

AMARILLO-LAW

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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

DECEMBER SPEAKER: RON KRIST



David Isaak

Ron Krist will speak at our luncheon on December 8. Ron, a trial lawyer with 53 years of experience, will present "Columbia, Challenger and Apollo: Lessons Learned in the Trenches." Ron will use his representation of the families of astronauts as a background for a discussion of how the practice of law has developed over the years. Ron was involved in litigation following the Space Shuttle Columbia disaster. Ron also represented the surviving family members of Space Shuttle Challenger astronauts Ronald McNair, Gregory Jarvis, and Judy Resnik, who were killed when the shuttle exploded just after launching in January 1986 because of a faulty O-ring on a rocket booster. Ron also represented Betty Grissom, the widow of astronaut Virgil "Gus" Grissom, who was killed when the Apollo 1 command

module caught fire in a pre-launch test for the lunar mission at Cape Kennedy in Florida.

Ron has handled numerous types of serious personal injury matters over the years, including catastrophic aerospace accidents, maritime accidents, aviation accidents, trucking accidents, motor vehicle accidents, workplace accidents, and defective product injuries. A native Texan, Ron received his bachelor's degree in business administration and law degree from the University of Texas at Austin. He is board certified in personal injury trial law by the Texas Board of Legal Specialization. Ron has written numerous books and articles about various facets of the law, and received numerous honors and awards, including being listed as one of the "Best Lawyers in America" since 1989, the No. 1 Personal Injury Trial Lawyer in Texas by Texas Lawyer Magazine, and one of the seven most successful lawyers in America by Forbes Magazine.

He is a fellow with the American College of Trial Lawyers, former president of the International Academy of Trial Lawyers, board member for the International Society of Barristers, board member for the National Institute for Trial Advocacy, president of the Houston chapter of the American Board of Trial Advocates, and member of the Inner Circle of Advocates, an invitation-only group limited to the 100 best plaintiff lawyers in the U.S.

"I hope, however, that you will endeavor not to let what on the surface appear to be the more mundane aspects of the Holiday Season steal your joy this year. Don't forget the 'Reason for the Season!'"

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"I know its grim to tie the holidays to crime, so let's just say this one was written for the Grinch among us."

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PRESIDENT'S PAGE

By: Mark Logsdon

The college football conference championship games are only days away; the debate over the best four teams to be included in the college football playoff is raging; the NFL playoff picture is crystallizing; and the new college basketball season is underway. All of this can mean only one thing -- the Holiday Season is in full swing.

I have no doubt that many if not all of us are preoccupied with purchasing gifts, making the next Christmas Party, finalizing plans for time to be spent with family, and getting our last bills of 2016 out the door so that we can (hopefully) pay for all of these things. I hope, however, that you will endeavor not to let what on the surface appear to be the more mundane aspects of the Holiday Season steal your joy this year. Don't forget the "Reason for the Season!"

Although this message is oft-repeated at this time of the year by pastors, parents, and those in our lives who have more wisdom than we, take time to reflect during this Holiday Season not only on the year that has passed, but also on the blessings that we have in our lives. In the busy season of life in which I currently am (husband, father to young children, son, friend, partner, and attorney), I have found that taking time to reflect on these things requires an intentional act on my part. I am sure that many of you are in the same boat. If so, carve out some time in the next couple of weeks to count your blessings. Put it on your calendar. You will be glad that you did. Once you do, you will be compelled to give thanks to those who have blessed your life.

One of my predecessors, Tim Newsom (who consistently wrote tremendous President Page articles), wrote an AMA-LAW article entitled "Even the Lone Ranger had Tonto." In that article Tim focused on thanking your team -- those around you who make it possible for all of you to do your job. Take time this Holiday Season to thank them -- genuinely. You would not be where you are or who you are without them. You don't have to buy them a gift card or sponsor an office party. A hand-written note will do, and probably would be more meaningful.

Take time off to shop for Christmas gifts. Take enough time to be able to really think about the person for whom you are purchasing a gift. Your time and thought will be evident to and appreciated by the recipient.

And, take time to "give back" to our community. If you are at a loss as to how to do this, the AABA can help. Happy

State Bank is once again hosting our annual AABA Christmas Reception on December 8, 2016, in the Happy State Bank lobby from 6:00 p.m. to 8:00 p.m. Please bring a stuffed animal to the Christmas Reception for the benefit of the Amarillo Fire and Police Departments as well as The Bridge. It will be a fun event and the stuffed animals will bring some Christmas joy to many children in our area.

Merry Christmas and Happy Holidays!!

CLE SCHEDULE 2016-2017

Dec 8-9	\$300
Advanced Oil, Gas & Energy Law 13.5 CLE HRS 3.0 HRS ETHICS Sprouse Shrader Smith	
Jan 18-19-20	\$400
Advanced Estate Planning & Probate 21+ CLE HRS 3.25 HRS ETHICS Happy State Bank, Basement Training Room	
Feb 24	\$225
Building Blocks of Wills, Estates & Probate 6.75 CLE HRS 3.0 HRS ETHICS Basement Training Room, Eagle Center	

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

The holiday season is upon us. During that time, many over indulge in too much “cheer” and end up testing the boundaries of our criminal laws. They should remember that voluntary intoxication is not a defense to the commission of a crime. And, in *Ham v. State*, No. 07-15-00329-CR, 2016 Tex. App. LEXIS 7732 (Tex. App.—Amarillo July 20, 2016), we held that it does not even constitute evidence tending to negate the mens rea of intentional or knowing. So, Ham, who was being tried for murder for shooting someone in the head, was not entitled to a jury instruction on the lesser-included offense of manslaughter simply because he was drunk when he pulled the trigger. Okay . . . I know its grim to tie the holidays to crime, so let’s just say this one was written for the Grinch among us.

Let’s talk duress . . . no, not the kind that you feel because you are working too hard to pay for Christmas presents. I’m talking about contractual duress where one agrees to something in response to a threat that destroys the promisor’s free agency. In *Park Plaza Solo. LLC. v. Benchmark-Hereford, Inc.*, No. 07-16-00004-CV, 2016 Tex. App. LEXIS 11487 (Tex. App.—Amarillo October 24, 2016), the tenant said that he was forced to pay a portion of the utilities because the landlord threatened him with eviction. Well, the tenant had agreed to pay utilities when he originally signed the lease, and the record contained no evidence indicating that he made that promise under any unlawful threat. So, giving in to a threat to enforce a prior promise alone was not evidence of duress. On a different matter raised in *Park* . . . a litigant normally has the obligation to object at trial to a defective question in a jury charge. But, the failure to do so does not bar the party from asserting in a post judgment motion that the question was immaterial and the answer should be ignored.

Let’s end with a case on modifying a property division in a final divorce decree. The lessons come from *Parrish v. Dunahoo*, No. 07-15-00029-CV, 2016 Tex. App. LEXIS 11231 (Tex. App.—Amarillo October 14, 2016). First lesson. . . if the decree incorporates a division to which the parties agreed, then it is contractual and subject to interpretation under the same rules applicable to interpreting a contract. Second lesson . . . while the trial court retains jurisdiction to clarify and enforce the division to which the parties agreed, it cannot change it once the decree is final. In *Parrish*, we concluded that the trial court improperly modified the divorce decree. This was so because the parties originally agreed that Parrish would pay a portion of his military retirement to Dunahoo until the death of either party or for 13 years and 4 months, whichever event occurred first. In purporting to clarify the obligation, the trial court dropped reference to 13 years and 4 months. That, it could not do. I guess in a way, Parrish got a Christmas present once the 13 years and 4 months lapsed and could keep all his retirement.

With all sincerity . . . I do wish you a great Christmas and New Year, and remember it’s not about presents.

HISTORY IN THE MAKING

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images courtesy The Amarillo Public Library

AAYLA UPDATE

By Shane Brooks



This past month we had our New Lawyer Orientation and happy hour to give the new blood in town a chance to learn the ropes and meet some local lawyers, judges and court personnel. The happy hour at IDK was one of the most well attended we've had to date. We also held our annual Swearing In Ceremony at the Court of Appeals followed by a happy hour at the Amarillo Club. 13 new lawyers were sworn in and the ceremony and happy hour were packed. Congrats again to all the new lawyers. Further, many of us attended the ABOTA sponsored CLE and happy hour and learned a lot about their organization and enjoyed some great CLE. If you didn't make any of these,

you certainly missed out. A big thank you to ABOTA for their hospitality and to those who helped make all these events a success.

In other news, several of our young lawyers have volunteered to participate and assist Legal Aid with their clinics recently. This is something the young lawyers enjoy helping with and are proud to be a part of. In this regard, Legal Aid invited us to attend a luncheon where we and others were recognized for our service. We are very thankful for the service Legal Aid provides to our community and were honored to be recognized at that event. If you want to learn more about what Legal Aid does, please contact them to find out

more and get involved. It is a rewarding experience you won't regret.

As for upcoming events, the Amarillo Area Women's Bar Association and AAYLA are co-sponsoring a holiday happy hour on December 15th at 5pm upstairs at Crush for any and all lawyers to attend and give a toast to the season and spread some holiday cheer. Make plans now to attend. If you have any questions or want to learn more about AAYLA, please contact me anytime at shane.brooks@sprouselaw.com or 806.349.4717. Happy Holidays!



Thirteen new attorneys were sworn in on November 14, 2016. Congratulations to everyone who passed the bar!

FEDERAL CRIMINAL DEFENSE

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2017 Red Book Legal Directory is Underway!

If you are an attorney in our area, you will want to be included in the 2017 Red Book Legal Directory, which will be published in the Spring of 2017. You may update your current listing or add a new listing by visiting our website at www.nalsamarillo.com. Please make sure your listing is accurate. As always, listings are free.

NALS of Amarillo is the local chapter affiliated with NALS – the association for legal professionals. Members include legal secretaries, legal assistants and paralegals. Membership is open to all persons engaged in work of a legal nature and who agree to comply with the NALS Code of Ethics and Professional Responsibility. For membership information, please contact Clara Carpenter at nalsofamarillotexas@gmail.com.

YOUNG LAWYER OF THE MONTH: CHASE HALES



Chase Hales

Most people start off their “Young Lawyer of the Month” article with where they are from. However, Chase Hales is not “most people.” Instead, he is going to tell you where you are. If you are reading this, you are probably in Amarillo, Texas. More specifically, you are probably at your desk in Amarillo skimming through AMA-Law. If that’s where you are, you’re probably amazed at his magic powers right now. You are probably listing him alongside the great Davids of magic: Blaine and Copperfield. Calm down. It’s not magic; he is just playing the odds.

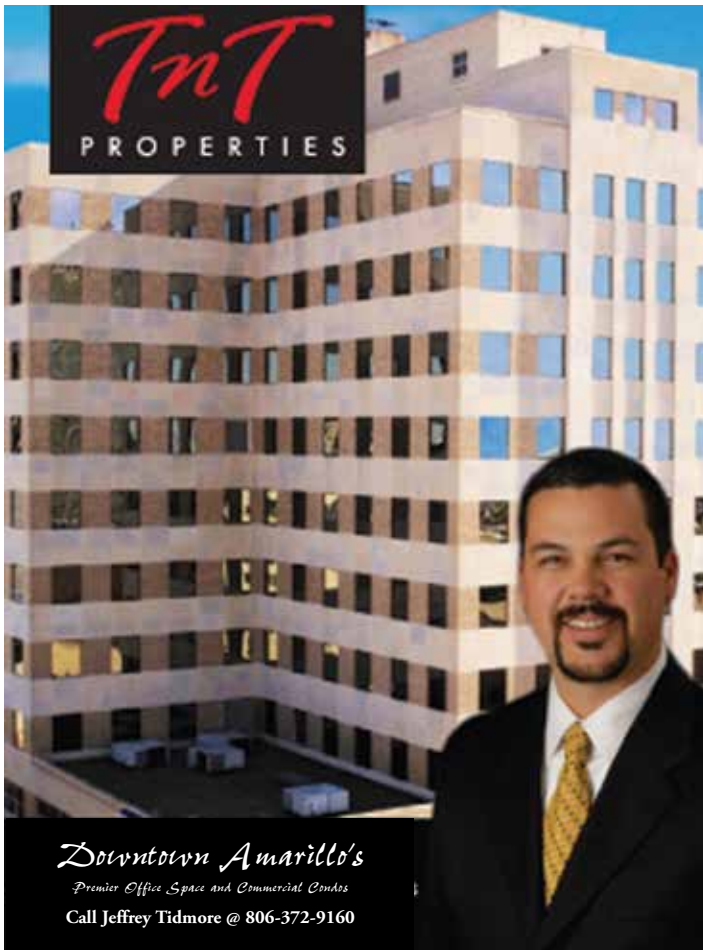
His given name is Chase Hales, but most adversaries and clients know him as the Texas Tomahawk (or the “JP Juggernaut” if the matter in dispute is \$10,000 or less). If you are wondering if Texas Tomahawk is politically correct, stop. As a lawyer, you should be wondering if it is technically correct. It is. A tomahawk is a battle implement used to hack and

chop away at the enemy. In Chase’s world injustice is the enemy, and the Texas Tomahawk hacks and chops away at injustice... one client at a time.

Chase has worked as an attorney for four years in Amarillo. Every so often he seems to move firms. He started at Irwin, Merritt, Hogue, Price, and Carthel (“IMHP&C”). He then moved over to Sprouse Shrader Smith via a merger with IMHP&C. He later left the Sprouse law firm to go out on his own. After a few months, he realized that really missed two things: (1) getting to mentor Alex Yarbrough; and (2) that feeling coming to the office and walking by Shane Brooks thinking “well, I am taller than someone.” With that in mind, he convinced the powers at Sprouse that I was just on an extended summer vacation. To which, they responded “We didn’t realize you were even gone. What’s your... who are you again? Whatever. Welcome back... you.” Now the world is right, as he is back to mentoring Alex, just being taller than Shane, and people asking he whether he is lost and who he has come to see as he walks the Sprouse Cube.

If he had not been urged to lead with humor, the family section would have come first. He is most proud of his family. Chase is blessed with an extremely brilliant and beautiful wife, Reagan. They have three bright children. In addition, they recently added standard poodle puppy to the family.

Right behind the family section would have come the bio. Chase turns 40 this December. He was born in Durham, North Carolina and he grew up in Marietta, Georgia. He is a veteran of the United States Army, where he served as an Infantry Officer. If given the opportunity to recommend a book, he will definitely recommend “Extreme Ownership: How U.S. Navy SEALs Lead and Win” by Jocko Willink and Leif Babin. In addition, he has been known to mishandle a guitar and write some songs from time to time. Chase also likes to bake cakes for his family on birthdays because the process allows him to express his creative side, and because he really likes cake. Finally, it should be noted that he was second runner-up for “most witty” in his high school senior superlatives and that he believes that his coaching prowess in powder puff football should be enough to get him a side gig on the defensive staff of Texas Tech’s football team.





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Contact Us

For more information about your local area bar association or for address changes, contact Janet Byars, Executive Director, at:

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Also visit our website at www.amarillo-bar.org for information and links to both local and state-wide legal resources.



ABBA

Amarillo Bankruptcy Bar Association

NEWS RELEASE

FOR IMMEDIATE RELEASE [November 2, 2016]

Contact: Roger Cox

Direct Dial: 806-242-9651

roger.cox@uwlaw.com

JUDGE JONES TO SPEAK AT AMARILLO BANKRUPTCY BAR MEETING

Judge Robert L. Jones is the featured speaker at the first meeting of the Amarillo Bankruptcy Bar Association, scheduled for Tuesday, December 13 at 11:45 a.m. at the Amarillo Club's Empire Room. Judge Jones has served as the United States Bankruptcy Judge, Northern District of Texas, since 2000. Judge Jones is scheduled to speak about recent cases of interest in the Fifth Circuit and Supreme Court, and he will also provide his annual "State of the Court Report." The program is approved for .75 hours of MCLE credit, including .25 hours of ethics credit. Bankruptcy specialization credit approval is pending.

The Amarillo Bankruptcy Bar Association is newly organized and plans quarterly meetings providing MCLE (and where appropriate, specialization) credit. Although voting membership will initially be limited to lawyers, the group is open to all persons who work in the areas of bankruptcy law and the debtor-creditor relationship.

To minimize the luncheon cost (which is being partially underwritten by the Association), those interested in attending the December lunch meeting should RSVP to Eleisa Munoz (eleisa.munoz@uwlaw.com or 806-379-0382) by December 9. Attendee cost will be \$16.00, payable at the door. For more information about the Amarillo Bankruptcy Bar Association, contact Roger Cox at 806-242-9651 or roger.cox@uwlaw.com.

AABA History Quiz

WIN A ROLLING BRIEFCASE!

Be the first to correctly answer the question below and send your answer to jsterling@bf-law.com and you will win a rolling briefcase provided by the State Bar of Texas.

Question: Name the 26 counties covered by the Amarillo Area Bar Association.

November answer: Jarrett Johnston

November winner: Minerva McLaughlin



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YOUR BAR EVENTS - DECEMBER 2016

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8 AABA Bar Luncheon, Sunburst Room, Amarillo Club Christmas Reception Happy State Bank 6:00 p.m.-8:00 p.m.	9 CLE, Advanced Oil, Gas & Energy Law	10
11	12	13 Amarillo Bankruptcy Bar Association Meeting	14	15 AAYLA and Amarillo Area Women's Bar Holiday Happy Hour	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31