



# AMARILLO-LAW

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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

*“While we can debate whether access to Westlaw is sufficient and whether we want our tax dollars to provide additional resources for pro se litigants, we now know that the law library fees are not supporting the general coffers of Potter County. Having solved the law library fee mystery, I am now considering tackling the Kennedy assassination, the Bermuda Triangle, and Area 51. Stay tuned.”*

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*“As we celebrate this Christmas season and move forward into 2018, think about ways you can show love for others. Whether you take part in a State Bar or TYLA service opportunity, volunteer at Legal Aid, become a CASA volunteer, or help others in another way, the opportunities to serve are endless. If you'd like to learn more about local service opportunities, the AAYLA is a great place to start!”*

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## DEFENDING THE MOST HATED MAN IN AMERICA: A DEFENSE LAWYER'S CHALLENGE



Stephen Jones

Our December speaker will forever be associated with his defense of Timothy McVeigh in the Oklahoma City bombing trial. Stephen Jones represented McVeigh from May 8, 1995, after two other defense attorneys asked to be removed from the case, until after McVeigh's conviction in June 1997. One of Jones' goals was to be seen as doing a good job without any personal consequences. "I wanted my example to be a lawyer can defend a controversial, even hated client and still be a professional and still be a member of St. Matthews Episcopal Church and the Enid Rotary Club."

The Tulsa World Editorial, dated August 29, 1997, echoes the beliefs of so many people that Jones honorably discharged his duties to protect McVeigh's constitutional rights and to ensure his right to a defense in this very difficult case:

Jones was in an unenviable position. He was asked to represent perhaps the

most despised defendant in modern American history. The public often – in fact usually – didn't like what he had to say, but his handling of the case was generally dignified and professional. Many will find this hard to accept but, in a way, Jones is due our gratitude for handling the case professionally.

In 1964, Stephen Jones was the personal research assistant to Richard M. Nixon, and in 1967 was legal counsel to the Governor of Oklahoma. From 1966 to 1969, he worked as administrative assistant to Congressman Paul Findley and as a special assistant to Senator Charles Percy. In 1968, he served as a member of the United States delegation to the North Atlantic Assembly.

From 1970 to 1974, Jones was general counsel for the A.C.L.U. in Oklahoma. He was the Republican nominee for Attorney General of Oklahoma in 1974 and for the United States Senate in 1990.

Jones was a member of the Oklahoma Supreme Court Committee on Civil Jury Instructions, associate editor of the Oklahoma Bar Association Journal, and a member of the Oklahoma Court of Criminal Appeals Rules Committee. In 1979, he was appointed Special United States Attorney to investigate allegations of criminal wrongdoing against the Administrative Director of the United States Court System, William Foley.

Jones attended the University of Texas, graduated from the University of Oklahoma Law School in 1966, and was admitted to the Bar that same year. He practices law from his office in Enid, Oklahoma, with an additional office in Oklahoma City. A substantial portion of his practice is devoted to commercial and criminal litigation.



# ***PRESIDENT'S PAGE***

By: Chris Jensen

## **Kennedy Assassination, Bermuda Triangle, Area 51 and Law Library Fees**

These events and places have raised many unanswered questions. The U.S. intelligence community has, again, convinced a sitting U.S. President to prevent the disclosure of documents. President Trump recently delayed the release of thousands of pages of documents related to the Kennedy assassination due to pressure from the CIA, the FBI, and other federal agencies still seeking to prevent disclosures from a 54-year-old investigation. The area between Miami, San Juan, and Bermuda, also known as the Bermuda Triangle, has been the alleged location of unusual disappearances of ships and aircraft. Some have blamed paranormal activity for the disappearances. Area 51 is a highly classified U.S. Air Force facility 80 miles northwest of Las Vegas, Nevada. Wikipedia reports that the intense secrecy surrounding the base has made it the frequent subject of conspiracy theories. Many believe that scientists at Area 51 reverse engineered alien technology that was recovered from alien crash sites near Roswell, New Mexico. Finally, whenever we file a civil suit in Potter County, the filing fees include a \$35 law library fee. Alas, Potter County has no law library.

In order to investigate this conundrum, I donned my best Geraldo Rivera attitude and began my investigative reporting. Through confidential sources who agreed to speak with me on the condition of anonymity, I learned that the Potter County Law Library was initially housed in the "old" Potter County Courthouse a/k/a Potter County Courthouse. The law library then moved to the "new" Potter County Courthouse a/k/a Potter County Courts Building after its construction. Many of us will remember the law library on the second floor of the Potter County Courts Building, complete with state and federal materials, secondary sources, composite pictures of bar members, and a librarian. In 2015, the Potter County Commissioners closed the law library to make way for the CPS Court.

With an understanding of the history and wanting to be a responsible journalist, I decided to try to get a legal opinion on the issues involved. As many local reporters often do, I contacted Jeff Blackburn. Unfortunately, he refused my invitation for an on-air interview. Left to my own devices, I read Section 323.0231 of the Local Government Code. It provides that a county commissioners' court may impose a fee not to exceed \$35 in each civil case filed in a county or district court for purposes of a law library. The funds are administered under the direction of the Commissioners' Court. These funds can be used to: (1) establish a law library; (2) purchase or lease library materials including shelving and equipment; (3) purchase or lease library materials and equipment including subscriptions to obtain access to electronic research for use by judges in the county; or (4) establish and maintain a self-help center to provide resources to county residents representing themselves in legal matters.

With an understanding of the history and the legal background, I felt prepared

to contact Kerry Hood, the Potter County Auditor, who is responsible for the accounting of the library fees received by the county and the expenses incurred by the county. I started the interview with a fairly blunt question, as investigative reporters are want to do: "Where are the law library fees going when we no longer have a law library?" She was remarkably pleasant, knowledgeable, and helpful. While there is no longer a law library, the county now provides two computers with Westlaw access at the downtown Public Library for the benefit of county residents. In addition, a computer with Westlaw access is available in the attorneys' lounge in the Potter County Courts Building. Ms. Hood sent me the summary plan, and I think it would rival most firm's plans. She also said that Potter County had Lexis for a time but that subscription was dropped. Not wanting to give up too soon, I continued to press and asked about the income received compared to the expenses incurred. Ms. Hood indicated that for fiscal year ending August 2017, Potter County received \$77,664 in law library fees and incurred \$74,730 in expenses. She also shared that in the past, library fees did not cover expenses and those expenses had been paid out of the county's general funds. From 2013 to 2015, Potter County paid approximately \$210,000 (total) into the law library fund. There is currently approximately \$44,400 in the fund. Ms. Hood also said that Potter County would consider suggestions for additional subscriptions.

While we can debate whether access to Westlaw is sufficient and whether we want our tax dollars to provide additional resources for pro se litigants, we now know that the law library fees are not supporting the general coffers of Potter County. Having solved the law library fee mystery, I am now considering tackling the Kennedy assassination, the Bermuda Triangle, and Area 51. Stay tuned.

Finally, I hope you will make efforts to attend the AABA Christmas Party on December 14. These parties have been fun and well attended. I want to thank Happy State Bank for hosting the event again this year.



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# 7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

Let's start with Justice Courts, evictions, jurisdiction, and appealing from the J.P.'s decision. We know that effort to evict a tenant starts in the justice court. They have jurisdiction to adjudicate who has the right to possess realty. Who actually owns the land, however, falls outside that jurisdiction. Furthermore, once the eviction starts, it becomes moot if the tenant leaves before it ends. In *Martinez v. Matthews*, No. 07-16-00033-CV, 2017 Tex. App. LEXIS 10225 (Tex. App.—Amarillo Oct. 31, 2017) (mem. op.), Matthews initiated a forcible entry and detainer action ("eviction" is easier for me to remember) against Martinez, after Martinez apparently claimed she owned but did not possess the place. Because she did not possess the realty, the justice court dismissed the action. Matthews appealed to the local county court at law and received a de novo trial. Even though no evidence illustrated that Martinez possessed the property, the county court at law eventually entered a judgment awarding Matthews possession of it and attorney's fees. We said - - nope, can't do that, you can't adjudicate title in an eviction. Since title was the actual issue in play and the J.P. court couldn't adjudicate it, neither could the county court at law. Nor was the eviction proceeding ripe since Martinez did not possess the land. So, we had to dismiss the judgment entered by the county court at law for lack of jurisdiction. And if you don't think the potential is there for this scenario to happen again, just go down to your local J.P. court and see all the eviction cases they handle weekly.

Now, I cannot deny that we are seeing more and more appeals from the entry of summary judgments. Hey, when they are justified, they are justified; no complaints from me. But, sometimes they are not justified, such as when they are based on factual conclusions. As explained in *Manning v. Branum*, No. 07-16-00056-CV, 2017 Tex. App. LEXIS 8818 (Tex.

App.—Amarillo Sept. 18, 2017) (mem. op.), a factual conclusion is a statement that fails to provide the underlying facts to support it. Lacking that supporting evidence, they constitute no evidence, and cannot support or defeat a summary judgment. The trick comes in trying to figure out when the statement is too conclusory; if nothing else, err on providing more than less factual support. Otherwise, you may just be wasting your time.

You guys have a great Christmas, and try to carry its spirit and meaning through the upcoming year.

**TnT**  
PROPERTIES

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# News from Legal Aid of NorthWest Texas

By Kay L. Pechin  
([pechink@lanwt.org](mailto:pechink@lanwt.org))

Legal Aid of NorthWest Texas recently had the great honor of presenting The Honorable Lee Ann Reno at this year's Volunteer Appreciation Party and Award Ceremony on October 26. During her keynote address to attendees, Judge Reno remarked that it is rare for public recognition to be the motivating factor for attorneys who engage in pro bono legal service, noting that most volunteers do what is needed to serve their community. Quoting Martin Luther King Jr., Judge Reno posed the ultimate question for our communities: *"Life's most persistent and urgent question is: 'What are you doing for others?'"*

It is with this in mind that Legal Aid of NorthWest Texas enjoys the role of highlighting the accomplishments of those volunteers who provide pro bono services through our Equal Justice Volunteer Program (EJVP). Legal Aid's EJVP recruits volunteer attorneys who provide a range of pro bono service including volunteering for pro bono clinics (where pro bono attorneys meet with pre-screened Legal Aid applicants) and accepting cases for representation on a pro bono basis.

This year, Legal Aid celebrated the contributions of all our volunteers and singled out several who distinguished themselves through their extraordinary commitment of time, knowledge, and dedication. The 2017 Attorney of the Year award went to Attorney Robin Malone, the Program Coordinator of Amarillo College's Legal Studies Department. Ms. Malone assists Legal Aid with pro bono cases, coordinates clinics for pro se divorces, organizes at least one CLE presentation per year for pro bono attorneys, and serves on Legal Aid's Board of Directors. This year, Ms. Malone single-handedly assisted more than 50 pro se divorce clients of Legal Aid's Pro Se Divorce Clinic.

Amarillo Attorney William Taylor was recognized for accepting the most pro bono cases during a 12-month period. Attorneys Etinosa Edenaru, Brown & Fortunato, and Alex Yarbrough, Riney & Mayfield, were recognized for donating the most volunteer hours at pro bono clinics, having served at all 10 clinics offered in 2017. Recognition also was extended to Paralegal April Mock for outstanding service to the legal community.

Special thanks to our sponsors as well as to everyone who donated items for our silent auction: Cindy Barela Graham; Neon Moon; Safe Place Inc. and Heather Weidner, Safe Place's Executive Director; Amarillo Dental Spa—Ron Whittington, DDS; Amarillo Area Women's Bar Association; Amarillo Area Young Lawyers Association; Amarillo Venom; OHMS Cafe; Happy State Bank; Budweiser Distributing Company; Wells Fargo Bank; Ropin Round; Moore County

Memorial Hospital; Lonestar Ballet Dance Academy; Becky Brock; Panhandle Independent Living Center; and Rick's Radiator and Auto Repair. Their generosity helped Legal Aid raise \$1,000, which will be used to expand access to justice for low-income residents in our community.

More than 400 attorneys practice law within Legal Aid of NorthWest Texas' Amarillo office program area, some of whom perform pro bono work informally without affiliation with any legal services program. Of these 400, 72 volunteer attorneys participate in our EJVP, either working at clinics or taking pro bono cases.

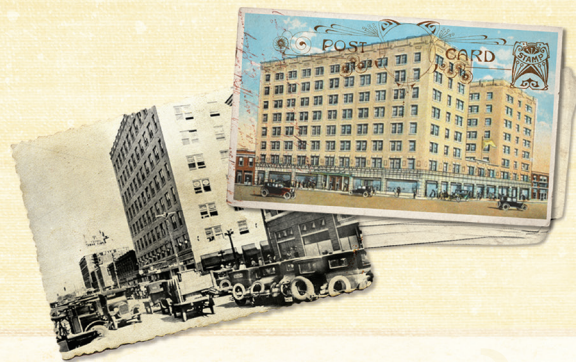
Since January 2017, local volunteers have logged more than 135 hours of pro bono time to the benefit of Legal Aid clients. Our 2018 goal is to double that number of pro bono hours. Please help us meet that goal by contacting me at 806-373-6808, ext. 6502, or EJVP Coordinator Luisa Vigil at 806-373-6808, ext. 6503.

*True peace is not merely the absence of tension; it is the presence of justice.*

—Martin Luther King Jr.

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images courtesy The Amarillo Public Library

# YOUNG LAWYER OF THE MONTH: CHELSIE A. KIDD



*Chelsie A. Kidd*

Chelsie A. Kidd was born in Dallas, Texas, raised in Kingwood, Texas and made the smart decision to move to Amarillo, Texas to begin her legal career at Brown & Fortunato, P.C. Prior to making the move to Amarillo she earned her undergraduate degree from Florida International University with a major in Political Science and minors in International Relations and Criminal Justice. At FIU, Chelsie was a member of the Swimming and Diving Team and served as Team Captain her senior year. She also served as Secretary to the Student Athlete Leadership Council.

Chelsie attended law school at Texas Tech University School of Law on a Regent's Scholarship for academic achievement. While in law school, Chelsie was a Staff Member and served as Executive Managing Editor of the Estate Planning and Community Property Law Journal. She was a member of several organizations including, Phi Delta Phi International Legal Honor Society, the Organization of Women Law Students, and the Energy Law Interest Group. Chelsie also participated in the Advanced Dispute Resolution Clinic and is a certified mediator. She graduated magna cum laude in May, 2016.

Chelsie is a member of the transaction and oil & gas groups at Brown & Fortunato, P.C. Chelsie's practice focuses on the purchase and sale of companies. She is a deal closer. She is also a member of the State Bar of Texas and the Amarillo Bar Association, Chelsie was elected as a Director of the Amarillo Young Lawyers Association in 2017.

Chelsie enjoys spending time with her two golden retrievers, family, and friends. She also enjoys traveling, swimming, and reading.

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Question: Which Justice on the Seventh Court of Appeals did not receive his legal education at the Texas Tech University Law School?



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# AAYLA UPDATE

By Tyler Topper



*"He puzzled and puzzled till his puzzler was sore. Then the Grinch thought of something he hadn't before. Maybe Christmas, he thought... doesn't come from a store. Maybe Christmas, perhaps... means a little bit more!"* – How the Grinch Stole Christmas (1966)



AMA-LAW is published monthly from September through May by the Amarillo Area Bar Association.

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Quarter-Page	\$75
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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:

**Amarillo Area Bar Association**  
Eagle Center  
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Also visit our website at [www.amarillo-bar.org](http://www.amarillo-bar.org) for information and links to both local and state-wide legal resources.



Thanksgiving 2017 is in the rear-view mirror. At least everything except the extra pound or two acquired via copious amounts of turkey, dressing, pumpkin pie, more pumpkin pie, etc.! As we continue the holiday season and turn our attention towards Christmas, it's easy to become distracted with all of the typical things that go along with Christmas—parties, shopping, kids events, and so-on and so-on. If you're like me, all of these distractions can become so overwhelming that they can turn you into a real life Grinch. I'd like to take just a moment to encourage us all to set aside our distractions and inner-grinchiness and reflect on the true meaning of Christmas. The true meaning of Christmas can be described a number of ways, but, in broad terms, the message and meaning of Christmas is love.

We're so privileged to work in a profession where we have opportunities to show love for people and make a difference in their lives. As we celebrate this Christmas season and move forward into 2018, think about ways you can show love for others. Whether you take part in a State Bar or TYLA service opportunity, volunteer at Legal Aid, become a CASA volunteer, or help others in another way, the opportunities

to serve are endless. If you'd like to learn more about local service opportunities, the AAYLA is a great place to start!

As for AAYLA news, a number of new attorneys were recently sworn-in at the AAYLA's annual Swearing-In Ceremony on November 8th. Congratulations again to all of our new lawyers, and welcome to the Amarillo legal community. Justice Judy Parker was also recognized at the reception following the ceremony, and we welcome Justice Parker to the Amarillo legal community as well.

Finally, our CLE committee has selected The Venetian as the location for our Vegas CLE on February 23rd and 24th. The Venetian is an outstanding venue, and you won't want to miss this fun (and educational) event! Be on the lookout for registration information, and feel free to contact Thomas McMillian at [tlmcmillian@gmail.com](mailto:tlmcmillian@gmail.com) if you have any questions about the event.

If you have any questions or want to learn more about AAYLA, please contact me anytime at [ttopper@bmwb-law.com](mailto:ttopper@bmwb-law.com) or 806.358.8116.

## AABA CLE SCHEDULE 2017-2018

		AABA Members	Non-AABA Members
Dec 7-8	Advanced Oil, Gas & Energy Law 13.5 CLE HRS 3.0 HRS ETHICS Sprouse Shrader Smith	\$340	\$390
Feb 1	Advanced Guardianship 6.25 CLE HRS 1.25 ETHICS Happy State Bank, Basement Training Room	\$225	\$250
Feb 2	Advanced Elder Law 7.0 CLE HRS 1.25 ETHICS Happy State Bank, Basement Training Room	\$225	\$250
Feb 23	Building Blocks of Wills, Estates & Probate 6.75 CLE HRS 3.0 HRS ETHICS Basement Training Room, Eagle Center	\$225	\$250





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## YOUR BAR EVENTS - DECEMBER 2017

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
				CLE, Advanced Oil, Gas & Energy Law		
10	11	12	13	14	15	16
				AABA Bar Luncheon, Main Dining Room, 31st Floor, Amarillo Club AABA Christmas Party		
17	18	19	20	21	22	23
24	25	26	27	28	29	30
					31	