
STATE BAR OF TEXAS PROFESSIONAL DEVELOPMENT
San Antonio • August 15-18, 1994 • Marriott Rivercenter • 101 Bowie • 210/223-1000
Cospnsored by the Family Law Section of the State Bar of Texas



DEDICATED TO THE MEMORY OF DAN R. PRICE
1947 - 1994

This course is dedicated to the memory of Dan R. Price, who passed away suddenly on January 23, 1994, at the age of 46. Danny was the course director for this year's Advanced Family Law Course and has poured hundreds of hours of his personal time into planning the topics and speakers. It is ironic and especially poignant that Danny died during the planning of this course. In 1975, the first year that the State Bar conducted advanced courses, Danny, then the Director of Institutes and Courses for the State Bar, organized the original "Advanced Family Law Refresher Course" as a preparatory course for the first family law specialization examination.

In ensuing years, with the guidance of the State Bar Family Law Section, this course blossomed into what many regard as the finest and certainly the best attended family law CLE event in the nation. Meanwhile, Danny left his job at the Bar and went into private practice with emphasis on family law and representing clients at the legislature. Over the years, Danny was most helpful in advising the Bar on legislative matters, helping guide us through two Sunset reviews. He built a distinguished career as a practitioner, quickly becoming board certified, speaking and writing frequently for CLE programs including this course, receiving consistently superior reviews from the audience. We were honored last year that Danny accepted our invitation to serve as director of this course, neatly closing a circle of history.

Danny was a restless man, impatient and creative. He was a man of quick intelligence, of laughter and enjoyment, of strong convictions and powerful persuasive skills. He loved hard work, had an enormous capacity for hard work. He was worried that this year's course be immediately useful and interesting to the working lawyer and made us do an extensive survey of working lawyers asking what topics should be included. He talked us into reducing the course registration fee. He fretted about the mix of speakers, held numerous meetings, cajoled workshop chairs and course faculty, loaded assignments on to Judge Guadalupe Rivera, his associate course director, badgered and charmed his friends on the Bar staff, and generally exercised the perfectionist's attention to detail. We have left the program just as he planned it.

If there is any consolation in Danny's untimely passing it is that he died at the peak of his powers, greatly admired, a wonderful friend and companion, with a remarkable record of service to his clients and to the profession he loved. We are deeply saddened that he will not be present with us this August to share the fruits of his labors.

PURPOSE AND SCOPE

This course is for experienced lawyers who want to reach the highest levels of knowledge and skill in their profession. Through lectures, workshops, and discussions, the course presents sophisticated updates on law and procedure plus a wide variety of other practical topics, including office management, using computers in your practice, attorneys fees, and how judges and jurors evaluate the performance of family practitioners. Course Director Dan R. Price and the planning committee used the results of an extensive survey of family lawyers to determine which topics to include. The goal was practicality. A second emphasis was on making sure there was coverage of all topics in which we can expect changes when the Family Code is rewritten during the 1995 legislative session. A strong effort was made this year to include new faces on the program faculty—a faculty well known for its general excellence and experience—including some outstanding trial lawyers sharing their insights about trial preparation and strategy. On Thursday, you may select from 18 different workshops, some repeated, that will give concentrated attention to problem areas where a variety of viewpoints are most help-

ful. Under the guidance of the Family Law Section of the State Bar, this course has received national notoriety for its scope and thoroughness. It is the best attended family law program in the nation. Last year's attendance was sufficient to allow us to reduce the registration price for the second straight year. We would welcome your attendance.

CREDIT HOURS

Full attendance will qualify you for 27.50 hours credit (including 1.00 hours ethics credit), which will apply towards M.C.L.E., the College of the State Bar of Texas, and the Texas Board of Legal Specialization in Family Law and Civil Trial Law.

COMPUTER WORKSHOPS

Richard R. Orsinger of San Antonio will coordinate two workshops, which will run simultaneously on Tuesday and Thursday. The workshops will give registrants an opportunity to examine new computer hardware and software. A detailed schedule will be available at registration.

MCLE COURSE NUMBER: 000140062

PROGRAM

DAN R. PRICE
COURSE DIRECTOR

Sunday, August 14

8:00 - 8:00 **Early Registration**
(We encourage you to register and pick up your course materials at this time)

Monday, August 15: 7.17 Hours

7:30 **Registration-**

8:15 **Moderator:**
Honorable Guadalupe Rivera, *El Paso*
Judge, 168th District Court

Welcoming Remarks:
Brian L. Webb, *Dallas*
McCurley, Webb, Kinser, McCurley & Nelson
Chair, Family Law Section

Tribute to Dan R. Price
Richard R. Orsinger, *San Antonio*
Law Office of Richard R. Orsinger

8:30 **Most Common Grievances Actually Filed by Clients, Opposing Parties and Other Lawyers Against Texas Family Law Lawyers in the 1990's and How to Avoid Them (.58 hour)**
Thomas H. Watkins, *Austin*
Hilgers & Watkins

9:05 **Laws and Ethics Governing Paralegals and Legal Assistants That Directly Affect You and Your Daily Practice (.42 hour)**
Charles H. Robertson, *Dallas*
Robertson & Holmes

9:30 **Practical Pitfalls in the Professional Practice (.42 hour)**
Joe Shannon Jr., *Fort Worth*
Attorney at Law

9:55 **The Client from Hell: Helping Yourself and Your Staff Deal Effectively with the Emotionally Distraught Client During Family Law Litigation (.42 hour)**
John V. McShane, *Dallas*
McShane, Davis & Hance

10:20 **-Break-**

10:35 **Significant Developments and Trends in Title One and Property and Liability Litigation (.42 hour)**
Joe Villarreal, Jr. *San Antonio*
Law Office of Joe Villarreal, Jr.

11:00 **Characterization, Tracing and Reimbursement in Family Law Litigation: An Overview, Checklist and Update of Advanced Issues (.42 hour)**
Sally H. Emerson, *Amarillo*
Underwood Law Firms

11:25 **Your Client's Legal Responsibility for Her or His Spouse's and Child's Debts and Liabilities During Marriage and After Divorce (.42 hour)**
James W. Paulsen, *Houston*
Professor of Law
South Texas College of Law

11:50 **Employment and Retirement Benefits in Family Law Litigation: An Overview, Checklist and Update of Advanced Issues (.33 hour)**
Jack W. Marr, *Victoria*
Marr, Meier & Hartman

12:10 **-Lunch-**

CHILD ABUSE: FACT OR FICTION?
1:30 - 4:30

Presented by the State Bar Committee on Child Abuse & Neglect, the Juvenile Law Section, and the Texas Legal Resource Center for Child Abuse & Neglect

Who's My Legal Daddy?
Honorable John D. Montgomery, *Houston*

Changes to Chapter 18, Texas Family Law Code
Honorable John J. Specia, Jr., *San Antonio*

Ethical Considerations in Defending the Accused Abuser
David A. Sheppard, *Austin*

Children and Sexual Abuse: Dealing with True and False Allegations Legal Perspective
Lea C. Noelke, *Austin*

Psychological Perspective:
Ramon A. Laval, Ph.D, *Houston*

Repressed Memory/False Memory Syndromes
Tina Snelling, *Houston*

1:25 **Moderator:**
Stewart W. Gagnon, *Houston*
Fulbright & Jaworski

1:30 **Finding, Understanding, Using and Characterizing Insurance in Family Law Litigation (.58 hour)**
Cheryl L. Wilson, *San Antonio*
Attorney at Law

IN MEMORY

of

DAN R. PRICE

(1947 - 1994)

**COURSE DIRECTOR,
STATE BAR OF TEXAS
1994 ADVANCED FAMILY LAW COURSE**

Dan was born on September 14, 1947, in Wharton, Texas. Dan's father, Edwin B. Price, was head football coach and dean for the University of Texas. He retired in 1974, and died in 1976. Dan's mother, Betty Price, presently lives in Austin. Dan's sister, Pat Monroe, is married, has two children, and lives in Austin.

Dan grew up in Austin, and graduated from Austin High School in 1966. After graduating from high school, Dan attended the University of Texas at Austin, where he majored in journalism. Dan served as foreman of the Texas Cowboys, an organization that sponsors the cannon which fires when scores are made at U.T. football games. Dan was president of the UT Chapter of the Phi Delta Theta fraternity. Dan graduated with a Bachelor of Journalism degree on May 15, 1971.

After college, Dan attended the University of Houston Bates School of Law, where he graduated with a Doctor of Jurisprudence degree on August 17, 1974. While in law school, Dan wrote a comment that was published by the law review: Comment, *State Legislative Response to Campus Disorder: An Analytical Compendium*, 10 HOU. L. REV. 930 (1973).

Dan became licensed as an attorney in Texas on December 19, 1974. He immediately joined the American Bar Association's Family Law Section. Dan's first job after law school was with the State Bar of Texas. From January of 1975 until November of 1978, Dan was Director of Institutes and Courses, Professional Development Program. From November of 1978 until August of 1979, Dan was Director of Programs, and also served in the Executive Department as a lobbyist for the State Bar. Dan was hired by H.C. Pittman, the State Bar's Executive Director from 1972-1979. H.C. comments:

Danny Price brings to mind "pro bono" when I reflect on his joining the State Bar Staff in 1975. He was dedicated to his work, his friends, and his clients in every possible way.

He gave of himself to all in a manner following the highest guidelines of our State Bar and its true purpose. We will indeed miss him as a friend and co-heart.

During Dan's tenure at the State Bar, board certification was adopted in Texas. The State Bar held the first of its modern "advanced courses." One Texas lawyer involved in the start-up of modern continuing legal education was Houston attorney Jimmy Brill.

Jimmy remembers:

Danny arrived at the State Bar during the time that I was serving as chair of the State Bar CLE Committee. Gene Cavin and I shared a vision of providing Texas lawyers with the finest CLE opportunities anywhere in the country. These were the embryonic days of CLE, before specialization had taken hold, before advanced courses, before Mandatory CLE, before videotaped presentations, computerization, widespread interest in legal assistants, and before lawyers realized the importance of practice management and development. After coming to the State Bar, Danny quickly accepted this vision, and added his own ideas, enthusiasm, and energy. Danny had the responsibility for developing seminars and other courses, and he and University of Houston Law Professor John Mixon developed and presented our first advanced course, the Advanced Real Estate Course. That was followed by the Advanced Civil Trial Course, the Advanced Personal Injury Course, and the Advanced Family Law Course. Danny worked under the watchful eye of Gene Cavin, and adopted Gene's focus on quality and service, and "doing the right thing." Danny adhered to this philosophy while at the State Bar, and later in his private law practice. The lawyers of Texas, now and in the future, are deeply indebted to Danny for the foundation he helped lay for their continuing professional development.

The first course director for the Advanced Family Law Course was Professor Eugene Smith, from the University of Houston School of Law, who served as course director in 1975 and 1976.

When I think of Danny, my most vivid memory is his incredible energy. Danny, as with all of us, was good and bad. In the early days of Continuing Legal Education, however, he, along with Gene Cavin, profoundly influenced the course of what we now have as Continuing Legal Education. The Advanced Family Law Refresher Course was designed to educate in a way that today's courses have lost sight of. The Sunday evening before the first family law course was to begin, Dan, my 3 teenage sons, and I worked late to prepare the notebooks that later became known as the "Red Notebooks." His dedication carried forward into his later work. He had the talent, drive, enthusiasm, and ambition to burn the candle at both ends and, if possible, to add another candle and burn it at both ends. Certainly I will always remember him for his dedication to whatever task he undertook. Requiescat In Pace

Dan also helped put together the first Advanced Criminal Law Course. St. Mary's Law School professor Wayne Scott was on that first planning committee. He remembered:

Dan, who worked under Gene Cavin at the time, was a driving force behind the creation of the advanced courses. He was told that it wouldn't work, and that no one would come to a course of that size. Dan said they would. Dan thought up the idea of each author producing a paper, and assembling the papers into a notebook for the registrants. They told Dan that no one would write papers. Dan said we could find speakers who would write. Dan was right again. Then, after the first year, people told Dan that no one would come back again. Dan said they would, and they did. Dan's continued and perpetual optimism and enthusiasm was a key ingredient to the success of the State Bar CLE program.

Dan also worked closely with family law practitioner Barbara Kazen, then of Austin, for the 1977 and 1978 Advanced Family Law Course. Both of these courses were held at St. Mary's Law School in San Antonio. Barbara remembers:

I received the news that I had been selected to chair the 1977 Advanced Family Law Course with mixed emotions. It seemed to be an overwhelming task. Then Danny and I went to St. Mary's Law School together to make the initial arrangements, and thus began an unbelievably funny and adventuresome odyssey. Somehow, Danny talked me into doing the Course again in 1978. Through both experiences I learned that Danny could make even the most onerous task fun. He was completely dedicated to improving legal education for lawyers, not just through the courses he created, but in his subsequent writings as well. No matter how involved he was in a project, however, he always had time for his friends, time to laugh, and to answer any question from another lawyer. He was a good friend and as time goes on we will miss him more.

Dan recognized the need for another continuing legal education course on family law, and in 1977 he created the Marriage Dissolution Course. The first course director of that course was Donn Fullenweider, a family law practitioner in Houston. Donn, who was later President of the American Academy of Matrimonial Lawyers, remembers:

I was serving as Chairman of the Board of Directors of the State Bar of Texas when I first met Dan Price in 1975. I was delighted that the State Bar was able to secure the services of such a bright, energetic and creative lawyer. Indeed his services for the State Bar in continuing legal education, as well as his lobbying, were extraordinary.

Dan and I had a common interest in both family law and the University of Houston College of Law. We spent time at State Bar functions talking about these interests. Because of that common interest and Dan's creative ideas regarding continuing legal education programs, Dan asked me to serve as the first course director of the Marriage Dissolution Course. This was Dan's idea and due to his creative force, he made it the institution it has now become. I recall his help and energy, as well as his great pleasure of planning the topics and picking the speakers. He was elated over the success of that first course.

I followed his career through the years and was more than delighted to be able to cast a vote for him as a member of the executive committee of the American Academy of Matrimonial Lawyers when his tenure as a lawyer made him eligible. This recognition of the level that he rose to so quickly in the profession was evidence of his consummate talents, his professional respect and his lawyering skill. I know he was proud of this acceptance as a fellow and shared that feeling with me.

In 1978-79, Dan served as Vice Chair in charge of National Institutes, for the ABA Young Lawyers Division's CLE Committee. From 1979-81 Dan was a member of the ABA Award of Merit Committee, and from 1979-82 Dan served on the ABA Young Lawyers Division's Award of Merit Committee. Dan became a Fellow of the Texas Bar Foundation on January 27, 1979. Dan became a

sustaining life fellow on June 11, 1987.

In 1979, the State Bar of Texas came up for its first review under the "Sunset" process during which time the State Bar undertook to convince the Legislature to enact a statute extending the life of the State Bar. Dan worked closely with the State Bar staff and various Texas attorneys in successfully shepherding the necessary legislation through both houses and to the Governor. In 1979, Dan published a law review article on the subject, Dan Price, *Sunset Legislation in the United States*, 30 BAY. L. REV. 401 (1978).

In 1979, Dan left the State Bar and went into partnership with Joe Lea, establishing the law firm of Lea and Price. There Dan engaged primarily in general civil practice, with an emphasis in civil trial practice, insurance litigation, family law practice, and lobbying the Texas Legislature. Dan and Joe practiced together from 1979 to 1984. Of those years, Joe remembers:

Danny and I opened with a card table, one phone, Kinko's copier phone number and lots of friends and "contacts" that helped us through the tight times. Danny truly loved the research and preparation involved in litigation and his dedication to quality work product was an inspiration. During all those times, we also had plenty of grins!!

In 1982, Barbara Kazen published her treatise, FAMILY LAW: TEXAS PRACTICE AND PROCEDURE put out by Matthew Bender. Dan wrote Chapter 80, "Change of Conservatorship," a 190-page study on the law and practicalities of custody modification proceedings. Dan's chapter, updated, is still in the book.

During the 1983 legislative session, Dan lobbied the venue statute on behalf of the Texas Association of Defense Counsel. Dan described that legislative process in a St. Mary's Law Journal article, Dan Price, *New Texas Venue Statute: Legislative History*, 15 ST. MARY'S L.J. 855 (1984), one of the most authentic descriptions of the operation of the Texas legislative process. The article was cited by the Texas Supreme Court in *Ruiz v. Conoco, Inc.*, 868 S.W.2d 752, 757 (Tex. 1993), the Court's definitive case on the meaning of the new venue statute. Dan lobbied for the TADC for a number of years, up to 1993. John Marks, TADC President (1990-91), remembers:

Dan Price was a very resourceful lobbyist in addition to being a most capable lawyer. As a lobbyist he was always there when we needed him with what seemed to be the exact right thing to do for just about any crisis situation, and there were many of those. He was a constant companion during my year as President, and I came to respect the extent of his knowledge of the legislative process and his insight in many areas of the law. He was well known in the Capitol Building and we walked the halls together on many occasions. His contacts with senators and representatives were numerous and their doors were always open when Dan was along. Dan was strongly dedicated to the ideals and goals of the Association and gave much more to it than he ever took from it. His guidance will be greatly missed in the years to come and his memory will linger long in the hearts and minds of those of us who worked with him.

In 1984, Dan went into partnership with fellow family law practitioner Barbara Kazen. There Dan engaged primarily in family law practice, and lobbying the Texas Legislature. Dan and Barbara

practiced together until September of 1988.

In September of 1988, Dan and Barbara ended their partnership, and Dan became a sole practitioner. Dan engaged primarily in family law practice, and also lobbying, from that time until his death in January of 1994. Dan was Board Certified in Family Law by the Texas Board of Legal Specialization in December of 1989. The Executive Director of the Board of Legal Specialization, Gary McNeil, remembers:

Dan and I had been friends since he began work at the Bar. Several fellow family law practitioners had told me before 1989 that Dan ought to be certified. But Dan had promised himself that the Bar Exam was the last exam he was even going to take. Dan finally did overcome his reluctance, and in his typical style, put 120% of his effort into the project. Although Dan professed concern about the exam, I had no doubt whatsoever that he would pass, and he handled the exam easily.

After Dan left the State Bar and went into private practice, Dan continued his involvement in State Bar activities. Dan served on the State Bar's Committee on State Laws and Regulations Affecting the State Bar, from 1979 to 1982. Dan served on the Continuing Legal Education Committee from 1979 through 1984. He served on the Professional Competency Committee in 1983-84. He served on the Long Range Planning Committee from 1986 to 1991. He served as vice-chair of the State Legislation in the Public Interest Committee from 1988 to 1990.

Dan did legislative work for the Texas Dietetic Association, for which Dan received the Association's Bluebonnet Award, for 1988-89.

In 1990 and 1991, the State Bar went through the "Sunset" process for a second time. Dan again became involved in supporting the continuation of the State Bar, serving as Co-Chair of the Sunset Review Committee 1989-91. In 1990, Dan published an article on the subject: Dan Price, *The Legal Profession at Stake: Why the Sun Should Not Set on the State Bar of Texas*, 53 TEX. B.J. 1197 (1990). For this effort, on June 21, 1991, Dan received a Presidential Citation from James N. Parsons, III, President of the State Bar of Texas. Dan worked closely with Jim, who remembers:

The State Bar of Texas was in deep trouble in 1990. It was running a multi-million dollar deficit and facing legislative Sunset. Our opponent smelled blood. I appointed Dan as Vice Chairman of the Sunset Committee. It was my first opportunity to be around Dan. It was not my last.

He was focused, directed, and reasonable. A facilitator. We would be in a hearing before the Legislature and all of the crazies in Texas would be testifying how some lawyer or judge had taken advantage of them. Irrespective of the merit and in full view of the hearing members, Dan would go over as soon as the person ceased testifying and console them. He would listen. He would cajole. He would promise. Normally, he would at least placate them. The success of the Bar in Sunset was in large measure due to Dan's efforts.

Dan was at every hearing and every meeting. I know and have known many great lawyers, but only one Dan Price. I admired him greatly and miss him

daily.

The Executive Director of the State Bar, Karen Johnson, remembers this about Dan:

Dan Price was one of the best friends the State Bar of Texas ever had. As a staff member and a volunteer, Dan provided dedicated, tireless, and capable service to all of us.

He was very demanding. He expected a lot of himself and those around him. As a result, all of us performed at peak form--and speed--when we worked with him. At the same time, Dan was one of the most thoughtful and considerate people I've ever known.

Dan's enthusiasm and boundless energy were contagious. He didn't know the meaning of "no" or "can't." He knew how to make things happen. Nothing was static when Dan was involved. He always was in motion, usually for the benefit of his clients and his profession. And everyone he worked with and for respected him.

Having served as State Bar Executive Director during the Bar's second Sunset Review, I know the countless hours of research, planning, and execution that go into that process. The large demands on time and energy must have been magnified during the Bar's first Sunset Review during 1979. But Dan was there every step of the way. His knowledge, savvy, and determination contributed greatly to the Bar's continuation in 1979 and again in 1991.

I hope that I can always be the kind of friend to the State Bar of Texas that Dan Price always was.

In 1989-90, and again in 1991-92, Dan was listed in Woodward/White's Best Lawyers in America, in Family Law. Dan again received this honor in 1991-92. Also, in 1991, Dan published a law review article: Dan Price, *Child Support for Adult Disabled Children*, 22 ST. MARY'S L.J. 877 (1991).

All told, Dan authored over 60 continuing legal education articles. In 1989, Dan wrote a blockbuster CLE article on Texas discovery. For this article, in 1990 Dan received the College of the State Bar's Award for Outstanding Achievement in Continuing Legal Education. In 1991, Dan was selected by the Texas Supreme Court to serve on its Task Force on Discovery, where he served from 1991 through 1993. In 1993, Dan was appointed to a four-year term on the Supreme Court Advisory Committee on Rules of Procedure.

Dan served on the Supreme Court's Child Support and Visitation Guidelines Advisory Committee in 1988 and again in 1991.

In 1990, Dan also received the Tarrant County Family Law Bar Association's Award for Outstanding Service and Contributions to Family Law, which he received at a dinner in his honor held in Fort Worth. The President of the Association at the time was Cheril S. Hardy who remembers:

I remember contacting Dan Price and telling him that he had been chosen by our association to receive the outstanding achievement award. I was struck by his genuine surprise and his sincere expression of gratitude. Visiting with him during our annual awards dinner, Dan was down-to-earth, humble, and incredibly appreciative of the honor.

Months later, to my delight, one of my most difficult (to win) custody cases was transferred to Travis County. I contacted Dan and was immediately able to speak with him in regards to his representation of my client. An appointment was made for the next week. My client met me at Dan's office and I was given the rare opportunity to be a "fly on the wall" and listen to Dan's exchange with my client and his forthright, yet professional assessment of her case (she made the facts and they weren't good!). I admired Dan for his respectful, yet unhappy assessment. He cut to the chase and made no promises but I left knowing if her case could be won, he would be the one to do it.

The Tarrant County Family Law Bar Association, the largest "area of law" bar association in Tarrant County, is proud of Dan Price and deeply saddened by his death.

Dan served as an elected member of the Family Law Council from 1986 to 1990. Dan served as co-chair of the Family Law Council's Editorial Committee, with the responsibility of managing the revision of the Texas Family Law Practice Manual. Dan's co-chair, Mary Jo McCurley, from Dallas, remembers:

It was wonderful to co-chair the Manual Committee with Dan because I never had to worry about whether Dan would do his part of the work. Not only did he always do his part, but it was of the highest quality. Dan was always willing to do more than his share without complaint. He loved what he was doing and met each difficult task not as a drudgery but as an intellectual challenge. The lawyers of Texas in the area of family law will never know how much the work of just one man, Dan Price, has made their jobs easier.

Dan also served in an advisory capacity to the Family Law Council from 1990-94. Dan is remembered by the Section Chairs:

From Harry Tindall, Section Chairman from 1985-1987:

Dan Price was a dear friend.

Stewart Gagnon, Jack Marr, Jack and Joyce Sampson and I had dinner with Dan on Friday, January 21, 1994. We then returned to Dan's office for some bar work the following morning, where we worked until about 1:00 p.m. To the shock of everyone, Dan died that night. He will be missed.

Dan had an incredible interest in the law unlike few other lawyers. Dan knew how to broaden one's own horizons of thinking with his ceaseless "What about this?" and "What about that?" type of inquiries. On one occasion when I was

with Dan in Reno, Nevada, for the Texas Academy of Family Law Specialists Seminar, we spent an entire afternoon driving around Lake Tahoe talking about the fine points of discovery. As we returned to Reno, the discussion continued on. At midnight, I was ready to retire, but Dan's energy had not diminished at all. Dan was a great lawyer who brought honor to the profession.

Dan Price was a dear friend.

From Larry Schwartz, Section Chairman from 1987-89:

I have known Dan Price for many years and I have worked with him on many committees and CLE programs. Dan's commitment to CLE is well known throughout the legal community. During my term as Chairman of the Family Law Council, Dan always undertook his assignments readily and with zeal. He never said "No." He was truly a dedicated lawyer and a student of the law. He will not only be missed by his friends and those that knew him, but he will be missed by those lawyers who relied upon his expertise and his many legal articles in their daily practice of the law.

From Scott Cook, Section Chairman from 1989-91:

Danny's presence as an advisor to the Family Law Council was invaluable. His activities in Austin and with the Legislature gave him an enormous reserve of facts and information that many of us didn't get practicing back in our home towns.

While I was Chairman of the Family Law Section all I had to do was call on Danny for a special task and with his ever present "twinkle in his eye" he cheerfully accomplished the task with his usual standard of excellence and good sense of humor. His reserve of energy was limitless.

From Mike McCurley, Section Chairman from 1991-93:

Dan was always very gracious in giving of his time and advice in the years he served the Council. Dan never seemed to have a "hidden agenda" and strove to always be intellectually honest. Dan also seemed to know when a word of encouragement was what a person needed and gave it without expecting anything in return. The Council has lost a great friend and leader.

From John Compere, Section Chairman from 1993-94:

Dan Price and I began working together in the professional trenches on Sunset 1 during the late 1970s. At the time of his death, we were involved in planning the 1994 Advanced Family Law Course. Dan was a tireless advocate for Texas family law. His vision, ideas, initiatives and many, many contributions are his legacy to us. This is appropriately memorialized in the Dan R. Price Award to be presented annually at the Advanced Family Law Course to an individual who has made outstanding contributions to the Family Law Section during the

preceding year. I am proud and fortunate to have been Dan's friend and colleague.

On February 1, 1991, Dan became a Fellow in the American Academy of Matrimonial Lawyers, a national organization of leading family lawyers, headquartered in Chicago.

Dan served on the Board of Directors of the Texas Academy of Family Law Specialists. Dan served under various Presidents. They remembered Dan:

From Coye Conner, Jr., TAFLS President from 1992-1993:

Danny was a dear friend (anyone who liked my neckties had to be such a friend). As a director and tireless worker for the Texas Academy, he always attacked each assigned task with a confidence that was unparalleled. While President of the Academy, Dan was always valued as having far reaching insight of the issues before us, and dedication of purpose to solve or resolve them in an effective, expedient manner.

I'll always miss Danny, not only as a co-worker, but as a close personal friend.

The Texas Academy as well as our legal profession has lost an esteemed colleague.

From Brian Webb, TAFLS President from 1993-1994:

Dan was dedicated to furthering the practice of family law in all of its various forms. Whether involved in legislation, CLE, serving on various boards and committees, or simply practicing in the pits, Dan was constantly protecting and advancing the interests of family lawyers and our clients. He was a good lawyer, a good man, and a good friend. We will all miss him.

In 1993, when the Family Law Council voted to file an amicus curiae brief in *Guzman v. Guzman*, 843 S.W.2d 486 (Tex. 1993), Dan volunteered to work on the brief. Dan located and copied every single published appellate opinion in every state on the division of goodwill on divorce. Then the Supreme Court withdrew the grant of writ in *Guzman* as "improvidently granted." Dan organized this information and turned it over to Ann McClure and Richard Orsinger for use in their debate at the 1994 Advanced Family Law Course, on the question of whether *Nail v. Nail* should be overruled and personal goodwill made divisible on divorce. Dan's analysis of the case law in every state on this point is included in the course materials.

Dan was selected by the State Bar to be course director of the 1994 Advanced Family Law Course. In a sense, Dan was coming full circle, heading up this premier CLE event that he had helped to start. Dan conceived of an ambitious program that would bring into its faculty some of the State's top-rated speakers from all segments of the bar. Dan wanted to include Jay Foonberg, a Beverly Hills' lawyer and speaker of national prominence on the successful practice of law. He also wanted to include Harris Morgan, from Greenville, Texas, another speaker of national renown who was a pioneer of CLE in the State Bar. Dan personally picked the speaker for each topic, and assigned out special responsibilities to other lawyers who would serve in an oversight capacity for various aspects of the

program. Dan induced the Bar to conduct a survey in connection with the course. The program planned by Dan was of a different order from the courses that came before.

The Director of the State Bar's Professional Development Department, which handles State Bar CLE, is Pat Nester. Pat remembers Dan in this way:

When Gene Cavin hired me to work in Institutes and Courses in 1979--after I had served a year-long, agonizingly deskbound sentence as a legal editor for the Bar--Gene told me that the ideal person for the institutes job was someone like Danny Price who had just left that job to do some legislative relations work for the Bar. Danny, Gene said, was "swashbuckling," the sort of person who would use charm, hard work, humor, threats, intellect, persistence, staff abuse, whatever it took to get the job done. Since then, I have always thought of Danny, in all the other roles I've seen him play, as a kind of romantic figure like Errol Flynn standing on the deck of a pirate ship giving off rays of energy and impatience and confidence.

During my year as legal editor, I was borrowing an office right next to Danny's, formerly filled by a lawyer assistant of Danny whom he had fired for wanting to take lunch breaks or some such offense. Danny was rarely in his office, always having jetted off to some seminar he was putting on. He told me that he was gone so much that he sometimes, during a seminar in downtown Dallas, had to rush off for a few minutes to buy a shirt at Nieman's because he wasn't in one place long enough to get his shirts laundered. When Danny was in the office, he would make 50 or 75 phone calls in quick succession putting some program together. His tone was hurried but humorous, just right for the job.

In the year that I knew him in this job, he organized every single seminar (now we have five lawyers planning probably three times as many seminars). Danny devised the original advanced courses and the institute series. He was proud that in a time when the Bar was in great financial trouble--it must have been just before the dues increase in 1979--he was able to put on the Advanced Civil Trial Court in three cities with huge attendance, thereby keeping the Bar solvent. I give Danny all the credit for devising the advanced course/institute format that has helped make State Bar CLE so successful.

I once asked Danny why he ever came to work at the State Bar in the first place. He said that the executive director at the time, H.C. Pittman, knew him or his family in some capacity and wanted him to come work at the Bar. Danny, who had just graduated from the University of Houston Law School, didn't especially want to come so he told Mr. Pittman that we wouldn't come to work for less than some ungodly high salary (certainly something less than \$20,000). On Friday, to Danny's dismay, Mr. Pittman called him and said to show up for work on Monday, that he would get the salary he named. The Bar owes H.C. Pittman a big debt for that maneuver.

After Danny went into private practice, he occasionally helped the Bar with chores in the legislature. During the Bar's Sunset Review in 1991, Danny was

in frequent communication with Bar leaders to help them prepare the Bar's case. At one of the hearings of the Sunset Review Committee a number of angered and crazed citizens were testifying as to how bad the organized bar was, based on their own bad experience with a lawyer. One especially bitter old woman finished her testimony and was lingering in the side aisle of the Senate chamber. Danny went over to her, and although I couldn't hear what he was saying since I was up in the gallery, it was clear that he had engaged her in a serious conversation about her grievances. Before long he was gesturing and smiling and she was smiling and talking amiably. Danny didn't have to talk to that woman and take on her troubles. She was just a crazy person that nobody was going to pay any attention to. But Danny did.

Just before he died, I was working with Danny to help plan the 1994 Advanced Family Law Course, of which he was course director. Danny drove through the job like General Patton. He ordered us to conduct massive surveys, collect the program for every other family law course ever held in the United States, research all the innovations in CLE course design being tried by any other CLE provider in the country. He got the Board PDP Committee to reduce the price for the course for the second year in a row. He held several pre-planning meetings and for the first time in the history of the Advanced Course left the main planning meeting without a single faculty member confirmed. He picked them all and recruited them all personally.

I was awestruck. Danny had become so admired and so adroit moving among his often contentious colleagues and so respected by the Bar staff that (1) he could do whatever he wanted and (2) all the rest of us would do exactly what he wanted. It is said that there is very little difference among people but what there is makes all the difference. Danny had the difference and made the difference.

This is the way Dan is remembered by contemporary lawyers, his peers.

From Jim Farris, in Austin:

Everyone who ever dealt with Dan Price knew him to be an outstanding attorney and a most knowledgeable scholar of the law. But Dan Price also possessed that rare characteristic of genuine concern about what the law indeed was and about how it was practiced.

Dan's concern for what the law was extended beyond the typical advocacy for one's current clients' positions on certain legal issues (or even one's typical clients' positions) and incorporated a genuine concern for what was right, just and proper. This was reflected not merely in his extensive writings and service to the bar but also in his willingness to go far out of his way to make time to discuss and assist any colleague seeking his advice and assistance. His commitment to the continuing legal education of the bar did not falter but instead intensified after he left the State Bar and went into private practice.

Dan's commitment to the practice of law extended to his willingness to criticize

the legislature when he felt its actions to be absurd, the judiciary from the lowest to the highest level when he felt it overstepped the trust and duty of fairness imposed upon it by the citizenry, and his colleagues when he felt their actions failed to live up to the best standards of the bar.

During the 1987 legislative session, the overwhelming majority of the Travis County family law bar became concerned about a seemingly unstoppable movement in the legislature to remove the exclusive jurisdiction of district courts in family law matters and to extend it to existing county courts at law. The Travis County family law bar turned to Dan Price for help with the legislature, and Dan Price was successful in virtually single-handedly stopping this intrusion into Travis County District Courts family law jurisdiction.

Dan Price's life was the law, and his impact on it is the legacy he has left us.

From Ted Terry, in Austin:

The things that I remember most about Dan are his sense of humor and intensity in the practice of law. When he had his first heart attack, at Dan's request, I covered some cases for him. After he got out of the hospital and was working for a couple of weeks he answered a lawsuit that I filed and sent over a stack of deposition notices about an inch and a half high. I marked on the envelope "return to sender" and enclosed a letter saying the notices were sent to me in error and were obviously the result of some lingering effect of the heart medication he was taking. He called me up and we had a good laugh about it, and with his usual sense of fairness, we were able to work it out. In the short time since Dan's death, I have found myself on several occasions reaching for the telephone to call Dan and ask his opinion on a pleading issue, or a discovery debate. We will all miss Dan's vast knowledge of the law - but even more, we will miss his laughter and his sense of humor.

From Jennifer L. Tull, in Austin:

I suppose there are lots of Danny's attributes to which one could aspire. The one that stood out to me -- and the one I strive to emulate -- is his passion. Danny approached everything he did with the attitude that it was the most important project, course, client, cause or issue that ever existed. He frustrated me with the tenacity with which he represented his clients, sometimes winning cases others would have written off as unwinnable. He inspired me to seek leadership roles in the bar and the family law section. He challenged me to rise to his level of excellence every time I dealt with him. Because I knew Danny, I am a stronger person and a better lawyer. I am proud to be the beneficiary of his legacy of passion and leadership.

From Wendy S. Burgower, in Houston:

Danny had a powerful effect on his peers. His tenacity and optimism energized me. No matter how overwhelming the project, no matter how difficult the goal,

Danny's excitement was empowering. He was so sure we could prevail, he convinced me of my own abilities and next thing I knew, each impossible task had been completed.

From Stewart Gagnon, in Houston:

Danny Price was my friend. In fact, in reflection, Danny defined for me what it meant to be a friend. He was a person with whom you dared to be yourself. You did not have to be on your guard. You could say what you thought and express what you felt. He understood the little contradictions in my nature that leads others to misjudge me. With Danny you could reveal your vanities, your envies and your hates. You could display your absurdities without fear. Danny Price was a friend, one with whom you dared to be yourself.

Dan was remembered by the Judges he appeared before, in the following way.

From Judge Jeanne Meurer, 98th District Court of Travis County:

Dan was a zealous advocate for his clients and a lawyer committed to his profession. These qualities earned him the honor of having the latest hearing (not longest) on record in Travis County. He fondly called it his marathon. We started at 8:00 a.m. and concluded at 1:00 a.m. the next day. His dedication and doggedness will be missed.

From Judge Scott McCown, 345th District Court of Travis County:

Dan appeared before me in several big cases as well as many smaller ones. He was always prepared and zealous in behalf of his client while at the same time being thoughtful about the larger issues of the law. Dan was a scholar. He was also a pleasure to have in court.

From Associate Judge Deborah Richardson, Travis County:

Whenever Dan and I disagreed, I always learned something. Dan definitely had a gift for disagreeing in an agreeable manner. When we did see something the same way, I knew I was on solid legal ground.

Legislators knew Dan and his lobbying activities. State Senator Chris Harris, of Arlington, remembers:

There was always one thing for sure when I dealt with Dan - he was prepared to pursue his cause and he would be straight-forward with me on all issues. He was truly a legal scholar and an individual from which we all learned. As a Texas State Senator I will definitely miss the positive impact he has made on our great State of Texas.

State Representative Toby Goodman, of Arlington, remembers:

Although I never had the opportunity to handle a case with or opposite Dan, I did observe Dan's advocacy on behalf of the Bar and for and against proposed Family Code legislation. To say that Dan was an active and aggressive advocate would be a gross understatement. Dan loved the legislative process and was intrigued by the rules and personalities.

Dan often spent hours in my capitol office working on Family Code legislation and arguing his position. During these sessions, Dan would eat all of the candy from a jar we kept in the office. Dan consumed pounds of candy.

In honor of Dan, we are installing in my capitol office, the *Dan Price Memorial Candy Jar*. If you knew Dan, you know he would appreciate it.

Throughout the years, Dan worked closely with UT Law School Professor Jack Sampson, editor of the Family Law Section Report, particularly in connection with family law legislation. Jack remembers:

After each of the last several sessions of the Texas Legislature, I recruited Dan to write-up "Other Legislation of Interest to Family Law Practitioners," for the Family Law Section Report. Although Dan's contributions were extremely useful, one aspect of his writing caused me to threaten Dan with discharge. Despite my repeated warnings, he persisted in outshining me with his witty headlines and concise explanations of legislative acts and intent.

Dan also worked with Justice John Cornyn, on the Texas Supreme Court. Justice Cornyn remembered:

Although I met Dan Price shortly after I became a lawyer, I came to know him better, professionally and as a friend, in the last few years of his life. Dan loved the law. We worked together in several discovery law seminars for the Rutter Group and the annual advanced evidence and discovery courses for the State Bar. Dan was an expert in the law of discovery, and it was because of this expertise that the Supreme Court appointed him to our discovery task force in 1991. In 1993, because of his well-known expertise in family law and his dedication to improving the administration of the law, the Court appointed him to the Supreme Court Advisory Committee. As I recall, he had been at a meeting of the advisory committee the day he died.

Dan had a good sense of humor. After the Court withdrew its order granting the writ of error as improvidently granted in *Guzman v. Guzman*, he told me he had worked several hundred hours on an amicus brief that he had volunteered to write for the Family Law Council concerning whether *Nail v. Nail* should be overruled and personal goodwill made divisible on divorce. We joked about whether he should save his work for another case in which the issue was adequately preserved or whether he should add an article on this subject to his already long list of scholarly legal writings. I am glad to learn that Richard Orsinger and Ann McClure will put Dan's work to good use at the 1994 Advanced Family Law Course.

Dan lived his life to the fullest, and in so doing, was an inspiration to us all. All of us that knew Dan will miss him.

Dan worked closely with one legal assistant from 1984 to 1994, Spring Kinser, now Spring Liberty. Spring characterized Dan as a lawyer and person in the following way:

After spending ten years with Dan, I learned more about life and law than most people learn in a lifetime! Dan was truly a master teacher and enjoyed sharing his knowledge with others. He was also a joy to watch in trial! His sense of humor was a great asset to the practice of family law, with the belief that if you don't laugh, you'll cry. I smile when I think of him.

Dan's sister, Pat, said this about Dan:

Danny, my little brother. From rocking my new baby brother to black-eyed peas our last New Year's Day together - my mind floods with a lifetime of memories. He was my faithful friend, trusted confidant, a source of unconditional love. We knew what each other thought without a word being spoken. We shared our heartbreaks and our joys, our Christmases and Easters. He always made the best Jack-O-Lantern; I always wrapped the prettiest present. We sang quite a good brother and sister duet too, you know.

When we were younger, he thought I hung the moon. As we grew older, I was sure he had. I am so proud of his compassion, his empathy, his commitment to honesty, his sense of humor. I used to watch as he'd talk to people - he was so sincerely interested in their feelings, their problems. He recognized the "specialness" in each person.

When we were in high school, I gave him a book of poems. One he was fascinated with, and it came to be his ideal, the standard for which he strove throughout his life - Rudyard Kipling's poem "If." As I read it, I can see Danny in each verse. I believe he attained his ideal, and Kipling's final words are a tribute to Danny's earthly achievements. "Yours is the earth and everything that's in it. And - which is more - you'll be a Man, my son!"

[A copy of the poem is attached to this Memorial]

In the fall of 1993, Dan went with his mother, Betty, on a two-week trip to the home of their ancestors, in Ireland. Dan remained close to his mother throughout his life. Betty Price remembers:

My memories of Danny are filled with pride in his accomplishments, joy in his zest for life, and thanksgiving for his love and companionship. I will cherish, and miss, most, his bursting through the front door with his endearing smile as he calls, "Hi, Mammy! I'm home."

* * *

Dan will long be remembered by those who knew him, for the many rare qualities he possessed. For his commitment, and his accomplishments, throughout the years, the State Bar of Texas dedicates the 1994 Advanced Family Law Course in memory of Dan R. Price.

IF-

*If you can keep your head when all about you
Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about don't deal in lies,
Or being hated don't give away to hating,
And yet don't look too good, nor talk too wise;*

*If you can dream and not make dreams your master;
If you can think and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat those two impostors just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build'em up with worn-out tools;*

*If you can make one heap of all your winnings
And risk it on one turn of pitch and toss,
And lose, and start again at our beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: "Hold on!"*

*If you can talk with crowds and keep your virtue,
Or walk with Kings nor lose the common touch;
If neither foes nor friends can hurt you;
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And - which is more - you'll be a Man, my son!*

Rudyard Kipling