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What Can We Do to Save the Civil Jury Trial?



Steve Susman

The Amarillo Area Bar Association is very pleased to announce that one of Texas' preeminent trial lawyers has agreed to attend our January meeting to address one of the most important issues we face today: the decline in civil cases being tried to a jury. Please join us at the AABA's lunch meeting on Thursday, January 14, 2016, at the Amarillo Club to hear Steve Susman present some of his ideas on what we can do to save the civil jury trial.

Steve Susman has been trying lawsuits for almost 50 years. Forty years ago, he founded Susman Godfrey, the country's first commercial litigation boutique, specializing in representing plaintiffs on a contingent fee basis in complex business disputes including antitrust and securities fraud class actions. The firm now has four offices around the country and more than 100 trial lawyers. Because he was a pioneer

in creating fee arrangements that compensate trial counsel for results rather than effort, Susman has devoted his career to eliminating unnecessary expense in trying cases. In the mid-90s, as chair of the Texas Supreme Court Discovery Advisory Committee, Susman succeeded in having Texas adopt rules that limited discovery. In 1998, he was a member of the ABA's Task Force that wrote the original Civil Trial Practice Standards. Taking that one step further, Susman has urged lawyers and courts to encourage the parties to agree upon their own rules to streamline trials and reduce expenses. He has developed and maintained TrialbyAgreement.com, a website that allows counsel and judges to communicate about innovative discovery and trial protocols. He was a member of the Federal Circuit's Committee on limiting e-discovery and he co-chaired the trial committee of the SDNY's task force to implement a pilot project for expediting civil jury trials.

Most recently, Susman has been on a crusade to save jury trials in civil cases. Susman was indoctrinated in the value of trial by jury while serving as a law clerk to Supreme Court Justice Hugo Black, unquestionably the Court's most staunch defender of juries in modern times. Now Susman has established The Civil Jury Project at NYU Law School. Mr. Susman is still trying cases while serving as the Executive Director of the Project and teaching a course on "How to Try a Jury Case Intelligently" where his students put into practice procedures to make jury trials less expensive and more comprehensible. He is a frequent lecturer on trial advocacy skills at CLE programs around the country.

“It's also a great time to make resolutions for your practice. Unlike the generic resolutions we all make that I referred to above, resolutions for your practice can become habits that may increase productivity and enjoyment in the practice of law. The key is to share these resolutions with your partners, associates, and staff. Work on them together.”

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PRESIDENT'S PAGE

By: Dusty Stockard

I hope each of you had a great holiday season. The new year is here and I will spend the next two months writing "2015" on all documents only to be reminded that it is actually 2016. Hopefully by then, I will have already failed in my New Year's Resolutions and not have to worry any more about the guilt associated with my failure to exercise, eat well, and sleep more.

New Year's always provides a fresh start which I find is always welcome in our practice. Too often this job can seem never-ending with the "lack of accomplishment" feeling that those in other professions do not understand. All lawyers can relate to the reality that even though you close one file there are 100 more on your desk, in your file cabinet, stacked on your floor (tripping hazard that can lead to cases against you), or strategically hidden in your legal assistant's office. Our profession creates little down time to reflect on what has actually been completed in the previous year.

While the week between Christmas and New Years is typically a "dead" week, I always find it is a great time to organize and prepare files for the coming year. This is not to say that there is not a plenty of football watched during this time as I plan my calendar with great optimism that everything will fall into place.

It's also a great time to make resolutions for your practice. Unlike the generic resolutions we all make that I referred to above, resolutions for your practice can become habits that may increase productivity and enjoyment in the practice of law. The key is to share these resolutions with your partners, associates and staff. Work on them together. If only you are keeping the resolution, it will not accomplish your goals unless everyone in your practice area is on board.

I am looking forward to great 2016 with our bar association. Make one of your resolutions to attend our monthly bar luncheons. We have been extremely fortunate this year to have several great

speakers. So take the time now to get out your calendar and write down the bar luncheon every second Thursday of the month during the bar year.

Happy New Year to all members of our bar association. I hope each of you has a fantastic and prosperous 2016.



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Contact Us

For more information about your local area bar association or for address changes, contact Jo Ann Holt, Executive Director, at:

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



AAYLA presents The 14th Biennial Las Vegas CLE

8:00-8:25	Registration
8:25-8:30	Introductory Remarks , Taylor Kelley, <i>Sprouse Shrader Smith PLLC</i>
8:30-8:55	“What I Expect From Outside Counsel” , David Jones, <i>Happy State Bank</i>
8:55-9:55	“Supreme Court of Texas Update” , Joe Cox, <i>Bracewell & Giuliani, LLP (Dallas Office)</i>
9:55-10:05	BREAK
10:05-11:05	“Interactive Ethics” , Robert Witte, <i>Strasburger & Price, LLP (Dallas Office)</i> (1.0 ethics credit)
10:05-11:50	TBD re: Depositions , Slater Elza, <i>Underwood Law Firm, P.C.</i>
11:50-12:20	TBD re: Trial Strategies , Dusty Stockard, <i>Stockard, Johnston & Brown, P.C.</i>
12:20-12:30	BOX LUNCH SERVED
12:30-1:30	TBD re: Ethics , Mark D. White, <i>Sprouse Shrader Smith PLLC</i> (1.0 ethics credit)
1:30-2:15	TBD , Judge Dan Schaap, <i>47th District Court</i> , and Judge John Board, <i>181st District Court</i>
2:15	ADJOURN

The Amarillo Area Young Lawyers Association is proud to announce the return of
The Las Vegas CLE

Happy Hour
Friday, February 19, 2016
Location TBD
Las Vegas, Nevada
Drinks and appetizers included.

CLE*
Saturday, February 20, 2016
ARIA Resort & Casino
Las Vegas, Nevada
Continental breakfast and box lunch included.
Door prizes may be given throughout seminar.
Course Directors: Taylor Kelley & Courtney White

To book your room at the ARIA Resort & Casino, go to <https://resweb.passkey.com/go/AAYLAM16> or call (866)359-7757 or (702)590-7757 to get our average rate of \$193 per night. This room rate expires on January 29, 2016, and there are a limited number of rooms available.

For more information, email Kelly Montes at Kelly.Montes@sprouselaw.com.

Remember, everyone is invited, young and old. We hope to see you there!

*This schedule is subject to change. An application for accreditation of this activity has not yet been submitted to the MCLE Committee of the State Bar of Texas.

(Detach Here)

Registration Form

Name	Firm/Organization		
Mailing Address			
Phone Number	E-mail Address		
	AAYLA MEMBERS	NON- MEMBERS	
Cost Through January 29, 2016	<input type="checkbox"/> \$225	<input type="checkbox"/>	\$235
Cost After January 29, 2016	<input type="checkbox"/> \$240	<input type="checkbox"/>	\$250

Please return completed registration forms and checks payable to AAYLA to: Kelly Montes, 701 S. Taylor, Suite 500, Amarillo, TX 79101 or via email at Kelly.Montes@sprouselaw.com or via fax to 806-373-3454



7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

Another year gone. Another year here. Can you believe it???

We have arbitration clauses . . . how about appraisal clauses. They are often found in homeowners, auto, and property insurance policies. And, like arbitration clauses, they seem to require the parties to submit their dispute for resolution outside the judicial arena. But, they can be waived, just like an arbitration clause. That is what we dealt with in *In re Century Sur. Co.*, No. 07-15-00386-CV, 2015 Tex. App. LEXIS 11272 (Tex. App.—Amarillo November 2, 2015, orig. proceeding). Circumstances indicating waiver can include waiting an unreasonable amount of time to re-

quest an appraisal once an impasse in negotiations occurred. However, the party claiming waiver must show some prejudice from the delay. We also noted that if both parties have the right to demand an appraisal, it will be difficult for anyone to claim prejudice.

Ever have that feeling that you are living in the fog-line . . . ? Well, there really is one. Just look at that solid white line at the right edge of the outside lane on an interstate... it's the fog-line. And, Cortez was stopped by a DPS trooper for touching it twice while traveling down I-40; in the trooper's view, Cortez was unlawfully driving on the shoulder of the highway in violation of §545.058(a) of the Transportation Code. It just happened that Cortez also had some drugs in his minivan. Well, you know what happened. Anyway, Cortez thought the stop was illegal and sought to suppress the drugs. The trial court granted the motion. In affirming the decision in *State v. Cortez*, No. 07-15-00196-CR, 2015 Tex. App. LEXIS 118999 (Tex. App.—Amarillo November 18, 2015, no pet. h.), we held that driving on a shoulder involved more than merely touching the fog-line. And, just because the officer may have legitimately thought that was all that was needed, his interpretation of the statute was not enough to validate the stop. So remember, when you are driving (or as one court described it ... engaged in an exercise of controlled weaving) and touch that fog-line (as you will do) maybe you won't get stopped now. Or maybe you will.

I know you are all observant and noticed that I often use the Lexis citation when referring to our opinions. The reason for that is Lexis is the primary electronic research tool used by many of us at the Court. So, if you are citing to an "unpublished" opinion (i.e. one without a Southwest Reporter citation), be good and give us the Lexis citation too. I'd appreciate it.

HISTORY IN THE MAKING
DOWNTOWN AMARILLO'S ORIGINAL HIGH-RISE
CELEBRATES 90 YEARS



The Historic Amarillo Building, built in 1925, proudly celebrates her 90th Birthday!

Restored to its Art Deco grandeur by owners Kevin and Ginger Nelson, Amarillo's history permeates throughout as Amarillo's most respected businesses, accounting and law firms continue to make their mark.

EST 1925
AMARILLO BUILDING

For Leasing Information, kindly call Kevin or Ginger Nelson
806.342.4700 • 301 South Polk Street

Images courtesy The Amarillo Public Library

YOUNG LAWYER OF THE MONTH: MICHAEL ALEXANDER



Michael Alexander

Michael was born and raised in the Texas Panhandle, the fourth of six sons. He first decided to pursue a career in law after his father encouraged his interest in politics and economics and suggested he get a law degree.

So after graduating from Canyon High he left for college to pursue his undergraduate degree. To say he left for college, however, would not be quite accurate as what is really meant is he went down the street to West Texas A&M. While staying in his hometown might not have resulted in the most exciting college years, it was fine with Michael since it meant a few more years of homemade meals, free and convenient laundry service, no rent, and no student loans. Yet,

despite all these advantages that WT offered, Michael would tell you that the best part about his time at WT was meeting his wife, Megan.

After graduating with a degree in political science and a minor in economics Michael realized that while those studies might have made him a more informed and civic minded individual, unless he went on to law school his job prospects did not look great. So in the summer of 2010 he married Megan and immediately moved to Waco to start law school a mere two weeks after the wedding. After three years at Baylor (including five horrible months of practice court) it was time to stop putting off growing up and to actually find a real job. Knowing that few people

would willingly move to the windy, dry, and lonely Panhandle, Michael applied to positions in Amarillo as he would have a leg up on most of the competition since he actually wanted to live there. Since he took the bar Michael has been with Mullin Hoard & Brown where he works as a litigation associate.

Michael and Megan have two children, Madeline age 3, and Catherine age 18 months. In his spare time Michael enjoys spending time with his family and working out in his woodshop.

AAYLA UPDATE

By Blair Oscarsson



Happy New Year! I hope that you all had a good Christmas and New Year's Day and are getting settled into 2016. Maybe you haven't broken all of your resolutions yet.

AAYLA is kicking off the New Year with our Winter CLE on January 21 at 11:30 at the Amarillo Club.

Then, on February 20 (not March 5 as previously announced), we will have our Las Vegas CLE. Make your reservations early to secure your spot in the room block.

Then in March, we will have our annual Easter Egg Hunt and Bunny Hop run. Like us on Facebook to get

all the updates. We are planning a great year, and we hope you'll join us!



December Fishbowl Drawing

\$25 Shane Brooks
\$50 Robert V. Hands
\$75 Christopher Weber
None were present to win.

If you have news, we want to hear from you. Send your information to the AABA: email director@amarillobar.org, fax 379-9259, or call 371-7226.



THE AMARILLO AREA BAR FOUNDATION WINE DINNER IS FRIDAY, JANUARY 22, 2016.

PLEASE DON'T MISS THIS GREAT EVENT!!

Remember, you don't need to be a wine enthusiast or even drink wine to enjoy the evening. It is intended to be a fun night for everyone—tasty wine, excellent food, great fellowship, and a fun auction. This is the fifth Wine Dinner sponsored by the Foundation and each event continues to be more successful in raising funds to benefit the Foundation's major projects. The Foundation awards annual scholarships to students with ties to the geographical area that comprises the Amarillo Area Bar Association and who are pursuing a law degree. The Foundation also helps fund the AABA AABF Trial Academies which provide trial experience to local young lawyers.

CLE SCHEDULE 2015-2016

Jan 20-21-22 \$400

Advanced Estate Planning &
Probate

21.75 CLE HRS 4.75 HRS ETHICS

Happy State Bank, Basement
Training Room

Feb 19 \$225

Building Blocks of Wills, Estates &
Probate

6.75 CLE HRS 3.5 HRS ETHICS

Basement Training Room,
Eagle Center

Feb 24-25-26 \$400

Advanced Real Estate Law

17.75 CLE HRS 3 HRS ETHICS

Happy State Bank,
Basement Training Room

AABA History Quiz

WIN A ROLLING BRIEFCASE!

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

Question: Who is responsible for the art deco styled design of the Potter County Courthouse?

December Answer: The Randall County Courthouse was built in 1909 and the exterior renovation was completed in 2010.



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Jo Ann Holt, Executive Director
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YOUR BAR EVENTS - JANUARY 2016

S	M	T	W	T	F	S
					New Year's Day Office Closed 1	2
3	4	5	6	AABA Board Meeting, Petroleum Room, Amarillo Club 7	8	9
10	11	12	13	AABA Bar Luncheon, Sunburst Room, Amarillo Club 14	15	16
17	Martin Luther King, Jr. Day Office Closed 18	19	20	21	22	23
CLE: Avanced Estate Planning & Probate, Happy State Bank						
24	25	26	27	28	29	30
31						