

Staff Attorney

Martin Collins

Bexar County Probate Court



St. Mary's University School of Law
Years in practice: 22

Favorite Quote:

“If you make a promise, keep it.”

~Morris L. Collins

BY ASHLEY FESTA

For Martin Collins, work is most meaningful when he finds a connection with his job.

As the staff attorney for Bexar County Probate Court 2, Collins' connection and pleasure derives primarily from advising local probate attorneys on how to navigate the often-complicated laws and issues surrounding everything from estates of the deceased to guardianship matters for the elderly.

Laird McNeil, a San Antonio attorney specializing in the area of probate law, has taken advantage of Collins' expertise.

“Martin is the epitome of what a person would want in an attorney and council,” McNeil says. “He has ready knowledge of probate code, and he can clearly analyze a problem and see the significant issues.”

Like many attorneys, Collin didn't find his calling right away.

Collins was not passionate about his undergraduate work in accounting. So, he and his twin brother decided to attend St. Mary's School of Law, and afterward went to work with their father at his practice, Collins, DeWall and Riley.

After dealing with family law for several years, Collins, 47, found himself growing tired of “arguing over Christmas ornaments.” So when a position with the Bexar County Probate Court opened, Collins was intrigued. He got the job, and six years later, he hasn't looked back.

“In private practice, I dealt mainly in family and probate so I did have a grasp and understanding of the other side of working as an attorney and probating estates and guardianships,” Collins says. “Now I'm on the other side working from the court's perspective, so we try to assist attorneys and try not to make it difficult for them.”

The probate process, it turns out, works best when all the parties work together.

“If it's an unusual set of facts, then they [the probate attorneys] might want to get some guidance from the court on ‘How would the court feel if we did this as opposed to that?’” he says. “It's a collaborative effort.”

For example, Collins might assist with the probate of a will, and in that way, he helps people move on with their lives. Or he might help an elderly person be placed with a guardian.

“I get to help solve problems on the back end,” Collins says.

Though he chose not to stay in his family's law practice, Collins says his greatest mentor was his father.

“He wasn't much for speeches or catchy phrases,” Collins says. But one piece of his father's advice stuck with him through the years.

“If you make a promise, keep it. If you tell somebody you're going to do something, do it,” he says. “If you don't think you can commit to a task, then don't do it.”

The probate court receives anywhere between 3,000 and 3,400 new filings per year, and divided between the two courts, there are usually more than 30 new filings for Collins to review each week. He analyzes each application and alerts attorneys to the areas that need correction.

Collins also tries to make time to provide the judge a synopsis of each hearing.

“It's a Readers' Digest version of what's going on,” Collins says.

Collins also volunteers for several special projects, including trying to establish local rules for the Bexar County Probate Court. Most courts rely on a set of local rules in addition to state and federal requirements. The Bexar County Probate

Court lacks tailored rules, and Collins is working toward getting a set of rules revised.

He also would like to see the implementation of a training video for people who are appointed by the court as guardians over the elderly or mentally disabled.

Amid all the satisfying parts of his job, Collins finds some aspects of it frustrating.

“We're limited in the assistance we can provide to people who don't have counsel.”

Because the court must remain a neutral entity, it's illegal for Collins to give legal advice. This is especially difficult when Collins is contacted by people who don't have a lawyer.

“It's hard to explain to people who call who aren't represented, who have real problems, that we can't give them advice,” Collins says.

Even more difficult for him, he says, is not being able to fulfill all the requests from hospitals and nursing homes needing guardians for patients.

“We don't exactly have a list of people who are standing by the phone waiting to serve as a guardian,” he says.

But the times when he is able to help people make up for the frustration.

Matthew Badders, an associate attorney at Plunkett & Gibson, handles cases involving wills and trusts and works with Collins frequently. Badders says Collins offers swift, reliable assistance for local attorneys.

“Mr. Collins makes himself available to assist attorneys and the public beyond the ordinary 8-5 business hours,” Badders says. “He is usually the first person at the Bexar County Courthouse in the morning and the last one there in the afternoon.”

ASHLEY FESTA is a San Antonio freelance writer. Contact her at ashley@ashleyfesta.com.

Wild Card: Lifetime Achievement

Emerson Banack Jr.

Langley & Banack Inc.

Favorite Quote:

“Hook ‘em
Horns!”

~University of Texas

University of Texas School of Law
Years in practice: 45

BY ASHLEY FESTA

The winner of the 2010 Outstanding Lawyer in the lifetime achievement category is an accomplished trial attorney and a smart Southern gentleman. No, it's not Ben Matlock, but Emerson "Buddy" Banack Jr. could play the part.

Banack grew up in deep West Texas. After graduating from the University of Texas School of Law in 1965, Banack went to work at the Foster, Lewis, Langley, Gardner and Hawn law firm in San Antonio. Over the years, there were staff and name changes, and the firm joined with Jeffers, Brook, Kreager and Gragg in 1996. The firm's name became Langley and Banack Inc., and Banack has been perfecting his craft ever since.

Through his years as a trial attorney, Banack, 72, has tried a wide range of lawsuits. Recently Banack has turned his focus to antitrust regulation, construction litigation and, his favorite, business litigation.

"There are smart people on both sides, and bright lawyers on the opposing counsel," he says. He tries about one or two cases per year.

During a trial, Banack maintains a calm demeanor, but his strong presence and authority permeates the courtroom, says Joyce Moore, who has worked at Langley and Banack since 1999.

"He's a classy attorney. He represents his clients jealously, but ethically. That's a dying breed with lawyers these days," she says. "Buddy's a tough opponent and advocate, but he's reasonable and courteous. He's one of the guys who can pull that off. He's always been that way."

Ralph Langley, the man who hired Banack back in 1965, was also one of those types of attorneys and was an inspiring presence in Banack's life.

"He was a wonderful gentleman, and he prac-

ticed law the right way," Banack said of Langley, who died in 2003. "He represented his clients vigorously, but never resorted to cheap tricks."

That's just the type of attorney Banack has aspired to become over his long career practicing law. He believes that to be an excellent lawyer requires "integrity and ability. They would be someone you'd recommend to a friend," he says. "But integrity is first."

Understandably, the Lawyers Code of Ethics is a document he respects and believes in. It's also fitting that his own Golden Rule is to "treat everyone with dignity."

"Always show the opposing counsel respect until they prove they don't deserve it," he says.

And has the opposition always treated him with respect?

"They did by the end of the trial. Being a trial lawyer is not for sissies," Banack says.

And a sissy he is not. Banack knows how to play hardball when necessary, but he also displays a passion for helping people. He takes on some pro bono work because he feels it is a lawyer's obligation to the community.

"Just because you're poor doesn't mean you don't deserve to have your rights defended," he says.

Banack's passion for helping people extends beyond his work as a trial lawyer. He serves on numerous boards in the San Antonio area, and his wife, Rose Marie, heads many of the same boards. They are both members of the Blood and Tissue Center Foundation and the San Antonio Ecumenical Center. Rose Marie Banack is president of the Friends of Hospice San Antonio and past president of the Cancer Center Council, among other groups.

"It's very satisfying. I feel like I'm really making

a difference," Buddy Banack says, citing raising funds for research as just one of the reasons he believes his work benefits others.

For the past two years, Banack served as president of the Board of Governors of the Oak Hills Country Club. His term ended earlier this year.

Winn Chapman, general manager of the country club, says Banack assisted with business relations for the club as a member of the board.

"Buddy's the kind of person who lets you do your job, and that's what we needed," Chapman says. "True leaders empower the people to do their jobs."

Chapman said Banack's leadership helped restore the status of the Oak Hills Country Club.

As a lawyer, Banack has won dozens of awards, including being named one of the Best Lawyers of America for the past 15 years and a Texas Super Lawyer in Business Litigation each year since 2003.

He's most proud of being named a Fellow in the American College of Trial Lawyers in 1984. To be nominated, the lawyer must be actively engaged in trial work as his main focus for at least 15 years. He must also exhibit excellent character and high ethical and moral standards. Each nomination is investigated thoroughly, and judges who have presided over the nominee's cases in the past are questioned about the attorney's ability in the courtroom.

In the end, though, it is not the accolades which drive Banack. It's his passion for a profession that challenges him every day. "It's tiring and fatiguing, but it's not boring. I hate being bored," Banack says.

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