

US Supreme Court Ruling in Janus Case

From: [Royal Furgeson](#)
To: [Joe Longley](#); 552.1176 ; 552.1176 ; 552.1176 ; trey.apfell@texasbar.com
Subject: US Supreme Court Ruling in Janus Case
Date: Friday, December 14, 2018 5:52:53 PM

Dear Friends:

I wasn't sure who to write, so I am writing all of you.

First, thanks for your work for the lawyers of Texas. It matters. I appreciate your stewardship and the stewardship of those who have come before you.

Second, I am a big believer in the unified, organized bar and have become concerned that our own Texas Bar may soon face a stiff challenge to our present structure, in light of the Janus case that was recently handed down by the US Supreme Court. Its ramifications are unclear, but it may foreshadow significant difficulties ahead for us as an organization. I urge you to analyze the case and our bar structure to determine if we need to get ahead of the curve, to be proactive in our planning, so that we are ready for whatever comes.

Third, and to that end, I respectfully recommend that you commission our General Counsel Ross Fischer to undertake all steps necessary to provide legal advice to you about how to get the State Bar ready for all eventualities that might flow from possible changes in the law in this area, to include (1) submitting amicus briefs to lower courts and (2) possibly re-structuring certain impacted portions of our organization.

I hope that you do not view my suggestion as presumptuous. You may already be ahead of me on this issue, and if so, I am grateful. You may have also decide to proceed in another way. Regardless, I see this as an important looming challenge for us and look forward to your response.

With best wishes,

Royal

Judge (Ret) Royal Furgeson
552.1176

AG March 2013



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2013

Ms. Michelle Hunter
Executive Director
State Bar of Texas
Post Office Box 12487
Austin, Texas 78711

Opinion No. GA-0995

Re: Whether State Bar of Texas president-elect candidates who are nominated by petition under subsection 81.019(c), Government Code, are nevertheless subject to State Bar of Texas election rules and policies (RQ-1088-GA)

Dear Ms. Hunter:

You ask whether State Bar of Texas (the "State Bar") president-elect candidates nominated by petition under subsection 81.019(c) of the Government Code are subject to State Bar election rules and policies.¹ The State Bar is defined by statutes as an administrative agency of the judicial department of government whose purpose is to aid the Texas Supreme Court in the Court's regulation of the practice of law in Texas. TEX. GOV'T CODE ANN. § 81.011(a)–(b) (West 2005). The Supreme Court exercises administrative control over the State Bar and promulgates the rules under which the State Bar is governed. *Id.* §§ 81.011(c), .024(a). The State Bar board of directors (the "Board") is the governing body within the State Bar. *Id.* § 81.020(a); Tex. State Bar R. art. IV, § 1(D), *reprinted in* TEX. GOV'T CODE ANN., tit. 2, subtit. G app. A (West Supp. 2012) (entitled "State Bar Rules").

Section 81.019 of the Government Code pertains to the election of the State Bar officers, which are the president, president-elect, and immediate past president. TEX. GOV'T CODE ANN. § 81.019(a) (West 2005). Specifically, section 81.019 provides:

(b) *Except as provided by Subsection (c)*, the officers shall be elected in accordance with rules for the election of officers and directors prepared and proposed by the supreme court as provided by Section 81.024.

(c) *The election rules must permit* any member's name to be printed on the ballot as a candidate for president-elect if a written petition requesting that action and signed by at least five percent of

¹Letter from Ms. Michelle Hunter, Exec. Dir., State Bar of Tex., to Honorable Greg Abbott, Tex. Att'y Gen. at 1–2 (Oct. 2, 2012), <http://texasattorneygeneral.gov/opin> ("Request Letter").

the membership of the state bar is filed with the executive director at least 30 days before the election ballots are to be distributed to the membership.

Id. § 81.019(b)–(c) (emphasis added); *see id.* § 81.024 (directing the Supreme Court to promulgate the rules governing the State Bar).

You ask “whether president-elect candidates nominated by petition under section 81.019(c) are subject to State Bar election rules and policies.” Request Letter at 1–2. Subsection (c) is a limited exception to subsection (b). The phrase, “[e]xcept as provided by . . .,” in subsection (b) has led some to believe that subsection (c) allows an officer to be elected completely outside of the State Bar election rules promulgated by the Supreme Court. *See* Request Letter at 1. Subsection (c), however, is merely a specific legislative requirement as to what the “election rules must permit.” TEX. GOV’T CODE ANN. § 81.019(b)–(c) (West 2005). The phrase, “[e]xcept as provided by Subsection (c),” ensures that the substantive requirements of subsection (c) are in effect regardless of whether those requirements are reflected in the rules. It does not exempt candidates from those rules. *Id.* § 81.019(c). Therefore, subsection (c) does not exempt president-elect write-in candidates from the Supreme Court rules for State Bar elections or from valid Board policies.

We have received briefing suggesting that some portions of the Board’s policies are inconsistent with the Supreme Court’s rules for the State Bar and with statutes, particularly with regard to the policies and rules governing nomination by petition.² Board policy provides that “[a]ny other *qualified* member” may be nominated by petition. State Bar of Tex. Bd. of Dirs. Policy Manual § 2.01.05, at 18 (2012) (“Policy Manual”) (emphasis added). Under section 2.01.04 of the Policy Manual, titled “Qualifications,” “[a]ny member of the State Bar who meets the eligibility requirements for Officers set forth in the State Bar Act and the State Bar Rules is eligible for nomination for President-elect, *provided such member is not currently serving as a Board [of Directors] member.*” *Id.* § 2.01.04 (emphasis added). Thus, under State Bar policy, sitting members of the Board who otherwise meet all eligibility requirements of the State Bar rules nevertheless are precluded from being nominated for president-elect under Board policy.

By contrast, the applicable State Bar rule directly tracks the language of subsection 81.019(c) by permitting “[a]ny other member of the State Bar” to stand for election for president-elect by petition. Tex. State Bar R. art. IV, § 11(B) (emphasis added). By their plain language, neither section 11(B) nor subsection 81.019(c) prohibits sitting Board members from being nominated for president-elect by petition. Policy Manual sections 2.01.04 and 2.01.05 are therefore inconsistent with State Bar rule article IV, section 11(B).

The State Bar Rules provide that “[t]he board shall . . . adopt such regulations and policies, consistent with [chapter 81 of the Government Code] or these Rules . . .” *Id.* art. IV,


²Brief from Mr. Steve Fischer, State Bar of Texas Dir. Dist. 11, to Office of the Tex. Att’y Gen., at 2–4 (Oct. 15, 2012) (on file with the Op. Comm.).

§ 1(D). Further, the Policy Manual acknowledges that no State Bar policy established by the Board “shall be inconsistent or conflict with [chapter 81] [or] the State Bar Rules If there is any such inconsistency or conflict, [chapter 81] [or] the State Bar Rules . . . shall take precedence over [the policy].” Policy Manual at 2. Board policy sections 2.01.04 and 2.01.05, relating to the eligibility of certain members of the State Bar to stand for election for president-elect, conflict with both subsection 81.019(c) of the Government Code and State Bar rule article IV, section 11(B). Therefore, those policies are unenforceable.

S U M M A R Y

State Bar of Texas president-elect candidates nominated by petition under subsection 81.019(c) of the Government Code are subject to all valid State Bar election rules and policies. Board policy sections 2.01.04 and 2.01.05, relating to the eligibility of certain members of the State Bar to stand for election for president-elect, conflict with both subsection 81.019(c) of the Government Code and State Bar rule article IV, section 11(B). Therefore, those policies are unenforceable.

Very truly yours,


GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JAMES D. BLACKLOCK
Deputy Attorney General for Legal Counsel

JASON BOATRIGHT
Chairman, Opinion Committee

Stephen L. Tatum, Jr.
Assistant Attorney General, Opinion Committee

SBOT PM Sept. 2018



**STATE BAR OF TEXAS
BOARD OF DIRECTORS POLICY MANUAL**

September 2018

2.03 Authority

2.03.01 General. The President-elect, the President, and the Immediate Past President shall enjoy all of the authority, duties, rights and responsibilities afforded each of them by the State Bar Act, the State Bar Rules, this Policy Manual, and the Board.

2.03.02 Official Spokesperson. The President, along with the Executive Director, shall be the official spokesperson of the State Bar. Public statements pertaining to grievance and the disciplinary procedure shall be coordinated through the chair of the Commission for Lawyer Discipline.

2.04 Appointments by Officers

Notwithstanding any provision of this policy manual to the contrary, any appointment of any person by an Officer to any entity or committee, including special committees such as ad-hoc committees and task forces, must be submitted to a approved by the Executive Committee or the Board.

PART III. FISCAL POLICIES, FACILITIES AND PROPERTY

3.01 Dues and Assessments

3.01.01 Dues. In order to maintain a license for authority to practice law in Texas, each attorney must pay all State Bar dues required of him or her by the State Bar Act in the time and manner directed by the State Bar. Dues charged to each member of the State Bar need not be equal. Categories pertaining to years of practice, residency and age may be established with respect to varying amounts of dues to be paid. Changes or modifications of the annual dues shall be made only after a resolution proposing such changes is adopted by the Board, the resolution is approved by the Supreme Court, and a majority of the members of the State Bar voting approve the changes in a referendum called for that purpose. Current bar dues are:

- (A) \$68 per annum for each active member licensed less than three years.
- (B) \$148 per annum for each active member licensed at least three years but less than five years.
- (C) \$235 per annum for each active member licensed at least five years.
- (D) \$50 for each inactive member.
- (E) Each member seventy years of age or older is exempt from the payment of annual membership dues.

3.01.02 Assessments. From time to time the members of the State Bar may be charged a special assessment in addition to dues. The charging of any such special assessment shall require the same approvals that are required for changes in dues.

3.02 Annual Budget

3.02.01 Preparation. The Executive Director, in consultation with the President-elect and other members of the Budget Committee of the Board, shall prepare a proposed budget for the next Fiscal Year of anticipated operating revenues and operating capital expenditures for the State Bar for submission to and approval by the Board at the regularly scheduled second quarterly meeting of the Board. The Executive Director shall submit the proposed budget to each Board Member not less than seven days prior to the second quarterly Board meeting.

3.02.02 Publication. Upon approval by the Board at its second quarterly meeting, the budget shall be published in the next issue of the *Texas Bar Journal* and notice shall be given of a public hearing on the budget to be held prior to the next meeting of the Board.

3.02.03 Approval. The budget, as revised, shall be submitted to the Board at its regularly scheduled third meeting. Upon approval by the Board, the budget shall immediately be submitted to the Supreme Court for approval. The annual budget for the TYLA shall be submitted to the Board and approved by a majority vote of the Board.

2.03 Authority

2.03.01 General. The President-elect, the President, and the Immediate Past President shall enjoy all of the authority, duties, rights and responsibilities afforded each of them by the State Bar Act, the State Bar Rules, this Policy Manual, and the Board.

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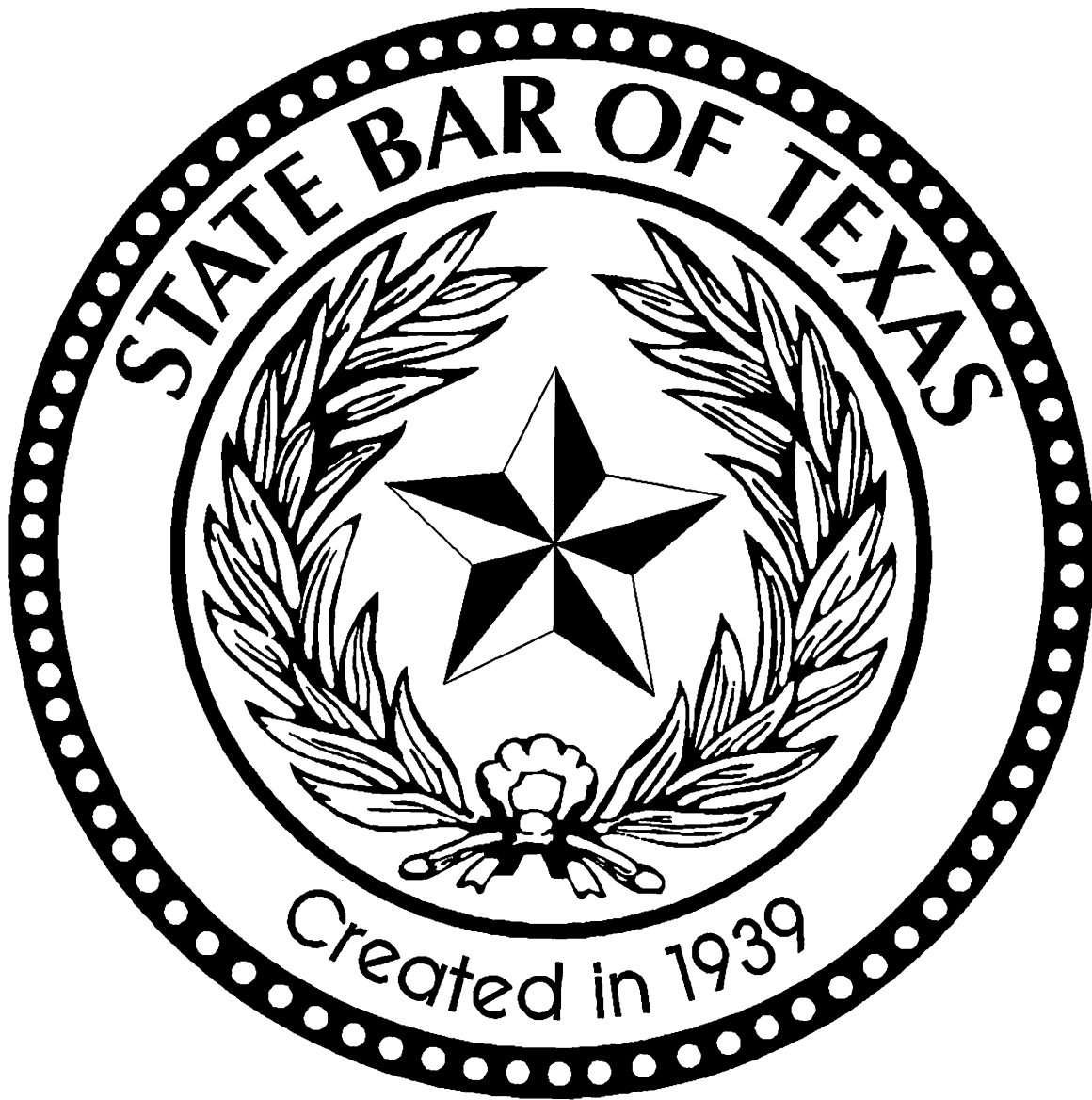
3.01.02 Assessments. From time to time the members of the State Bar may be charged a special assessment in addition to dues. The charging of any such special assessment shall require the same approvals that are required for changes in dues.

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STATE BAR RULES
As Amended June 2018

11. **“Ex Officio”** means by virtue or because of an office. Unless otherwise provided, one serving as an ex officio member of a body is entitled to vote.

12. **“Rules”** means the State Bar Rules.

13. **“Member”** means a member of the State Bar of Texas.

ARTICLE II

GENERAL PROVISIONS

Section 1. Official Name

The official name of the State Bar is “State Bar of Texas.”

Section 2. Purposes of the Organization

The purposes of the State Bar are those as set out in the Act.

Section 3. Purposes of These Rules

These Rules are adopted for the operation, maintenance and conduct of the State Bar and for the disciplining of its members.

Section 4. Seal

The State Bar shall have a seal in the form of a five-pointed star, around the upper portion of which shall be written in capital letters, “STATE BAR OF TEXAS” and around the lower portion of which shall be written in capital letters, “CREATED IN 1939.” The seal may be used only for official business of the State Bar, its sections and committees.

Section 5. Principal Office of the State Bar

The principal office of the State Bar shall be maintained in Austin, Travis County, Texas.

Section 6. Service of Process

Service of citation or other process may be had upon the State Bar by serving either the executive director or the general counsel.

Section 7. Fiscal Year

The fiscal year of the State Bar shall be as determined by the board.

Section 8. Organizational Year

The organizational year of the State Bar shall be from time of adjournment of the annual meeting of the State Bar one year to the time of adjournment of the annual meeting of the State Bar of the next year.

Section 9. Oath of Office

Officers and directors of the State Bar, before entering upon the duties of office, shall take the official oath or affirmation set out in Art. 16, Sec. 1 of the Constitution of the State of Texas.

Section 10. Elections and Balloting

Except as may otherwise be provided, elections shall be conducted under the supervision of the executive director.

Section 11. Officers and Directors Holding Over

Each officer and director shall continue to serve and perform the duties of his office until his successor has qualified.

Section 12. Publication of New Rules and Amendments to Rules

These Rules and any amendments thereto shall be published in a manner directed by the board.

Section 13. Spokesman for the Bar

The president of the State Bar or, in the absence of the president, the president-elect, shall be the public representative of the State Bar and shall enunciate the policies of the State Bar as promulgated by the board, except that the Board or the president may delegate such authority under such conditions as the board may prescribe. The board may authorize sections and committees, and those properly authorized by such sections and committees, to publicly represent the views of a section or committee.

Section 14. Procedures for Meetings

A. All proceedings at meetings of the State Bar, of the board, of the executive committee and all other committees and sections shall be governed by the most recent edition of Robert's Rules of Order Newly Revised.

B. Voting by those entitled to vote at all such meetings shall be in person. Voting by proxy shall not be allowed.

C. The presence of a majority of those persons entitled to vote at all such meetings shall constitute a quorum, except that:

1. at any meeting of the State Bar, one hundred (100) members shall constitute a quorum for the transaction of business, and
2. at any meeting of a State Bar section or committee, a quorum may be less than a majority if the board has determined.

Action shall be taken only upon a majority vote of those entitled to vote, a quorum being present.

ARTICLE III MEMBERSHIP

Section 1. Members

The members of the State Bar are those persons designated in the Act.

for the current year.

ARTICLE IV

ADMINISTRATION

Section 1. Board of Directors; Duties

- A. The State Bar shall be governed by a board which shall enforce the Act and these Rules.
- B. The term of office for each elected, public, and at-large director shall be three (3) years. The terms of elected and public directors shall be staggered with one-third (1/3) of such directors elected or appointed each year. The terms of at-large directors shall be staggered with as near to one-third (1/3) as possible appointed each year.
- C. The regular term of office of an elected, public, or at-large director shall commence on adjournment of the annual meeting of the State Bar next following election or appointment and continue until the adjournment of the third annual meeting next following election or appointment.
- D. The board shall take such action and adopt such regulations and policies, consistent with the Act or these Rules, as shall be necessary and proper for the administration and management of the affairs of the State Bar, for the protection of the property of the State Bar and for the preservation of good order.

Section 2. Meetings of the Board

The board shall meet regularly at least four (4) times annually, and may meet specially, at such times and places as the board shall determine. All meetings, however, shall be held within the State of Texas.

Section 3. Composition of the Board

The board shall be composed of the officers of the State Bar, the president, president-elect, and immediate past president of the Texas Young Lawyers Association, not more than thirty (30) members of the State Bar elected by the membership from their district as may be determined by the board, six (6) persons who are not licensed attorneys, known as public directors, who do not have, other than as consumers, a financial interest in the practice of law, and four (4) at-large directors appointed by the president and confirmed by the Board. The Board may, in its discretion, also include other members who shall be ex officio or non-voting board members.

Section 4. Chairperson of the Board

The board shall elect annually from its membership, under such procedures as it shall prescribe, a chairperson to serve for the next succeeding organizational year. Such person shall be elected from the class of directors then serving the second year of their terms.

Section 5. Qualifications of Officers and Directors

- A. Qualifications for Serving as Director. The board is the judge of a candidate's qualifications.

1. *All directors.* A director must not be an officer, employee, or paid consultant of a Texas trade association or the spouse of one. Texas trade association is defined in Section 81.028, Government

same manner and by the same authority designated by statute to fill such positions.

B. Persons filling such vacancies shall meet the same requirements and shall qualify in the same manner as those assuming the office of director for the full term.

C. The board may adopt appropriate procedures for the purpose of equalizing the size of the classes of the board of directors. Once such equalization is accomplished, then those appointed to fill a vacancy shall serve the balance of the term of the particular position vacated.

D. The board of directors may remove a director from the board at any regular meeting by resolution declaring the director's position vacant, pursuant to § 81.027(a) of the State Bar Act or Article IV, § 5 of these Rules.

Section 9. Executive Committee

A. The executive committee of the board shall consist of the president, president-elect, the chair of the board, the immediate past president of the State Bar, president of the Texas Young Lawyers Association and such other persons as the president may appoint. The president shall be chair, and the board chair shall be the vice-chair of the executive committee and shall preside in the chair's absence.

B. The general purpose of the executive committee shall be to perform between meetings of the board such functions, consistent with the Act or these Rules, as the board may assign to it from time to time.

C. The general counsel and the executive director of the State Bar shall be ex officio, non-voting members of the executive committee.

Section 10. Officers

A. The officers of the State Bar shall be the president, the president-elect and the immediate past president.

B. Qualifications of Officers. An officer:

1. must be an active member in good standing;
2. must never have been suspended for professional misconduct, been disbarred, or resigned in lieu of discipline;
3. must not be an elected official paid by the State of Texas.

C. Other Requirements. An officer must also take the oath of office by the second regularly scheduled board meeting of the officer's term.

D. The president shall preside at all meetings of the State Bar, be the official representative and spokesperson for the State Bar in all public matters and have general responsibility for carrying out the policy of the State Bar.

E. The president-elect shall preside at meetings of the State Bar in the absence of the president and

Andres Almanzan_redacted

ANDRÉS EDUARDO ALMANZÁN

Attorney and Counselor at Law

LEGAL EMPLOYMENT

September 1997 – Present (21 Years)

Mounce, Green, Myers, Safi, Paxson & Galatzan

A Professional Corporation (www.mgmsg.com)

100 North Stanton, Suite 1000

P.O. Box 1977

El Paso, Texas 79999

(915) 532-2000; Fax: (915) 541-1548

E-Mail: 552.1176

Shareholder/ Vice President/ Board Director. Practice includes a variety of civil defense litigation matters in both Federal and State Courts, including: Professional Liability/ Malpractice Defense; Personal Injury/ Wrongful Death; Construction Litigation; Trucking/Transportation; Premises Liability; Products Liability; Insurance Defense; Employment Law; Probate/Estate Litigation; Environmental Remediation/Cost Recovery (per the Comprehensive Environmental Response, Compensation and Liability Act/ "CERCLA" or "Superfund"); Civil Rights (Section 1983 Claims against Law Enforcement) Defense; Governmental Entity Defense; Commercial/Contractual Disputes (occasionally involving Mexican Law); Education/School Law, Residential/Homebuilder Litigation and Real Estate Transactions; and Public Utility Law.

CIVIL TRIAL EXPERIENCE

Has participated in over twenty civil action trials, inclusive of Jury Trials, Bench Trials, Administrative Law Hearings/Trials, either as the Solo, Lead Attorney of Record or as a Second-Chair Attorney in State District, County and Federal Courts and Administrative Agencies of the State of Texas, including the Texas Education Agency and the Railroad Commission of Texas.

LITIGATION EXPERIENCE

Over the last twenty-one (21) years, has regularly and on a monthly, if not weekly basis, conducted legal research and drafted briefing for and presented oral argument at contested hearings; taken oral depositions of parties and witnesses, including expert witnesses; defended oral depositions of parties and witnesses, including expert witnesses; and/or handled/conducted mediations; prepared civil cases for trial.

EDUCATION

University of California at Los Angeles School of Law,
Juris Doctor, May 1997
Stanford University, Bachelor of Arts, Economics
(Quantitative Track), June 1994

PROFESSIONAL LICENSES

(Admitted to Practice)

State Bar of Texas, 1997
United States Supreme Court, 2006
United States Court of Appeals for the Fifth Circuit,
2006
United States District Court for the Western District of
Texas, 1998
United States District Court for the District of New Mexico,
2017
State Bar of New Mexico (Sept. 2018 Application Pending)

BOARD MEMBERSHIPS AND OFFICES HELD

Board of Advisors, **Harvard Law School Latino Law
Review**, September 2004 - Present
President/Board Director, **Mexican-American Bar
Association (MABA) of El Paso**, Sept. 2000 - Present,
(President 2002-03; Board Director, Member)
Vice-President and Board Director, **El Paso Young
Lawyers' Association**, (past Board Director 1999 -
2002; Vice-President 2001-2002)
Board Director, **Texas Community Building with
Attorney Resources (Texas C-Bar)**, September 2003 -
2009
Board of Advisors, **Texas Rio Grande Legal Aid (TRLA)**,
2004 - 2005
Board Director, **El Paso Bar Association**, September 2002
- 2005
Board Director, **El Paso del Norte Stanford Alumni
Association**, 2000 - 2004
Board Member/Advisor, **Greater El Paso Chamber of
Commerce - Government Relations Division**, January
2002 - 2004
Committee Member, **Texas Disciplinary Rules of
Professional Conduct - Standing Committee**, The
State Bar of Texas, July 2005 - 2006
Committee Member, **Admissions Committee for the
United States District Court for the Western District
of Texas - El Paso Division**, 2006 - Present
Subcommittee Member, **Unauthorized Practice of Law
Committee**, The Supreme Court of Texas, 1999 - 2001
Subcommittee Member, **Multidisciplinary Task Force
Committee**, El Paso Bar Association, 2000 - 2002

AWARDS

*Recognized as a “Texas Super Lawyer” in 2014, 2015, 2016, 2017, 2018 – Personal Injury Trial Law - Defense, as published in *Texas Monthly* magazine (*Texas Super Lawyers* -only 5% of Texas Attorneys receive this recognition).

*Recognized as a “Texas Rising Star” in 2004, 2006, 2007, 2008, 2009, 2010, 2011, and 2012 as published in *Texas Monthly* magazine (*Texas Super Lawyers - Rising Stars Edition*; only 2.5% of Texas Attorneys receive this recognition).

*Recognized as an Eastwood High School “Honored Ex” for 2018-2019

*Recipient of the 2000 “Silver Patrick Henry Medallion: For Patriotic Achievement” from The Military Order of the World Wars - El Paso Chapter.

PROFESSIONAL AFFILIATIONS

Fellow – Texas Bar Foundation

Barrister – George A. McAlmon American Inn of Court –
El Paso Chapter

Pro Bono Volunteer Asylum Counsel - Las Americas ·
Immigrant Advocacy Center

Member, American Bar Association

Member, Defense Research Institute

Member, State Bar of Texas

Member, Texas Association of Defense Counsel

Member, Mexican-American Bar Association of El Paso

Member, El Paso Bar Association

Member, The Paso Del Norte Group (2004 - 2009)

Faculty Member/Seminar Speaker

- Lorman Education Services

LEGAL INTERNSHIPS

Law Student Intern/Law Clerk for the Mexican American
Legal Defense and Educational Fund (MALDEF) at its
national headquarters in Los Angeles, CA, August 1995
- December 1995.

Judicial Extern for U.S. District Court Judge Harry L.
Hupp, Central District of California, Los Angeles, CA,
January 1996 - May 1996.

SEMINAR PRESENTATIONS/PAPERS & SPEAKING ENGAGEMENTS

- Seminar: Panel Presenter: "*We Too: A Discussion of Gender Discrimination/Bias in the Courts and Legal Practice*" - a CLE Ethics Seminar about hurdles that women in the legal profession face and empirical studies on gender discrimination/bias, presented to The George A. McAlmon American Inn of Court at the El Paso County Courthouse in El Paso, Texas on November 29, 2018.
- Seminar: Panel Presenter: "*Ms. Kowalski, 60 Minutes is on the line...Now What?*" - a CLE Ethics Seminar about Ethical Considerations Regarding Trial Publicity/Case & Client Press Conferences, presented to The George A. McAlmon American Inn of Court at the United States Court House in El Paso, Texas on April 14, 2018.
- Seminar: Panel Presenter: Texas Construction Defect Case Law Update, 23rd Anniversary of West Coast Casualty's Construction Defect Seminar, May 12-13, 2016; The Disneyland Hotel, Anaheim, California, May 2016.
- Seminar: Panel Presenter: Self-Insured Retention (SIR) Conflicts and Issues Between Carriers and Insured, ALFA International Transportation Practice Group Seminar, "Handling the Highway to Hell," Coral Gables, Florida, April 2014.
- Seminar: Featured Speaker on Utilizing the Federal Administrative Procedures Act to Compel Depositions of Governmental Employees at the Kolcraft Children's Products Panel Counsel Meeting held at the Defense Research Institute's Product Liability Conference in Phoenix, Arizona, April 2014.
- Seminar: Presentation on an Update for Home Builders on the Texas Residential Construction Commission (TRCC) to the El Paso Hispanic Builders Alliance, 2007 & 2008
- Guest Lecturer: Personal Injury Trial Law at The University of Texas at El Paso (UTEP), for a Liberal Arts Department class, "Courts in Action." 2003 – 2010.
- Seminar: "Updated Caselaw on the New Discovery Rules in Texas," for The El Paso Association of Legal Assistants, March 2003.
- Seminar: "A Review of The Texas Public Information Act," for the El Paso Claims Association, May 2002.
- Seminar: "Unemployment Compensation in Texas," Lorman Education Services, El Paso, Texas, April 2001.
- Seminar: "El Paso Bar Association's Fifth Annual Civil Trial Law Seminar," Topic: New Discovery Rules in Texas: Case Law Update, El Paso Bar Association, El Paso, Texas, February 2, 2001.
- Seminar: "An Introduction to Employment and Labor Law in Texas," Topic: Effective Hiring Practices. Lorman Education Services, El Paso, Texas, June 30, 2000.
- Seminar: "Construction Contracting with Public Entities in Texas," Topic: Resolution of Construction Disputes, Lorman Education Services, El Paso, Texas, April 27, 2000.
- Seminar: "Chiropractic Care and Billings in Personal Injury Cases," for the El Paso Claims Association, September 1999.
- Seminar: "The New Discovery Rules in Texas," for Farmers Insurance and Fred Loya Insurance Company in February and May 1999.
- Author of "*Ethical Considerations Regarding Client Conflicts of Interest*." Published in the El Paso Bar Association Newsletter, December 1997.

PERSONAL

Born and raised in El Paso, Texas (Eastwood High School)

Third-generation native El Pasoan

Fluent in Spanish

President of *Delta Tau Delta* Fraternity at Stanford University, 1993-1994
(& Vice-President 1992-1993).

Served as a Student Judge on the Stanford Judicial Council, 1992-1994.

Member of St. Raphael's Catholic Parish A.C.T.S.

Married with two children.

Advanced Open Water Diver.

Former Board Member/Director &

Current Little League Baseball Head Coach (12U Select)

– South West Baseball League (El Paso, Texas), 2014 - Present

Luis Cardenas_redacted

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Website: www.escobedocardenas.com

PROFESSIONAL

Partner – Escobedo & Cardenas, L.L.P.

Areas of Practice

Commercial, corporate and fiduciary litigation, Tort litigation, Real Estate litigation, Eminent Domain litigation

Certifications and Ratings

AV-Rated Martindale Hubbell

Board Certified by Texas Board of Legal Specialization in Personal Injury Trial Law

Committees and Memberships

State Bar of Texas Pattern Jury Charge Committee: Malpractice, Premises and Products

State Bar of Texas Pattern Jury Charge Committee: Business, Consumer, Insurance and Employment

American Board of Trial Advocates (ABOTA) – President Elect

Hidalgo County Bar Association – President

The National Association of Minority and Women Owned Law Firms (NAMWOLF)

Admitted

Supreme Court of Texas

U.S. Court of Appeals, Fifth Circuit

United States District Court Southern District of Texas

United States District Court Northern District of Texas

EDUCATION

University of Houston Law Center, J.D., 1997

University of Texas at Austin, B.A., 1993

AREAS OF PRACTICE

Represent businesses and shareholders in corporate and fiduciary litigation

Represent insurance companies in third-party defense matters

Represent bank clients in depositor, debtor and trust client matters

Represent corporate clients in first-party tort defense litigation

Represent Hidalgo County Regional Mobility Authority and municipalities in Eminent Domain litigation

Represent municipalities in annexation disputes, including conducting annexation litigation against other municipalities and advise on future annexation growth strategies.

PUBLICATIONS/PRESENTATIONS

Eminent Domain Damages, State Bar of Texas, Damages in Civil Litigation – Dallas 2016

Law of Eminent Domain, Hidalgo County Bar Association, Civil Trial Law Course – McAllen 2016

Product Liability Update – Hidalgo County Civil Trial Law Course 2014

Premises Liability, Hidalgo County Bar Association 2014

Supreme Court Update, Hidalgo County Young Lawyers Association 2013

Paid or Incurred, State Bar of Texas CLE 2013

Supreme Court Update, 5th Administrative Judicial Region Judicial Conference 2012

REPRESENTATIVE CLIENTS

AT&T, Cricket Wireless, JPMorgan Chase, BBVA Compass, Texas Regional Bank, Carfax, American Millennium Insurance Company, Hidalgo County Regional Mobility Authority, City of Edinburg, City of La Joya, Republic Waste Services, ServPro Restoration Services

OTHER

Bilingual – Spanish