

AABA-LAW

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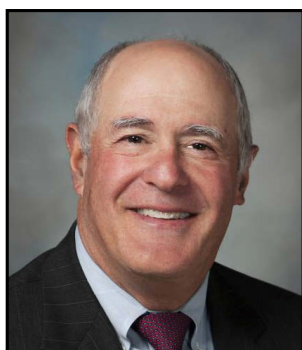
“ In spite of our initial anxiety at the prospect of replacing our only Executive Director, the Executive Committee could not be happier to announce that Janet Byars has been hired as the AABA's second Executive Director. **”** -Page 2

“ ABOTA plans to put on a short CLE ending with a happy hour where you can learn more about ABOTA and fill out this year's membership form for AAYLA, all while mingling with other lawyers in the area. **”** -Page 5

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SEPTEMBER PROGRAM: LEGISLATIVE UPDATE



Sen. Kel Seliger

The 85th Texas Legislative Session is on the horizon for 2017. What substantial pieces of legislation will likely be considered? What are the likely changes in Texas law that may have an effect on our civil or criminal practices? Here to discuss these issues are two of our representatives in the 85th Legislature: Sen. Kel Seliger and Rep. John Smithee.

Sen. Kel Seliger represents Senate District 31, which currently spans 37 counties from the Panhandle to the Permian Basin and includes Amarillo, Midland, Odessa, and Big Spring. Sen. Seliger serves as Chairman of the Senate Higher Education Committee and is a member of the Senate Education Committee, Senate Finance Committee, Senate Committee on Natural Resources and Economic Development, the Senate Committee on Business and Commerce and the Select Committee on Government Facilities. Sen. Seliger received the Texas Municipal League 2015 Leg-

islator of the Year Award. Sen. Seliger was first elected to the Texas Senate in 2004. Prior to his election to the Texas Senate, Sen. Seliger served four terms as Mayor of Amarillo and as a member of the Amarillo City Commission and the Amarillo Civil Service Commission.



Rep. John Smithee

Rep. John Smithee represents House District 86, which includes Randall, Dallam, Hartley, Oldham, Deaf Smith, and Parmer counties. Rep. Smithee is Chairman of the House Judiciary and Civil Jurisprudence Committee and serves on the State Affairs Committee. Rep. Smithee was first elected to the Texas House in 1984 at the age of thirty-three and has served the people of House District 86 since then. District 86 is now considered the most Republican House jurisdiction in the entire state.

I hope that you will join our representatives at our September 8 meeting for this important update from the Texas Legislature!



PRESIDENT'S PAGE

By: Mark Logsdon



AABA WELCOMES A NEW EXECUTIVE DIRECTOR

After 13 years of dedicated service to our bar association, Jo Ann Holt tendered her resignation as Executive Director of the Amarillo Area Bar Association this past spring. Jo Ann was the first Executive Director of the AABA. Starting from scratch, Jo Ann developed the procedures and record-keeping that, in no small part, have made our bar association into what it is today. Jo Ann has always been passionate about the history

of our bar association, and through her efforts we have rediscovered and preserved much of our history. Jo Ann's successful tenure is exemplified by the numerous awards bestowed upon the AABA, including almost annual recognition of our AMA-LAW newsletter. Jo Ann will certainly be missed.

It was, therefore, with great trepidation that the Executive Committee began searching for Jo Ann's replacement this past spring. Fortunately, we received a number of applications in short order, including an outstanding one from Janet Byars. In spite of our initial anxiety at the prospect of replacing our only Executive Director, the Executive Committee could not be happier to announce that Janet Byars has been hired as the AABA's second Executive Director. We are lucky to have her. Janet brings a wealth of relevant experience to our bar association. Janet comes to us from Family Support Services, where she served as Executive Director, Counselor, and Courts Coordinator for many years. Janet also has years of experience in the legal field, both as a paralegal at the Riney & Mayfield Law Firm and as President of the Texas Panhandle Association of Legal Assistants. Additionally, Janet has worked with the State Bar of Texas as the District Director of the Legal Assistants Division of the State Bar of Texas. We could not have found a more well-rounded individual to lead our bar association.

As someone who has served our bar association in a number of roles over the years, I know first-hand how much Jo Ann brought to the organization. I have also had the pleasure of working with Janet over the summer months, and I am excited to begin the next chapter in the life of our bar association with her. We plan to honor Jo Ann and to introduce Janet at our September bar meeting on September 8 at noon in the Amarillo Club. I hope that you will make every effort to attend.

CLE SCHEDULE 2016-2017

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Sept 8-9 | \$300 |
| Advanced Evidence & Discovery
13.5 CLE HRS, 3.0 HRS ETHICS
Basement Training Room,
Eagle Center | |
| Sept 23 | \$175 - Members
\$125 - Young Lawyers
\$225 - Non-Members |
| Live Probate,
Trust & Guardianship Seminar
7.25 CLE HRS, 1.75 HRS ETHICS
Happy State Bank,
Basement Training Room | |
| Sept 28-29-30 | \$400 |
| Advanced Criminal Law
21+ CLE HRS 4.25 HRS ETHICS
Basement Training Room,
Eagle Center | |
| Oct 19-20-21 | \$400 |
| Advanced Personal Injury Law
20.25 CLE HRS 3.0 HRS ETHICS
Basement Training Room,
Eagle Center | |
| Oct 26-27-28 | \$400 |
| Advanced Family Law
21+ CLE HRS 8.25 HRS ETHICS
Basement Training Room,
Eagle Center | |
| Nov 16-17-18 | \$400 |
| Advanced Civil Trial
18 CLE HRS 3.75 HRS ETHICS
Basement Training Room,
Eagle Center | |
| 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 | |

PHRA PRESIDENT'S MESSAGE

By: Bradley Howard

Amarillo to Observe Sixth Annual Red Mass

All judges of the Texas Panhandle will be the guests of honor at the Sixth Annual Red Mass Ceremony on Tuesday, October 11, 2016 at 6:30 p.m. at St. Mary's Cathedral, 1200 S. Washington in Amarillo. All attorneys are invited and encouraged to attend. Sponsored by the Roman Catholic Diocese of Amarillo, the Red Mass is a centuries-old tradition that marks the official opening of the judicial year. The service promotes the unity of the judiciary and the legal profession and invokes the blessing of the Holy Spirit on the judiciary and the judicial system. Because the color red is traditionally symbolic of the Holy Spirit, the liturgy has become known as "the Red Mass." God is called upon for his blessings on the administration of justice and for those whose duty it is to judge, teach and resolve legal matters.

A Red Mass is held each October in Washington, D.C. to mark the opening of the term of the United States Supreme Court. Many dioceses in the country therefore celebrate their Red Mass in October as well. The Red Mass is open to all judges, lawyers, public officials, and anyone in the community with a concern for justice, regardless of

religious background.

Bishop Patrick J. Zurek, Bishop of Amarillo, will serve as principal celebrant, and the Mass will be followed by a keynote address from Dr. Michael Scaperlanda, President of St. Gregory's University. Dr. Scaperlanda previously served in several different roles at The University of Oklahoma College of Law, including Associate Dean for Research and Associate Dean for Academics, and he is well-published on the intersection of constitutional law and immigration law. Dr. Scaperlanda also speaks frequently on the role of courts in shaping our constitutional community and the place of religion in the public square.

A reception with heavy hors d'oeuvres, beer and wine will follow the Mass. Dress attire is business attire, and everyone is encouraged to wear red accents.

A committee of members of the Amarillo Area Bar Association has been working with Bishop Zurek to plan this event. For additional information, please contact Brad Howard at 345.6310 or bhoward@bf-law.com.

Brad Howard is an employment and litigation attorney with Brown & Fortunato, P.C. You can reach Brad at 806.345.6310 or bhoward@bf-law.com.

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

Summer is over . . . well, almost. Too bad no one has learned how to put time in a bottle. I'd try to save every day just like Jim Croce wanted to do . . . or at least slow them down.

How about a criminal law refresher . . . ? Defendants are often granted deferred adjudication and placed on probation. Any complaint they have up to that point has to be appealed at that time. If they wait until their probation is revoked to raise those complaints, it's too late. There are exceptions to the rule, but they involve jurisdictional or other issues that render void the order placing the defendant on deferred adjudication. Many do not think about appealing, most likely because their client is pleased with getting probation. Take a look at *Jimenez v. State*, No. 07-16-00104-CR (Tex.

App.—Amarillo August 9, 2016).

Another end of summer refresher . . . dealing with final judgments and appellate jurisdiction. The trial court held a hearing on a motion for a temporary injunction. Only argument was presented, however, and the judge concluded the proceeding by stating that "the injunction [was] continued." About a week later, the parties discovered that the trial court signed a decree ordering a "permanent injunction." The party against whom the injunction was issued appealed. Aside from the obvious questions like "can you get a permanent injunction at a hearing on a temporary injunction" or "can you get a permanent injunction after a hearing where no evidence is presented," the issue before us dealt with whether the order was final. We concluded that it was not. All the claims and parties were not addressed in the decree. Nor was the decree entitled to a presumption of finality given that it arose from something less than a trial. And, it was not enough to simply say that a permanent injunction is granted. *Green v. Memorial Park Med. Ctr., Inc.*, No. 07-15-00143-CV, 2016 Tex. App. LEXIS 3111 (Tex. App.—Amarillo March, 25, 2016). Make sure all the claims by all the parties have been addressed and you will not have to explain to your client why you are playing in the trial court again. If not, you give us an easy way to dispose of the appeal.

The older I get, the harder it is to think. So, I am ending it with just two this month. Now, where's that bottle . . . to catch time, that is.

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images courtesy The Amarillo Public Library

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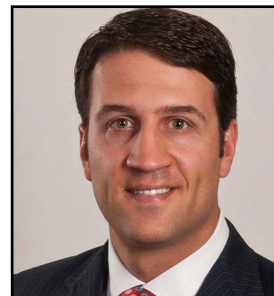
806.410.2030

Former Federal Prosecutor

chrisdrakelaw@gmail.com

AAYLA UPDATE

By Shane Brooks



AAYLA recently held their first board meeting of the new bar year. We are excited to have new faces on the board, get some fresh ideas for new events, and improve some of our regular projects. Additionally, some of our board members just returned from the Bar Leaders Conference in Houston where we had a chance to see some highlighted events from other bar associations and discuss ways to improve many of our service projects. We look forward to implementing some of those ideas

to improve our service to both the bar and the community.

As for upcoming events, we will be kicking off the year with a combined CLE and happy hour with our friends from the local chapter of the American Board of Trial Advocates (ABOTA) sometime in mid-September. ABOTA plans to put on a short CLE ending with a happy hour where you can learn more about ABOTA and fill out this year's membership form for AAYLA, all while mingling with other lawyers

in the area. Be looking for an email with this year's membership form and more information on that event soon.

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.

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YOUNG LAWYER OF THE MONTH: SUZANNAH McCORD



Suzannah McCord

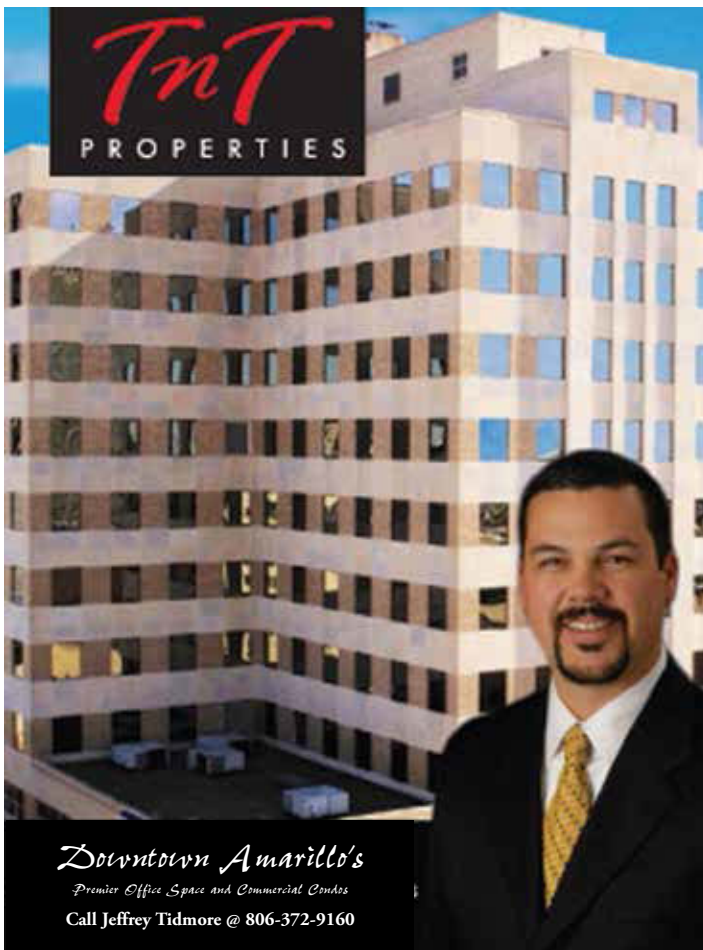
Suzannah was born and raised in Northwest Arkansas, home to Walmart and a ton of chickens. She is the youngest of three, and always thought she'd follow in her older siblings' footsteps and seek a career in the medical field. However, she realized in her senior year of high school that she was superior to her siblings and should seek her own field. Her father, a banker, realized that he had an opportunity to not have the most disliked career in the family and encouraged Suzannah to consider law school. She went to the

University of Arkansas in Fayetteville and pursued a degree in finance. During that time, she was a runner for a law firm and decided law school was for her, even after witnessing the glorious life of an attorney.

Suzannah stayed in Fayetteville for another three years to attend law school. She has since realized she should have appreciated the hills and trees more than she did at the time. While in law school, she was involved in many organizations and competitions, and really enjoyed the comradery with her classmates. She loved transactional classes and despised the court competitions, so she decided the smart thing to do was to acquire more student loans and put off being a working adult another year.

After taking the Arkansas bar exam, Suzannah left beautiful Fayetteville and moved to swampy Gainesville, Florida to attend the University of Florida for an LLM in tax. She spent a fun year diving further into the Internal Revenue Code than the ocean, and being surrounded by people severely lacking in southern hospitality. Because she was finally done with school, and mostly because her hair was over the humidity, she raced away from Gainesville after her last final and never looked back.

Suzannah moved to Amarillo, where the land is flat but the people are pleasant. She took the Texas and Oklahoma bar exams, and really feels that those states should accept transfer MBE scores. Suzannah works for Sprouse Shrader Smith in tax and general business matters. She's looking forward to the Razorbacks beating the Aggies and Red Raiders, and can be found hiding in her office in the unfortunate (and unlikely) event that doesn't happen.





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Full Page	\$300

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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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e-mail: director@amarillobar.org
Phone: 806-371-7226

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



AABF Scholarship Announcement

The Amarillo Area Bar Foundation is pleased to announce that Emily Shanks, Jake Ingle, Jacy Chafin, and Landon Long are the recipients of the 2016-2017 AABF scholarships. Emily Shanks is a graduate of Amarillo High School and the University of Texas. She is a 2L at Texas Tech School of Law. Jake Ingle graduated from Amarillo High School and Texas A&M University. He is a 2L at the University of Oklahoma College of Law. Jacy Chafin graduated from Tascosa High School and the University of Oklahoma. She is a first year law student. Landon Long is the recipient of the Chris Coppedge Memorial Scholarship. Landon is a graduate of Pampa High School and Abilene Christian University. He is a 3L at the University of Oklahoma College of Law. Each scholarship is \$2,500 for the 2016-2017 academic year.



HAPPY TRUST COMPANY

CREATING, MANAGING & PRESERVING WEALTH

Amarillo Area Bar Association proudly announces the 2016 Trust, Probate & Guardianship Law Course. Happy Trust Company has generously sponsored this event, which offers 7.25 participatory CLE hours, including 1.75 hours in ethics. The course will take place on Friday, September 23, 2016, in the Training Room at Happy State Bank, located at 701 S. Taylor, Amarillo, Texas. Registration costs will be \$125 for attorneys practicing 5 years or less; \$175 for AABA/LABA Members; and \$225 for non-AABA/non-LABA bar members. The course will last from approximately 8:00 a.m. to 5 p.m., and includes a great lunch. We hope to see you there!

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: Who was the first female County Judge to serve Potter County?



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YOUR BAR EVENTS - SEPTEMBER 2016

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8 AABA Bar Luncheon, Sunburst Room, Amarillo Club CLE, Advanced Evidence and Discovery	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23 CLE, Live Trust, Probate & Guardianship Law Course, Happy State Bank	24
25	26	27	28	29	30	