



Vena L. Aguilera

ADMINISTRATIVE LEGAL SECRETARY HAS LAW SCHOOL ASPIRATIONS

Administrative Legal Secretary Vena L. Aguilera joined the staff of The Law Firm of Alton C. Todd on August 20, 2001. Her responsibilities include clerk filing and indexing, obtaining and maintaining medical, billing and personnel records, case research, minimal preparation of pleading documents, correspondence to clients, courts and attorneys, inputting, discovery and coordinating and scheduling depositions. Everything from A-Z, according to the legal assistants!

The variety is one of the things Vena likes most about her job. "I learn new things about the legal field, daily. There is *never* a dull moment. The Firm makes me feel part of the Team."

A 1999 graduate of the University of Houston with a B.S. degree in American Jurisprudence-Legal Studies, Vena had already earned her Associate degree in Social Science and certification in Dispute Resolution. For almost seven years prior to her current position, she was Senior Client Associate at Chase Manhattan Bank in Friendswood.

Born in Houston, Vena lived in Friendswood for 24 years, then moved to Webster in 1998 when she married Baltazar Aguilera, safety engineer for Kellogg, Brown and Root. The Aguileras have a daughter Alexis, 2½.

Away from the job, Vena, a movie "fanatic," also enjoys going to the beach in Galveston, reading and shopping. She hopes to become a lawyer. However, exercising a mother's priorities, she's decided that law school will have to wait until Lexi is a little older.

REMEMBER SEPTEMBER

Time was when *September* always arrived too soon. Schools re-started after Labor Day, the bittersweet holiday weekend a certain if not calendar indicator of another summer's end. While not unanimously welcomed by students, teachers and other employees of the educational system, September still held a bit of a portent and hope of renewal, the opportunity to start over again, to begin a new slate.

Then schools began shortening summer, a post-Labor Day starting date became a thing of the past, and *September* lost that special seasonal relevance.

Last year marked *September's* significance for all time.

In a surge of patriotic pride that followed that terrible day of *September 11, 2001*, the Stars and Stripes soared in new places and national emblems appeared on cars and clothes and jewelry in a heartfelt show of unity throughout the country. A nation's and the world's hurt brought out the best in people.

Now, a year later we give pause to reflect on the lessons of our loss. We have moved on as we must, not without some degree of restored complacency and self-absorption, but also with renewed awareness, pragmatism and hope. We have experienced individual triumphs and personal defeats. We have seen our wider world move on to other political, economic, social, religious and educational conflicts. The flag waving has subsided but the marketing machine has grown in successfully keeping America focused through exploitation of patriotic symbols on everything from T-shirts to "Let's Roll" caps and even a *Let's Roll* book by Lisa Beamer timed for release in early *September*.

A year later the effect on education is evidenced in the National Teachers' Education's creation of a special web site and development of politically correct, if somewhat controversial, study guides for teachers at all levels. In helping students to heal from the tragedy, teachers were encouraged to enable students to "validate" their emotions and direct them in a non-stereotypical way, to feeling good about themselves, suggesting that 12th graders soothe their souls by reading Dr. Seuss books. In a Facts About Terrorism and War lesson plan

for early elementary grades, listed objectives were on defining "communication" and identifying symbols of humanitarian help organizations such as the Red Shield of David.

Emphasizing "historic instances of American intolerance," appreciating "diversity" and learning the importance of anger management, NEA guides warned teachers to be careful not to "suggest any group is responsible" for terrorist hijackings.

While development of global awareness is undeniably an important educational objective, this therapeutic focus on facilitating feelings would be well accompanied by some emphasis on *thinking and teaching of facts: for starters, on September 11, we commemorate the one-year-anniversary of a mass murder plotted and executed by the actions of Osama bin Laden and Al-Qaeda terrorists.*

A year later the planning of solemn events in New York would commemorate the national tragedy of *September 11, 2001*. A bagpipe procession to Ground Zero. A moment of silence at 8:46 a.m. one year to the minute after American Airlines Flight 11 careened into the north tower of the World Trade Center. The reading of the names of more than 2800 people killed in the attacks. The placement by victims' families of a rose in a vase to be preserved for a permanent memorial. A second moment of silence just before 10:30 a.m., the time that the north tower collapsed. The lighting of an "eternal flame" by President Bush in Battery Park. More than a dozen Broadway theaters darkened.

Tribute concerts, private remembrances, memorial services, sunset gatherings and candlelight vigils took place throughout the country. Interfaith events brought rabbis, priests, ministers, imams, and congregants together in inspiring and unprecedented ecumenical observances.

In this time of spiritual reflection, as we move beyond the anniversary of *September 11*, with its solemn reminders that anything can happen anywhere, rather than dwelling on *diversity*, we might resurrect an emphasis on *unity* in a nation once conditioned, with a sense of promise and expectation, to *Remember September*.

Activist Aunt Contributes To Nursing Home Reform

The Altlaw's previous coverage of nursing home abuse prompted a recent response from an unexpected source—Alton Todd's 88-year-old aunt, living in Arlington, TX.

Neva Todd is in good health and, fortunately, not a resident of a nursing home. However, she is profoundly concerned about care that patients receive, and the record shows that 18 years go she did something about it!

Alton Neva sued an Arlington nursing home in 1984 in the wrongful death of a resident (a cousin) who was dropped, broke both legs and, typical of residents unable or reluctant to communicate because of the fear of reprisal, didn't see a doctor for two weeks. She lived only a short time.

When the case was won, after about four years, relatives who had never visited their aunt, received most of the money. **Aunt Neva used her small award to found Texas Advocates for Nursing Home Residents, a nonprofit volunteer organization which works to improve the quality of life and care of Texas nursing home residents.**

Currently, TANHR is conducting a campaign for people to call 911 to report nursing home abuse following the release of a report by the General Accounting Office in Washington at a hearing of the Senate's Special Committee on Aging. The report, revealing the horrors of nursing homes against vulnerable residents, recommends criminal background checks of nursing home employees and screening by local law enforcement agencies and FBI and state registries listing information on nurses and nursing home aides. Texas screens only for state crimes.

TANHR, in its continuing goal to educate the public and legislators on the needs of nursing home residents, invites any Texan to set up a meeting in his or her area, will provide speakers and can be contacted by telephone at 888-826-4748 or by email at tanhr@tanhr.org. TANHR's website at www.tanhr.org, also offers important information on various avenues for helping people in nursing homes.

TANHR is focused on the care and dignity of RESIDENTS of nursing homes, our families, friends and neighbors, none of whom are there because they choose to be. Alton C. Todd is proud of his aunt for creating this vital organization.

ALT-RUISM

A CLOSED MIND IS A GOOD THING TO LOSE.

Are Federal Judges Political?

All of us who took a subject in high school called *Civics* learned that federal judges are appointed and not subject to the political process.

Were we misled?

The Republican leadership is complaining that the Democrats' rejection of the Bush administration nominees to the federal judiciary is causing a backlog in the administration of justice in federal courts. They are right, and the same thing happened during the Clinton administration when the Democrats were appointing federal judges.

The Senate Judiciary Committee, the path through which all appointments must proceed before consideration by the full Senate, is now controlled by the Democrats by the slim margin of 10 to 9. Historically, Presidents have appointed nominees who share their own political and social philosophy. If that philosophy is too radical to either side, the nominees are often attacked in the Senate and their names withdrawn from consideration. For example, Judge Pickering's nomination from Mississippi was voted down in committee because of his early stand on racial bias. Some observers believe this action was intended not to discredit the judge but as a warning by Democrats that they were not going to approve just anyone that President Bush nominates. Some believe the conservative appointments are paybacks to the ultra-conservative faction of the Republican party that helped get him elected.

All of this may sound like petty politics, but it is not. An appointment on point is no less than Chief Justice of the United States Supreme Court William Rehnquist, who over the last 30 years has shifted the court soundly to the right. *The Rehnquist Choice* written by John Dean, Richard Nixon's White House counsel and, at the time of his nomination, a Rehnquist champion, reveals from personal knowledge and insights from the Nixon tapes how political federal appointments are.

Nixon advocated "strict construction" of the Constitution, which sounds good but is impractical. Consider the social and technological changes since the Constitutional Congress met. Secondly, the President required some political benefit from the appointment. Nixon referred to one of the seats on the court as "the Jewish seat" and also used nominees to punish the Senate for rejecting prior appointments. On one tape, a conversation with U.S. Attorney General John Mitchell about a female appointment and anticipation of the then Chief Justice Warren Burger's reaction went like this:

"It's going to be a very grave shock to him and whoever _____. Shouting, Nixon declared, "It's a shock to me, for Christ's sake. I don't even think women should be educated."

On another tape concerning representation of women on the court, Nixon stated: *"There's a hell of a lot of stuff that has to do with women. I'm not for it. I don't think women should ever be allowed to vote even."*

"The worst experiences I've ever had were trying cases before women judges," Ehrlichman said. "Is that right?" How did they do?" "Just terrible."

Rehnquist, an assistant Attorney General under Mitchell, known to be more conservative than Nixon and Mitchell, got the nomination by default at the last hour. During the confirmation process the Nixon White House asserted the attorney-client privilege to withhold information on Rehnquist's Justice Department activities, which might have prevented his confirmation. One memo the Senate discovered revealed Rehnquist's segregation stance. As a law clerk in 1952 he wrote in a memo that he thought the opinion of *Plessey v. Ferguson* (separate but equal) was a correct decision.

As Chief Justice, Rehnquist, who touted himself as a conservative strict constructionist, stretched the limits in concluding there were constitutional grounds giving the court jurisdiction over the *Bush v. Gore* election issue. More recently, the Rehnquist Court overturned a \$67,000 back pay award by the National Labor Relations Board to Jose Castro, who was illegally fired for trying to organize a union at a California plant where he worked. Chief Rehnquist authored the 5-4 majority opinion holding that Castro could not recover back wages because he was an illegal alien. Even the Bush administration argued that such monetary penalties are needed to deter employers from running roughshod over the some 7 million illegal alien employees in the United States.

The appointment of Justice Rehnquist exemplifies why the selection process of federal judges. must be carefully scrutinized. We need judges to make decisions consistent with the preservation of our union and constitution, not to reflect a particular political philosophy. Our Constitution was not intended to be a static documentary format for a democratic union but a dynamic one. It requires a fair and just interpretation consistent with the needs of all Americans. We need judges, like referees in a ball game, who should never influence an outcome. A strike is a strike and the chips fall where they may. As the Bush/Gore election revealed, we need moderate judges nominated, beholden to neither party who understand their role. Perhaps the last six words of the Pledge of Allegiance should be incorporated within their oath of office: *with justice and liberty for all.*

CRUISE VACATION IS HISTORICAL ADVENTURE

The intriguing ports of the **Baltic Sea** marked an adventurous end of summer for Alton and Nari Todd, their children Seth and Kamilah, and Nari's mother, Diane Podnar. Embarking on Holland America's *Noordam* in Copenhagen on July 29 for a 10-day cruise of northern Europe, the five tourists appreciated the first and only



"Ana," Kamilah and Seth (Estonia's "Upper Town" in Background)

day at sea, not awaking until afternoon. Time had moved ahead seven hours, but inner clocks took longer adjusting, unfortunately resulting in Seth, Kamilah and Ana (their grandmother) being up most of the night. Loners on the ship, they were looking for a sunrise and breakfast at 4 a.m.!

In the Nordic nation of **Estonia**, our first port-of-call, we walked on narrow, cobblestone streets, exploring the ancient citadel, old town and new modern city of Tallinn, considered one of the finest medieval old towns in all of northern Europe.

At the Port of **St. Petersburg, Russia**, we were welcomed by a small band playing *The Star Spangled Banner*, as we disembarked and stepped on Russian soil for the first time. The playing of American patriotic songs continued at entrances to our various tours...and tips were expected. At Pushkin, at the first sight of the Russian baroque

style Catherine's Palace, even our little Kamilah (who would come to object strongly to more tours), exclaimed with awe: "Oh, my!" It is truly an architectural masterpiece, this magnificent blue and gold palace, showcase of period art and sculpture. Another major attraction and spectacular landmark is the Hermitage Museum, founded by Catherine the Great, and housing—in a second-to-none collection of Western European art—more than three million exhibits.

St. Petersburg is a city of historic splendor, but outside the walls of lavish museums, one senses an undercurrent of uncertainty in this part of the fledgling "new Russia." On a bus ride home from a colorful Evening Folkloric Spectacular in a stifling theater, we understood the meaning of "white night." The sunset was spectacular and it was nearing midnight! We also observed dismal surroundings, old equipment, run-down housing, dusty cars, signs of social and economic problems that have plagued St. Petersburg since the collapse of the USSR.

Helsinki, the beautiful, clean capital of **Finland**, our next stop, offered a vivid contrast to what we had left. The breathtaking city center and market square, with numerous vendor displays of exotic fruits and vegetables and seafood "fresh from the boat," were alive with fun and energy. An afternoon bus ride took us to the village of Porvoo and Savijarvi Farm, where the host family has bred and trained horses for three generations.

Here, on the terrace of the main house on the homestead, we were treated to coffee and cakes, along with an assortment of Finnish berries, topped with whipped cream and caramel sauce. The Finns we saw were like posters of a healthy, happy people, 85 percent of them Lutheran.

It was then on to the *Land of the Midnight Sun*. For four hours we cruised the magnificent archipelago that lines the coast and leads into **Stockholm**, "the city that floats on water." Built across 14 islands, the city shines with a tasteful and regal combination of the old and the new. We did not have nearly enough time here but did climb to the tower (300 narrow winding steps) of the City Hall, site of the annual Nobel Prize banquet, witnessed the traditional "changing of the guard" ceremony at the huge compound of the 18th century Royal Palace, and the Vasa museum, home to the Swedish warship *Vasa* that sank on her maiden voyage in Sweden's inner harbor in 1628 and was salvaged more than 300 years later in 1961!

Highlighting our next stop in **Kalmar**, one of the oldest cities in Sweden, was a ride through lush countryside to the home of the famous Orrefors Glassworks, perhaps our most eventful shopping experience on the trip. With its magical storybook appearance, the Slottet (castle) is the dominating view of Kalmar. Inside, the Renaissance complex features a rococo chapel and a damp and frightening dungeon.

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The Todd Family on board the Noordam.

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CRUISE VACATION HISTORICAL ADVENTURE

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From the port of **Warnemunde, Germany**, a two and half hour train ride took us to **Berlin** and then a bus tour with photo stops at world famous landmarks. Our cameras were clicking constantly in efforts to preserve a capsule of the unfolding history: Brandenburg Gate, the most recognized symbol of German reunification; Checkpoint Charlie, the infamous crossing between East and West Germany; the square of Bebelplatz, notorious site for Hitler's 1933 book burning; the magnificent restoration of the Reichstag and so much more that has been built and rebuilt since the wall came down in 1989. The formerly divided Berlins have merged into a fascinating city, its ornate structures of the past blending with the building of a modern metropolis.

Nearing the end of our voyage in the lively, charming college city of **Arhus**, often referred to as **Denmark's** cultural capital, we followed the walking trails created by the Vikings 1,000 years ago and navigated the city center with its upscale shops and huge department stores on pedestrian-only streets. We enjoyed the sidewalk cafes prevalent here and in all ports as they offered the best vantage point for experiencing local color and cuisine, as well as people-watching.

The *Noordam* was nice to come "home" to, but we did not spend a lot of time on board. At times we were exhausted and fell asleep when we didn't want to, missing some of the gorgeous scenery on bus rides, and while Seth and Kamilah

went on a canal tour and crossed the Town Hall Square many times, looking for streets whose names we never could pronounce and half the time couldn't find, until Seth became the designated map-reader.

We brought back more than memories and pictures. We experienced for a time a slower pace and unfamiliar style of life and at a different cost. We paid for our purchases with Euros, rubles and kroners, and we learned a little about the pros and cons of a social and economic system different from our own. We were awed by both architectural splendor and lush countryside. We enjoyed near perfect weather. We came home, feeling that our world had been widened and knowing beyond doubt that other parts of Europe would beckon in the planning of some future itinerary.

might have preferred more time with ship activities and new friends, one or some of us we knew we would unlikely pass this wondrous way again.

We added three days in **Copenhagen** at the end of the cruise. Certainly we could not go home without seeing the little Mermaid (who really is little) and Tivoli Gardens and Nyhavn (New Harbor), the fairy-tale canal where Hans Christian Anderson lived. We rode double decker buses and



Kamilah and Alton Todd at entrance to Tivoli Gardens, Copenhagen

CLOSING STATEMENT

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YOUR REFERRAL. THANK YOU
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