmly, and said, “There are no words... no words... that can convey my thanks. I am truly grateful.”

“The blessing is all mine my friend, I am glad to be in a position to help out.” I responded.

My client sent me an email the next day telling me that they left my office with such a sense of peace and that he still could not thank me enough.

Now, the situation is not resolved. It is still a delicate case that will need to find resolution, yet I could not help but feel that I had been in the right place at the right time.

There have been many other moments like that in the course of my practice. While the rough days many times seem like they outnumber the good,

*Why Law? continued on page 3.*

## What’s Inside

<i>From the Bench</i> .....	2
<i>From the Bar</i> .....	3
<i>From CLE</i> .....	4
<i>From the Sections</i> .....	5
<i>From our Sponsors</i> .....	6
<i>Announcements</i> .....	8



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- Family Law Section
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- Criminal Law Section
- Denton County Trial Lawyer's Assoc.
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## Ask Judge Bob

*Excerpted from the column written by Justice Bob McCoy of the 2nd Court of Appeals.*

### Where is the old law when we need it?—Crime Detection

According to the ancient Irish common law, if a suspect sleeps heavily after a crime, this will cast doubt on his innocence. On the other hand, if a shoe or glove is found near the scene of a crime, or in the case of a stolen animal, if wet clothing or bones or entrails are discovered near the suspect's house, this will be considered indirect evidence of guilt.

### Ask Judge Bob

#### **Judge Bob, what is an "expert"?**

According to lawyer Tim Evans, addressing a recent Tarrant County Bar Association luncheon, "An expert is a fellow from out of town."

#### **Judge Bob, suppose a defendant is served process by publication, does not appear, and judgment is rendered. Does the defendant then have thirty days to file a motion for new trial?**

According to Rule 329(a), a proper petition for new trial can be granted within two years after the judgment was signed. In such a case, Rule 306a(7) indicates that the normal periods for filing various motions based on the date of judgment, found in Rule 306a(1), will then be calculated as though the judgment was signed on the date of the filing of the new trial motion.

### Ask Caesar

#### **Caesar, what is an agistment in animal law?**

An agistment is a bailment wherein the bailee takes animals to pasture on

the bailee's land. The agister is entitled to reasonable value for its services.

### Items of Interest

#### **Jurisdiction and Venue**

"The distinction must clearly be understood between jurisdiction, which is the power to adjudicate, and venue, which relates to the place where judicial authority may be exercised and is intended for the convenience of the litigants. It is possible for jurisdiction to exist though venue in a particular district is improper, and it is possible for a suit to be brought in the appropriate venue though it must be dismissed for lack of jurisdiction." *Radenovich v. Eric Fein, P.C.*, 198 S.W.3d 858, 860 (Tex. App.—Dallas 2006).

#### **Anti-Suit Injunctions**

"Texas courts are empowered to issue injunctions to prevent parties from going forward with litigation in a sister state.... [T]he principle of coming requires that courts exercise this equitable power sparingly and only in very special circumstances. Generally, anti-suit injunctions are appropriate in four instances: (1) to address a threat to the court's jurisdiction; (2) to prevent the evasion of important public policy; (3) to prevent a multiplicity of suits; and (4) to protect a party from vexations of harassing litigation. A party seeking such an injunction must establish that 'a clear equity demands' the injunction. A single parallel proceeding in a foreign forum does not constitute a

*Ask Judge Bob continued on page 5.*

## Denton Bar Members Get into the Spirit of the Season

Story by Michelle Houston

We had a great turnout for our 2006 DCBA Holiday party! Sixty attorneys, friends, and spouses joined in on the festivities. We had food from Hannah's, desserts from Ravlin's, and beverages that were drink-a-licious!

There were door prizes galore and a Santa's Shop which included cooking wear, jewelry, candles, body and foot lotions, and monthly wine memberships. Muchas gracias to the vendors who came to make our holiday shopping a little easier. You couldn't miss (nor would you want to) "Prancer" who changed personas mid-

party. I discovered that I couldn't be Rudolfette because my head was too small for the antlers... thus, I became Michelle-a Claus.

I would like to thank our two entertainment co-chairs, Duane Coker and Patty Ryan, for organizing all the food, drinks, décor, and prizes! A big thanks goes out to Camille Milner and her team (Katy Holley and Ashley Morris) for putting together a collage of the DCBA/DCAP Denton Chamber ribbon cutting and for framing the news article. Both of these are now hanging in the office, come see what you looked like over two years ago!

Thanks goes to my trusty side-kick, Heidi, for all her hard work on this event!

A shout goes out to Duane Coker's staff members, Ria Sherman and Randi Jones, who brought over the drinks and food. Also, thanks goes to Amie Peace, Andrew Passons, Hugh Coleman, and Don White, who helped before the party, as well as for my daughter, Camille Houston, for helping clean up after the party. Last, but not least, thanks to Hayes, Berry, White & Vanzant for allowing us to party in their extended office space, and helping us throw out the trash!



## 11th Annual Civil Trial Seminar

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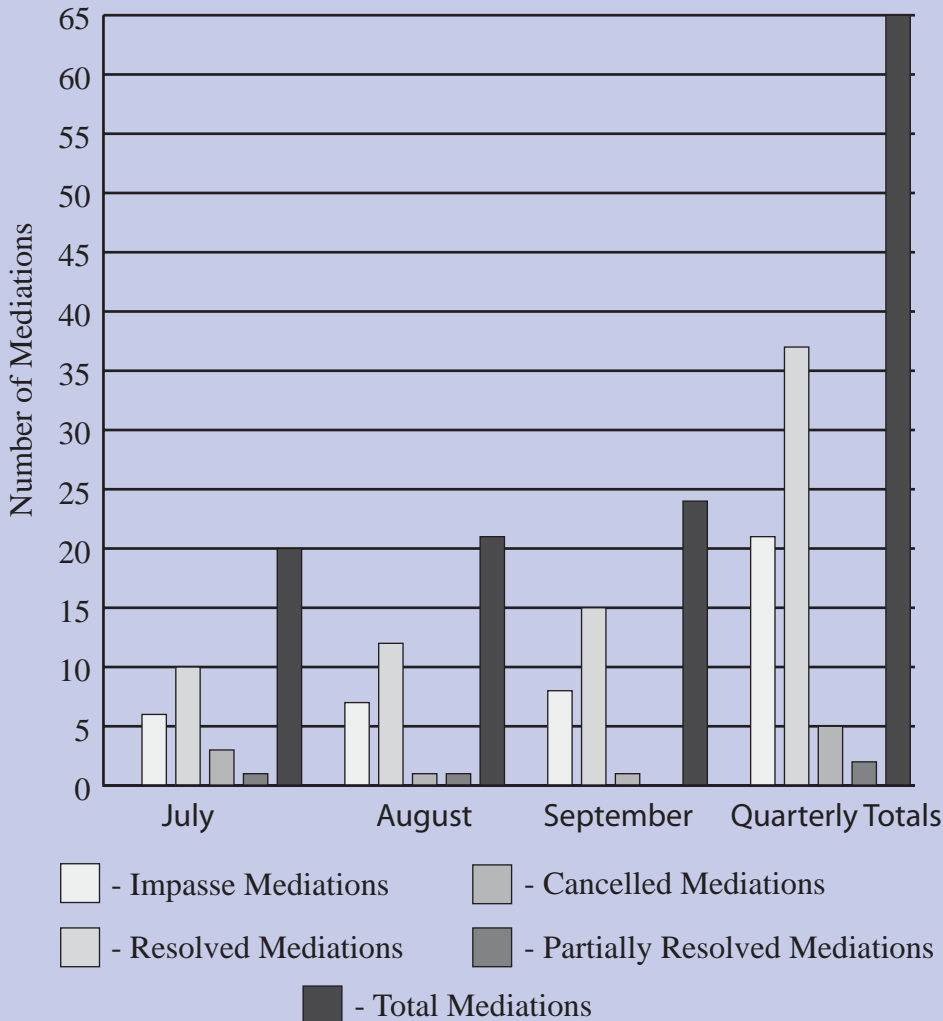
Go to <http://www.elpasobar.com/lvReg.pdf> to register.  
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## Interdisciplinary Collaborative Law Training

January 4, 2007..... 8:00 AM until 5:00 PM  
 January 5, 2007..... 8:00 AM until 4:30 PM  
 Omni Dallas Hotel Cost: \$350

Please contact Vincette Coronado at  
 (713) 961-0256 to register.

# DCAP Quarterly Statistics



## Volunteers Needed for the UNT Moot Court Competition

UNT will be hosting the Texas Undergraduate Moot Court regional competition March 2-3, 2007. We need all available volunteer attorneys to judge the competition. If you are interested, please contact Dr. Kimi King, [kking@unt.edu](mailto:kking@unt.edu) for more information.

March 2, 2007.... 3:00 PM - 9:00 PM  
 March 3, 2007.... 8:00 AM - 1:00 PM



Please contact Dr. Kimi King, [kking@unt.edu](mailto:kking@unt.edu) for more information.

# From the Sections

## GDCYLA Section Meeting

**Date:**

Thursday, January 4  
11:30 AM

**Location:**

The Loophole  
119 West Hickory Street  
Denton, Texas 76201

## Paralegals Monthly Meeting

**Date:**

Thursday, January 25  
12:00 PM

**Location:**

El Guapo's  
419 South Elm St.  
Denton, TX 76209

## Family Law Section Meeting

**Date:**

Monday, January 22  
12:00 PM

**Location:**

Guiseppe's Italian Restaurant  
821 N Locust St  
Denton, TX 76201

**Speaker:**

Charla Conner

**Topic:**

*Retirement and QDROs*

## Collab. Law Section Meeting

**Date:**

Tuesday, January 2  
12:00 PM

**Location:**

Guiseppe's Italian Restaurant  
821 N Locust St  
Denton, TX 76201

**Speaker:**

Camille Milner

**Topic:**

*Developing your core statement  
about Collaborative Law*

## REPTL Section Meeting

**Date:**

Wednesday, January 17, 12:00 PM

**Location:**

Luby's Cafeteria, Denton Texas

*Why Law? continued from page 1.*

this time of year always brings about quiet reflection. While I may commiserate with the best of lawyers at times, I like to question myself, "Why Law?" And that old familiar voice of reason from the back of my head responds with, "Well, you said you wanted to help people!"

Unfortunately, many times we lose sight of that—especially with the battles and the aggressive tactics some folks have grown accustomed to using. But in the end most of us became lawyers to help people.

Whether it is solving a complex problem, seeking justice when someone has been wronged, protecting

families and children, the business, the farm—whatever, it usually involves helping people.

So, as we prepare our hearts and minds for 2007, I challenge each of you, as I have challenged myself, to remember those times when you felt like you were at the right place, at the right time, to utilize all your knowledge, experience and skill, to help another person achieve a just result or solve a problem.

Remember the exhilaration and joy of a job well done. Remember the thankfulness in the client's eyes. As I look back on 2006 there were several of those moments. They spur me on as I wonder, "Why Law?"

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# From our Sponsors

*Ask Judge Bob continued from page 2.*

multiplicity of suits and cannot, by itself, justify the issuance of an anti-suit injunction.” *Marketshare Telecom v. Ericsson, Inc.*, 198 S.W.3d 908, 921 (Tex. App.—Dallas 2006) (citations omitted).

### **Pro Se Inmate’s Claim**

“In civil cases, ‘a pro se inmate’s claim under §14.004 of the Inmate Litigation Act is deemed filed at the time the prison authorities duly receive the document to be mailed.’ ... We know of no reason why an inmate attempting to exercise his right to appeal a criminal conviction should not be afforded the same consideration.” *Villarreal v. State*, 199 S.W.3d 30, 31 (Tex. App.—San Antonio 2006).

### **No Objection**

“If a party affirmatively asserts during trial that he or she has ‘no objection’

to the admission of the complained-of evidence, any error in the admission of the evidence is waived, even in the face of a pretrial ruling.” *Pojar v. Cifre*, 199 S.W.3d 317, 341 (Tex. App.—Corpus Christi 2006).

### **Inadequate Opportunity for Discovery**

“A party must file either an affidavit explaining the need for further discovery or a verified motion for continuance in order to complain that it had an inadequate opportunity for discovery.” *Ford Motor Co. v. Castillo*, 200 S.W.3d 217, 227 (Tex. App.—Corpus

Christi 2006).

### **Quote of the Month**

“Factual-sufficiency review is like a 1958 Edsel, it’s real pretty, but it is always in the garage for repairs.” Chuck Mallin, Chief of the Appellate Section of the Tarrant County District Attorney’s Office.

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*regrets to announce our office  
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## DCBA in 2006-07

### January Bar Luncheon

**Time:**

12:00 PM, Friday, January 5  
Meal included

**Place:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

*To be announced*

**Speakers:**

Mark Lewis, Esq.

### February Bar Luncheon

**Time:**

12:00 PM, Friday, February 2  
Meal included

**Place:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210

**Program:**

*To be announced*

**Speaker:**

To be announced

### Upcoming CLE

Guardianship/Ad Litem Seminar

**Time:**

9:00 AM, Friday, February 2

**Place:**

Oakmont Country Club  
1901 Oakmont Drive  
Corinth, Texas 76210