

AMA-LAW



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50 YEAR LAWYERS RECOGNIZED



Fourteen of the Amarillo area's most distinguished attorneys were recognized for their 50 years of practice at the Amarillo Area Bar Association Luncheon on April 13. Congratulations to these attorneys and thank you for your service! Photograph is by Nita Dyslin of Lovell, Lovell, Isern and Farabough.

Back row: Dee Miller, Edward R. Scott, Jr., Donald E. Jackson, James A. Besselman, George Jennings, Jr., Selden Hale III, Don Patterson, Othniel Miller

Front row: Walter Wolfram, Otis C. Shearer, Wales Madden, Jr., S. Tom Morris, Arthur Carson Smith.

James Doores also attended the Luncheon and is not pictured.



“I can enthusiastically report to the association that Janet has exceeded expectations in every way possible. I want to publicly thank Janet for a “job well-done!” ”

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“Unlike E. F. Hutton, when judges speak, not everyone listens. I guess that is why they have the power to hold people in contempt. ”

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PRESIDENT'S PAGE

By: Mark Logsdon

THANKS TO OUR EXECUTIVE COMMITTEE AND NEW EXECUTIVE DIRECTOR

I would like to take this opportunity to thank several people in my last "President's Page" article. First, I would like to thank the AABA officers for all of their time and effort this past bar year. Chris Jensen served as our President-Elect, and he was responsible for bringing in a number of great speakers for our monthly meetings. Brad Howard served as our Vice President, and he has planned and organized another great Spring Institute. Joby Mills served as our Secretary-Treasurer, and he has done a terrific job keeping up with our books and all of the minutes from our monthly executive committee meetings. Finally, Dusty Stockard served as our Immediate Past-President and, despite

popular belief, attended most of our meetings and helped guide many of our decisions.

I would also like to thank our six directors: Chris Stewart, Briar Wilcox, Rhett Hubbard, Christy Drake, Jennie Knapp, and Brian Farabough. All of them regularly attended our meetings and participated in valuable ways. Chris, Briar, and Rhett will all be stepping down at the end of this bar year, but Christy, Jennie, and Brian will



Janet Byars

continue on as directors for another bar year. Also, Jennie will head up our next Trial Academy this fall, so please be on the lookout for more information to come from her and her committee.

In addition to the folks mentioned above, I would like to thank Jonathan Sterling, Meg Morey, Shane Brooks, and Andrew Evans. Jonathan did a great job in his first year as Editor of the AMA-LAW. For many years, Meg has worked largely "behind the scenes" to organize

and present relevant CLE opportunities for our members, and this past year was no exception. Shane Brooks has done a great job as President of our young lawyers association, and he has been a valuable participant in our monthly executive committee

meetings. Finally, Andrew has regularly attended and contributed to our monthly executive committee meetings on behalf of the AABF.

Most especially, I want to personally thank our new Executive Director, Janet Byars. As you all know, Janet followed in the footsteps of Jo Ann Holt, our first and only Executive Director who had passionately served our association for many years. While the Executive Committee was very impressed with Janet's application to become our second Executive Director, the "proof is always in the pudding." I can enthusiastically report to the association that Janet has exceeded expectations in every way possible. I want to publicly thank Janet for a "job well-done!"

I hope to see you all at Spring Institute the first weekend of May. I know that our association is in good hands with our new slate of officers and directors, and with Janet as our Executive Director!

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

Proven fact . . . you return to work to rest up from the vacation. I'm back after being embarrassed by my grandson. He caught more fish than I did and finally opted rather to play with his Rubik's cube. The younger generation . . .

Unlike E. F. Hutton, when judges speak, not everyone listens. I guess that is why they have the power to hold people in contempt. But, there are limits. In cases of constructive contempt (i.e. where the act occurs outside the court's presence), the order or directive ignored must be in writing. Because the contemptible act in *Ex parte McDaniel*, No. 07-17-00043-CV, 2017 Tex. App. LEXIS 2475 (Tex. App.—Amarillo March 22, 2017) happened before the trial court signed the written decree, we had to grant McDaniel's petition for habeas corpus and discharge him from the grips of the local county sheriff. Am I showing my age in referring to E. F. Hutton.?

Remember all those times I said you need a final judgment before you can appeal, well maybe not. (Don't you love the certainty of the law?) There are some types of litigation that are relatively continuous, and, with them, it would be forever before a final judgment is entered. Probates fall within that category, and you don't have to wait until the entire proceeding ends to appeal certain decisions. In *In re Estate of Easley*, No. 07-15-00378-CV, 2017 Tex. App. LEXIS 1640 (Tex. App.—Amarillo Feb. 24, 2017), we explained that probates are an exception to the "one final judgment" rule. Various sub-proceedings within the one probate action are appealable if the order you question disposes of a discrete phase of the litigation or if a statute expressly allows you to appeal. Falling outside that category are decisions which simply set the stage for the resolution of some other proceeding, such as an accounting or an order denying the removal of an executor. An issue to be wary of, though, is what happens if you postpone appealing until the entire probate is over? Did you lose the opportunity to appeal intervening orders that actually disposed of some discrete aspect of the probate? I guess we'll have to address that when it happens.

And the hurdles posed by arbitration clauses continue to pop-up. You know that lawsuits encompassing disputes within an arbitration clause have little chance of being adjudicated by a court. How about a pre-lawsuit action, though, such as a Texas Rule of Civil Procedure 202 proceeding. It's not really a lawsuit but an attempt to gather or preserve evidence for an anticipated suit. We were asked

in *In re Amarillo II Enterprises, LLC*, No. 07-17-00005-CV, 2017 Tex. App. LEXIS 1000 (Tex. App.—Amarillo Feb. 3, 2017, orig. proceeding) whether a Rule 202 proceeding had to be stayed while parties arbitrate the underlying dispute. The answer was "yep." In short, you can't use Rule 202 to get evidence on a claim if the trial court would be prevented from trying the anticipated suit.

Time to go. I leave with this. My eight year old grandson may have smacked me down with his fishing skills, but it was well worth the memory of seeing the excitement on his face when he felt the tug on the line for the first time. Take 'em fishing!

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JUSTICE FOR ALL: Putting Words Into Action

Millions of Texans cannot afford legal representation. Their circumstances are desperate, their needs are dire, and their only lifeline is legal aid. The Justice for All Campaign was created by the Texas Access to Justice Commission to support local legal aid organizations, and give these vulnerable Texans a measure of relief.

As a lawyer and member of the Amarillo Area Bar Association, your commitment to justice is as inspirational as it is vital. That's why we urge you to contribute to our statewide campaign; funds raised support organizations in your community and around the state. The success stories are a continual reminder of the needs – and especially of the needs met – of our fellow Texans, like Hector Gamboa.

Diagnosed with brain cancer requiring chemotherapy treatments five days a week, Mr. Gamboa had no choice but to stop working. Because of the dreadful side effects and need for constant care, so did his wife. They relied on their daughter for support while Mr. Gamboa applied for assistance. Unbelievably, his request for disability insurance was denied. A second request was also denied. The Gamboas were on the verge of losing their home.

That's when they turned to the legal aid for help. Aziza Travis, Staff Attorney at Legal Aid of NorthWest Texas recalls, "I knew the Gamboas desperately needed our help. In their case, disability insurance was nothing short of life-sustaining." She was able to obtain both current and retroactive benefits for Mr. Gamboa, securing his home and granting enormous peace of mind.

In the words of the Mr. Gamboa's daughter: "Ms. Travis' patience and determination helped us win our two-year battle with disability. We were able to catch up on our bills, and stop the foreclosure of our home. My dad is fighting a big battle and now he knows his family will be taken care of. We are forever grateful for the wonderful service we have received from legal aid."

Justice for All is not just a nice phrase, it's a powerful, life- changing marching order. Please donate today!



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AABF Scholarship Announcement

The Amarillo Area Bar Foundation is pleased to announce that Jaycee Booth, Nikki Boyd, Jay'Neisha Davis, and Ryan Loewenstern are the recipients of the 2017-2018 AABF scholarships. Jaycee Booth is a graduate of Amarillo High School and West Texas A&M University. She will be a first year law student at Oklahoma City University School of Law next year. Nikki Boyd is the recipient of the Chris Coppedge Memorial Scholarship. Nikki graduated from Spearman High School and Texas Tech University. She is a 2L at the Texas Tech University School of Law. Jay'Neisha Davis earned a Bachelor of Arts in Psychology from the University of North Texas and a Master of Science in Juvenile Justice from Prairie View A&M University. She will be a first year law student at Texas Tech University School of Law next year. Ryan Loewenstern grew up in Amarillo. He attended Amarillo College and graduated from West Texas A&M University. Mr. Loewenstern will begin his legal studies next year at Oklahoma City University School of Law. Each scholarship is \$2,500 for the 2017-2018 academic year. Congratulations to this year's recipients.

AMARILLO AREA ESTATE PLANNING COUNCIL

TWENTY-SIXTH ANNUAL INSTITUTE ON ESTATE PLANNING

MAY 11 and 12, 2017

Gerry W. Beyer – Transfer on Death Deeds; Cyber Estate Planning and Administration; Estate Planning for “Weaponized” Clients

Professor Lee Schwemer – Recent Developments Affecting Estate Planning

Edward J. McCaffery - Estate Planning in the Age of Trump and Beyond

Michael V. Bourland - Planning for the Family Business, including Family Limited Partnerships

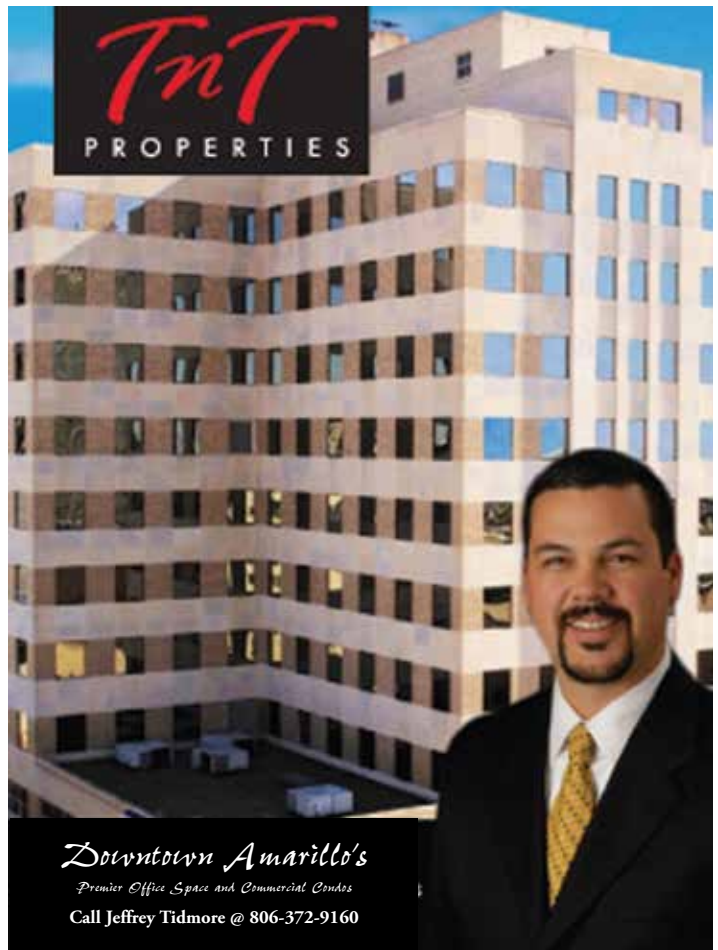
Clay Stribling - Ten Ways to Include Charitable Giving in Your Client's Estate Plan

Rick B. Weaver - A Primer on Planning for Long-Term Care

Shannon Ferrell - Transition Tools and Tough Talks About the Family Farm

Dr. W. Mitch Jones - In Cold Blood – Over A Half Century Later

Barry Albrecht - Amarillo Economic Development Update



YOUNG LAWYER OF THE MONTH: PATRICK WEIR



Patrick Weir

Based upon his extraordinary efforts in support of the Amarillo Area Young Lawyer's Association and his abundantly-flowing contributions to the legal profession, Patrick Weir is the inaugural Old-Young Lawyer of the Month for May 2017.

Patrick, or P-Dubs as his friends call him (or LordTroutnesstheGood27 as the World of Warcraft community knows him), was born and raised in Amarillo. He attended Tascosa High School, which everyone knows is the best high school in town. While at Tascosa, he met and began dating his future wife, Mackenzie, who is way out of his league. After high school, Patrick attended Texas A&M University and majored in Live Action Role-Playing (LARP) with an emphasis on Foam Swordsmanship. Knowing that it was difficult to make a living in the competitive, high-stakes world of LARPing, Patrick decided to go to law school and attended the University of Tulsa School of Law, where he got a legal specialization in watching baseball in his office. Upon graduation, he returned home to Amarillo to begin his legal career.

Patrick currently "practices" law at the firm of Brown & Fortunato, P.C. His practice is focused on something to do with makeups: oils, gases, and minerals. Apparently, he has opinions about them that clients pay for him to share. Recently, he obtained his Board Certification in Bossing Around Associates, the first person to obtain such

a designation in Amarillo. Like most people, he secretly wants to be a litigator.

Patrick and Mackenzie have been blessed with two wonderful children, Shelton and Zena. Thankfully, they take after Mackenzie. In his free time, Patrick enjoys spending quality time with his family and friends, LARPing, PokemonGo, Dungeons and Dragons, being a less athletic version of Matt Sherwood, golfing, skiing, bowling, and following his favorite sports teams, the Cubs, Cowboys, and Aggies. Because his beloved Aggies are rarely competitive at anything remotely resembling a sport, Patrick claims the successes of the SEC conference as a whole. Patrick is a great dad, an awesome friend, an atrocious golfer, a renowned dragon master, the third best bowler on his bowling team, a wearer of white belts, an award winning Daenerys Targaryen cosplayer, and one of the best PokemonGo players in the history of the "sport," or so he says.

His heroes include Luke Skywalker, Pikachu, Johnny Manziel, Mike Trout, and prominent local attorneys, Ben Doyle and Joey Parsons. He credits Joey with teaching him everything he knows about fantasy football and baseball, and he hopes someday that Ben will teach him how to be a real lawyer.



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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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January 1998

Meet Your Director

Director Mark White gets tired of people asking if he is related to the former Governor. His standard response is, "No, but I'll bet he gets tired of people asking if he is related to that lawyer up in Amarillo." Mark does admit, however, that in his early years of practice the name similarity resulted in all of his phone calls being answered immediately -- plus, hotel and plane reservations were always easy to obtain.

In his quest for academic excellence, Mark attended Austin Junior High, Crockett Junior High, Tascosa High School, Amarillo High School, and Amarillo College. Upon realizing that Amarillo had no law school, he traveled 120 miles south to Texas Tech to finish his undergraduate degree and go to law school with his future partners, Marty Rowley and John Ben Blanchard.

Returning to Amarillo within hours after graduation, Mark began a career in litigation, representing poor, downtrodden insurance companies for eleven years at the firm of Culton, Morgan, Britain & White. (No, he is not Mark's father.) In 1993, he reunited with his law school classmates at the firm of Sprouse, Mozola, Smith & Rowley.

Mark is the only lawyer in town that can say that the old Junior Bar had a positive impact on his life. At one of the Junior Bar's famous "meetings," he was introduced to his lifelong opposing counsel, Terry, now a partner at



Purdue, Brandon, Fielder, Collins & Mott. Mark and Terry have two daughters, Courtney, 11, and Hillary, 8. To escape the hormone-dominated household, Mark has held nearly every position with the Golden Spread Council, Boy Scouts of America (including Council President, but not including den mother).

SPECIAL ANNOUNCEMENT

Beginning February 2, 1998, attorneys practicing in the Amarillo Division of the United States District Court, Northern District of Texas will have the option of receiving notice of orders and judgments via facsimile transmission in lieu of receiving paper copies by mail.

To receive orders and judgements via facsimile transmission, an attorney must: 1) have a telephone number dedicated for facsimile transmissions and 2) execute an authorization form and return it to the District Clerk's Office in Dallas. A copy of the authorization form is located on page 5 of this newsletter.



Mark D. White is AAYLA's Old Lawyer of the Year! Please join us in honoring (and roasting) Mark on Thursday, May 11 at 11:45 at the Amarillo Club. (Tickets are \$25; kindly RSVP to kelly.montes@sprouselaw.com) Thank you to Mark for his lifelong dedication to mentoring the area's young lawyers!

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: When was the Potter County Courthouse listed on the National Register of Historical Places?



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Jonathan Sterling, Editor of AMA-LAW Newsletter

YOUR BAR EVENTS - MAY 2017

S	M	T	W	T	F	S
	1	2	3	4	Spring Institute CLE and Golf Scramble 5	Spring Institute Dinner 6
7	8	9	AAWBA Supreme Court Update Presented by Justice Eva Guzman, Amarillo Club 10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Institute on Estate Planning