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“According to my less than exhaustive internet research (an article I found on “statisticbrain.com” to be exact), only 38% of Americans “absolutely never” make New Year’s Resolutions, while 62% of Americans either “usually” or “infrequently” make them. ”

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“We hope you survived the year end push to bill enough hours, collect enough money, and attempt to not spend it all trying to pay for Christmas. If you’re anything like me, you may just be glad it’s a new year with a fresh start and have convinced yourself once again that this is the year you’ll turn it around and get it all right. ”

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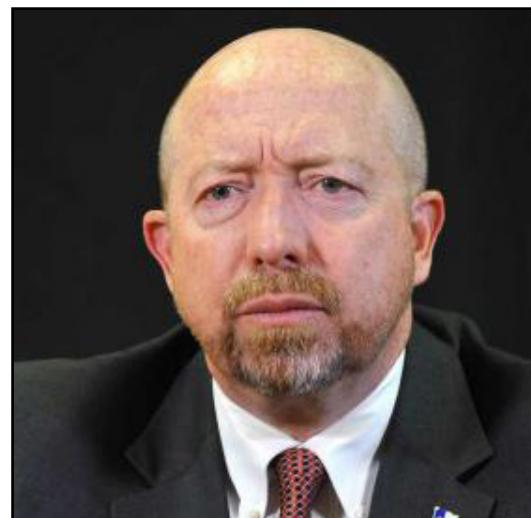
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JANUARY SPEAKER: SCOTT BRUMLEY

Membership in the AABA provides the opportunity to obtain convenient and low-cost CLE. The State Bar requires Texas attorneys to obtain 15 hours of CLE credit each year, including three hours of ethics/professional responsibility. Attending the monthly AABA luncheons provides a great way to help meet your CLE requirements. The AABA strives to bring quality speakers on interesting topics each month that qualify for CLE. We typically provide .75 hours of CLE credit with .25 hours of ethics/professional responsibility during each luncheon. With perfect attendance at the eight monthly luncheons, you will receive 6 hours of CLE. This month, we will boost your ethics hours with a program that is providing .75 hours of ethics (approval pending).

Scott Brumley will be our speaker at our January meeting. He will present Sound Bites and Hot Takes and Click Bait. Oh, My!: Ethics in High-Profile Cases and Media Relations. Scott is known for using pictures of signs to add humor



Scott Brumley

to his ethics talks while also enforcing his point. Scott has served as the Potter County Attorney since 2005. During his tenure, he has handled situations and cases garnering significant media interest. Scott has a unique perspective on media relations. Prior to graduating law school from Texas Tech, he was a reporter at the Lubbock Avalanche-Journal and also worked as the news editor and then editor-in-chief of the University Daily at Texas Tech.

Scott is in high-demand and frequently requested to author articles and speak on ethical and other issues for CLE events across the State of Texas. Scott is an Adjunct Instructor in Ethics and Business Law at the Amarillo Cam-



Continued on next page



PRESIDENT'S PAGE

By: Mark Logsdon

NEW YEAR'S RESOLUTIONS

2016 has now passed, and 2017 has begun! It is now time to start trying to fulfill our New Year's Resolutions (for those of us who actually made resolutions). While I generally do not make (or at least write down) resolutions for the new year, I usually do at least begin each new year with certain goals that I hope to achieve, most of them more aspirational than measurable. In preparation for writing this article, however, I conducted some internet research, which was far less than exhaustive but nonetheless interesting. According to my less than exhaustive internet research (an article I found on "statisticbrain.com" to be exact), only 38% of Americans "absolutely never" make New Year's Resolutions, while 62% of Americans either "usually" or "infrequently" make them. The top four types of resolutions typically made include: (1) self-improvement and education-related resolutions, (2) weight-related resolutions (I am assuming the "losing" type), (3) money-related resolutions (I am assuming the "saving" as opposed to the "spending" type), and (4) relationship-related resolutions. For those younger readers, there is reason for hope (at least according to the statisticbrian.com article I found) as 39% of persons in their twenties reportedly achieved their resolutions, while persons over 50 years of age report only a 14% success rate. Overall, only 8% of people reported successfully achieving their resolutions, which leads me to believe that those of us under 50 but over 29 years of age must really fail.

Whether you have made New Year's Resolutions or not, I do hope that you will take some time to reflect on why it is that we do what we do. If you were not able to attend our December lunch meeting, you missed a great speaker, Ron Krist of Houston. In his presentation, Ron recounted his humble beginnings as a solo practitioner in Houston, whose office was located in a strip center. One day while he was trying to figure out whether and how he was going to make a living as a private practice attorney, he walked Betty Grissom, Astronaut Gus Grissom's widow, who was seeking advice on some small matter. Ron summarized for us how he was able to turn that one meeting into a successful settlement for Mrs. Grissom and launch his career. In his presentation, Ron counseled us all, young and old, that we hold a powerful tool in our law license; that we have the power to change the lives of our clients, our own lives, and, indeed, our country. He was right; and it is never too late to remember that.

If you have made New Year's Resolutions for the coming year, I hope that one of them is to attend more of our monthly lunch meetings. They

CLE SCHEDULE 2016-2017

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Building Blocks of Wills,
Estates & Probate
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Basement Training Room,
Eagle Center

are always the second Thursday of the month at the Amarillo Club. Thanks to the outstanding work of Chris Jensen (and a big, continued assist by our former President, Tim Newsom), we had an outstanding line-up of speakers at our monthly lunch meetings this past fall. And, the spring of 2017 will be no different. In January, we will hear from our very own Scott Brumley, who will present the ethics topic featured on the front page of this publication. And, we have other interesting speakers currently slated to attend our monthly meetings, one such speaker who will discuss the pardoning of Billy the Kid – keep reading AMA-LAW for more details.

Happy New Year, and I will see you all soon!

January Speaker,

Continued from page 1

pus of Wayland Baptist University. Scott has served as Chairman of the Board of Directors (2011) and President (2010) of the Texas District and County Attorneys Association. He also served as the Interim Chair of the State Bar of Texas Government Law Section Council. Scott graduated from Texas Tech with a B.A. in Journalism in 1989 and a J.D. in 1992. Scott was in private practice until 1995 when he joined the Potter County Attorney's Office. He served as the Civil Division Chief prior to becoming Potter County Attorney. Scott and his wife are members of First Baptist Church and have three children.

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

Happy New Year! Hope you still aren't writing "2016" for "2017."

How about some unusual issues that have recently come before us? First, temporary injunctions are subject to interlocutory appeal under § 51.014 of the Civil Practice and Remedies Code, and such an appeal was taken in *Spriggs v. Gonzalez*, No. 07-16-00329-CV, 2016 Tex. App. LEXIS 12845 (Tex. App.—Amarillo December 5, 2016). Before we could decide it, though, the trial court entered a final judgment in the underlying suit. We held that the act of entering a final judgment rendered moot the interlocutory appeal. And, by the way, while § 51.014 allows certain issues to be appealed before final judgment, the statute does not permit issues

unrelated to those mentioned in the statute to also undergo interlocutory review. So, entry of a sanctions order by the trial court did not authorize us to retain the cause; it had to be dismissed for want of jurisdiction as well.

Next, another jurisdictional issue arose in *In re A.M.G.*, No 07-16-00191-CV, 2016 Tex. App. LEXIS 11840 (Tex. App.—Amarillo November 1, 2016). The appellant tried to appeal a protective order entered in a SAPCR case. Yeah, I know, what is SAPCR . . . it stands for a suit affecting the parent-child relationship. We had to dismiss that one too because § 89.009(c) of the Family Code says protective orders may not be appealed until the trial court enters a final child support or child possession order. Always check to see if we have jurisdiction over the order you want to appeal, otherwise you may be wasting your time and your client's dinero.

One more for the road and it involves trains. Ok, maybe I should say . . . let's hit the tracks after this one. An employee of BNSF railroad slipped on a wet surface while working and suffered back injuries. Evidence at trial revealed that his back had been injured before the accident and those injuries would have required him to undergo the same medical procedures that he would undergo as a result of slipping. In other words, he had a pre-existing condition, and the railroad argued that the FELA (oh so many acronyms these days . . . Federal Employer's Liability Act) barred recovery for damage arising from them. But, the trial court refused to instruct the jury to exclude from its damage award the proportion of losses that the employee's pre-existing condition would have inevitably caused, irrespective of the railroad's negligence. We found that to be error in *BNSF Railway Co. v. Epple*, No. 07-15-00355-CV, 2016 Tex. App. LEXIS 12730 (Tex. App.—Amarillo November 30, 2016).

Again, not the common type of case we get to review. Maybe this means that the year will bring all of us surprises. Have fun experiencing them.

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AAYLA UPDATE

By Shane Brooks



Happy New Year from AAYLA! We hope you survived the year end push to bill enough hours, collect enough money, and attempt to not spend it all trying to pay for Christmas. If you're anything like me, you may just be glad it's a new year with a fresh start and have convinced yourself once again that this is the year you'll turn it around and get it all right. On a more serious note, we are hopeful you were able to take some time to enjoy and reflect on your blessings this season and spend time those most important to you. We all need that time to rest and recharge, then

refocus and hit the ground running for the new year. Good luck!

Anyway, not a lot was scheduled for December with all of the holiday happenings going on, but we did take time for a co-sponsored happy hour with the Amarillo Area Women's Bar on December 15th at Crush. It was well attended and if you weren't there, you missed a great time. As for upcoming events, be looking for info on a happy hour for late January or February. Also, it is nearing time for our biennial Not Quite Vegas CLE. It is still in the planning stages, but look for it to be ethics heavy or at least something interesting to

most practice areas. This is always a good time and is of course followed up with a happy hour for networking and spreading good cheer. We're working hard to get a date nailed down so that you can put it on the calendar and be sure not to miss.

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.

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 honored by AABA as the recipient of the 2004-2005 Chief Justice Charles L. Reynolds Lifetime Achievement Award?

December answer: Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, or Wheeler

November winner:
Alison Durio



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YOUNG LAWYER OF THE MONTH: CHO SHERWOOD



Cho Sherwood

Cho grew up in Panhandle, Texas and spent much of his youth strutting the halls of PHS and telling people he would never go to law school like his father. He attended Abilene Christian University where he met his wife, Lauren, and graduated with an Accounting and Finance degree. Upon graduation from ACU, Cho gave in to the prophetic "I-told-you-so's" of his youth and

enrolled at The University of Tulsa College of Law. During law school he clerked with several Tulsa, Dallas, and Fort Worth firms, but never quite felt at home in the big city firm. He graduated from Tulsa in May of 2015 and decided to return to the place he felt the most at home...home. Cho practices in Panhandle with his father, Scott. His practice areas include family law, probate, and a variety of civil litigation. Cho and Lauren live in Amarillo with their dog, Russell. In his free time, Cho enjoys fly-fishing, telling people about all the monstrous fish he caught, and trying to play golf. Oh by the way, his real name is not Cho. One of his older brothers couldn't say "Chandler" when Cho was born and labeled him with the (unfortunate) name of "Cho-Dough." Luckily, his family dropped the "dough" and the rest, they say, is history. If you think you have a clever and/or borderline-inappropriate variation of the name "Cho", save it. Trust me, he has heard them all.



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MEET YOUR DIRECTOR:

BRIAN FARABOUGH

Brian Farabough is a civil trial attorney, focusing his practice on oil and gas litigation and other real property related disputes (Brian says he practices "Dirt Law"). He has been a partner at Lovell, Lovell,

Isern & Farabough, LLP for almost one year. He has practiced law in Amarillo with the Lovell Firm his entire career, which has spanned five exciting years. Over those five years he has been blessed with great mentors and even greater staff.

Primarily representing plaintiffs in their disputes with oil and gas industry defendants, Brian has had the opportunity to work on many exciting cases, including several oil and gas lease termination suits currently pending on appeal before the Texas Supreme Court. Just this past September 2016, Brian got to present his first oral argument before the Texas Supreme Court on a case he filed his first year out of law school (which happened to be his second oral argument) in *Crawford v. XTO Energy Inc.*

Brian earned his JD and MBA degrees from Southern Methodist University in Dallas. SMU was in a prime location for Brian, near his hometown of Ardmore, Oklahoma and his then soon to be wife Becca, who lived in Austin at the time. Also, SMU provided Brian with the opportunity to learn oil and gas law from a leading scholar on the subject – John Lowe. Professor Lowe once said in class that he expected his students to be the practitioners out there making and improving oil and gas law. The first five years of practice in Amarillo have provided Brian a great opportunity to meet that expectation; an opportunity that has been enhanced by watching and learning from the many great practitioners in our local bar association.

Brian is married to Becca White-Farabough, who was born



Brian Farabough

and raised in Amarillo and graduated from Amarillo High. After surviving the first year of marriage (to an intolerable law student) and Brian's graduation from law school, Becca convinced Brian of the opportunities in Amarillo (he is forever grateful she was so persuasive). Becca, among several jobs, designs and crafts leather products and jewelry, which she markets under her business M Street Studio. When not at work, Brian spends as much time as possible with Becca and their four year old daughter Lulu. Lulu attends pre-K at St. Andrews, and stages elaborate performances nightly in their living room. As the only male in the house, Brian usually gets type-cast.

Archaeology, which was Brian's first profession, will always be a passion of his. As you can imagine it is more interesting to discuss than oil and gas litigation, and it fits in nicely with his love of the outdoors. Plus, there are many great archaeologically significant areas to explore in the Texas Panhandle (starting with the Alibates Flint Quarries). When not practicing law or performing at home, Brian tries to spend as much time outdoors as possible. Those outdoor pursuits include gardening, hiking, hunting and fishing. Among the many blessings in his life described above, having a family and two dogs that enjoy spending time outside and playing in the dirt as much as him is at the top of his list. If it doesn't have direct health benefits, it definitely keeps him well grounded.



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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.





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YOUR BAR EVENTS - JANUARY 2017

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12 AABA Bar Luncheon, Sunburst Room, Amarillo Club	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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