



# AMARILLO-LAW

amarillobar.org

Volume 32  
February 2018  
No. 6

A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

*“So I am writing to invite you to consider adopting Valentine’s Day resolutions. Consider making an express resolution or two focused on spending time or serving your loved ones.”* -Page 2

*“Now, remember, the trial court has the discretion to grant or deny you that extra time. So, do what you can to cover your bases . . . like make sure the factual allegations in the motion are verified or supported by a sworn affidavit.”* -Page 4

## CONTENTS

President’s Page	2
Seventh Court of Appeals	4
Young Lawyer of the Month	6

## RENOWNED HOUSTON ATTORNEY PRESENTS, “OVERLAP OF IMMIGRATION LAW INTO OTHER AREAS OF LAW: PRACTICAL LESSONS ON IMMIGRATION LAW FOR ALL LAWYERS”



Rehan Alimohammad

Immigration Law overlaps with many other areas of law, including corporate, civil, employment, criminal, and family law. A lawyer that can recognize certain immigration concepts and areas of overlap can better understand a client’s situation and help achieve a favorable result. Our February speaker, Rehan Alimohammad, is Partner in charge of all Immigration and Tax matters for the national law firm of Wong Fleming in their Texas Office. Alimohammad is a renowned Houston attorney whose presentation will focus on the many ways that immigration law crosses over into our legal practice areas. Furthermore, Alimohammad is extremely familiar with the immigration topics that are making

headlines every day in our country. His informative and dynamic presentation could not come at a better time for lawyers seeking a better understanding of immigration laws that affect millions in our country and touch all of our lives, and legal practices, in some way.

Rehan Alimohammad has been a CPA since 1999, an Attorney since 2001, and was listed as one of the Top Attorneys in Houston, Texas by Houstonia Magazine from 2013-2015. He has a 10 Superb rating on Avvo, and an AV rating on Martindale Hubbell. Rehan is currently Chair of the Board for the State Bar of Texas (and the first Asian to hold this position), Minority Director of the State Bar of Texas, and member of the Executive Committee for the State Bar of Texas. Rehan is widely published, and has recently authored publications and made presentations on very relevant immigration topics. These relevant topics include: sanctuary cities, executive orders and U.S. immigration, immigration myths and facts, and the business case for diversity and inclusion. Rehan is a 1996 graduate of the University of Texas at Austin, and a 2001 graduate of the University of Houston Law Center. Please join us on February 8th for what promises to be a very interesting and informative presentation.



# ***PRESIDENT'S PAGE***

By: Chris Jensen

## **New Year's Resolutions and Valentine's Day for Lawyers**

Did you make New Year resolutions for 2018? If so, how are you doing a month into 2018? Babylonians apparently began this tradition some 4,000 years ago. Statistic Brain Research Institute reports: (1) forty-five percent of Americans usually make New Year's resolutions; (2) only eight percent are successful in achieving them while forty-nine percent have at least some infrequent success; and (3) twenty-four percent never succeed in fulfilling their resolutions. Yet, people who explicitly make resolutions are ten times more likely to attain their goals than those who do not. Finder.com has identified what they believe to be the top 10 resolutions for 2018: (1) improve fitness/exercise; (2) eat better; (3) quit smoking; (4) quit drinking; (5) learn something new; (6) travel more; (7) volunteer; (8) meet someone (for our single friends); (9) sleep more; and (10) get out of debt.

Now let's move from January 1 to February 14. St. Valentine was a priest in Rome during the reign of Emperor Claudius II. Claudius issued a decree banning all marriages and engagements. There are two theories regarding the basis of the decree. Both theories are based on the idea that the emperor needed to maintain a strong army to support the many military campaigns waged by Rome. One theory suggests that Rome was having a difficult time getting soldiers to join the military and Claudius believed Roman men were unwilling to join the army because of their strong attachment to their wives and families. The other theory is that Claudius believed unmarried soldiers fought better than married soldiers because the married soldiers might be afraid of what might happen to their wives or families if they died. Regardless of whether the issue was lack of military enlistments, the performance of married soldiers, or both, Valentine defied the decree and continued to perform marriages in secret.

Valentine's clandestine performance of nuptials was ultimately discovered. Claudius ordered Valentine be put to death. Valentine was arrested. Father Frank O'Gara of Whitefriars Street Church in Dublin, Ireland, believes a man called Asterius was to judge him pursuant to Roman law. Asterius had a daughter who was blind. Legend says that Valentine befriended the young girl, prayed with her, and ultimately healed her. Valentine was sentenced to a three part execution of beating, stoning, and finally decapitation all due to his stance on Christian marriage. While waiting for his impending death, Valentine reportedly left a farewell note for the judge's daughter and signed it "From your Valentine." Valentine was executed on February 14 around 270 A.D.

The basis of Valentine's connection with romance is disputed. Some scholars believe the date of his death became associated with a pagan festival of love known as the Feast of Lupercalia. At this feast, the names of young women were placed in a box from which they were drawn by men. Pope Gelasius decided to end the Feast of Lupercalia and in 496 A.D. declared that February 14 would be celebrated as St. Valentine's Day. Since that time, Valentine has become known as the patron saint of lovers.

You may be asking what is the connection between New Year's resolutions and Valentine's Day for lawyers. I think we can agree that the practice of law places significant burdens on attorneys in terms of time and demands. The advent of mobile phones, email, texts, and emails on phones has created an expectation that lawyers should be available to clients whenever an "important" issue arises. Lawyers are caught between the obligations to clients, partners and firms and the need to be profitable. Lawyers also spend time developing business and are often asked to serve the profession and non-profit organizations. These demands typically exist regardless of whether attorneys practice in large firms, small firms or are solo practitioners. These demands also exist across practice areas. Unfortunately, demands on lawyers can cause lawyers to sacrifice time with and attention to our loved ones. Even when we are spending time with our loved ones, we may be tired, distracted, or stressed. So I am writing to invite you to consider adopting Valentine's Day resolutions. Consider making an express resolution or two focused on spending time or serving your loved ones. Let me finally suggest that an out-of-town CLE event does not equate to a romantic get-away.



**America's Newest and Best  
Economy Extended Stay Hotels™**



**TRY Breakfast  
IN BED**



**AMARILLO, TX**

**(806) 803-9501**

2208 Cinema Drive  
Amarillo, TX 79124  
[amarillo@legacymgmt.org](mailto:amarillo@legacymgmt.org)



**LUBBOCK, TX**

**(806) 701-4196**

6219 62nd Street  
Lubbock, TX 79424  
[lubbock@legacymgmt.org](mailto:lubbock@legacymgmt.org)

[myplacehotels.com](http://myplacehotels.com) • **855-200-5685** • Each franchise is independently owned and operated.

**PRIVATE TRUSTS • INVESTMENT MANAGEMENT • RETIREMENT • ESTATES**

**Creating, Managing & Preserving Wealth**



**happytrust.com  
806-356-8787**



**HAPPY  
TRUST COMPANY**  
CREATING, MANAGING & PRESERVING WEALTH





# 7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

We all need a bit more time to get ready for the big date, now and then. If the big date involves a trial or hearing, a motion to continue is normally the best way to get that additional time. Now, remember, the trial court has the discretion to grant or deny you that extra time. So, do what you can to cover your bases .

... like make sure the factual allegations in the motion are verified or supported by a sworn affidavit. In *Ortiz v. Plano I.S.D.*, No. 07-17-00021-CV, 2017 Tex. App. LEXIS 11630 (Tex. App.—Amarillo Dec. 13, 2017) (mem. op.), the plaintiff's attorney withdrew and a new one was hired three days before the hearing date on a pending motion for summary judgment. Though he asked for a continuance, his motion was neither verified nor accompanied by an affidavit. Needless to say, the trial court denied the continuance, and we held that it did not abuse its discretion in doing so, given the missing verification and affidavit. Honestly, we get our share of appeals involving motions to continue and a court's refusal to grant them. And, in many of those appeals we have little choice but to affirm because the motions contained the same defect as in *Ortiz*. At the very least, comply with the mechanics stated in Texas Rule of Civil Procedure 251.

How about Texas Rule of Evidence 404(b)(2) and an attempt by the State to admit evidence of extraneous offenses or bad acts. You know that the rule entitles a defendant to prior reasonable notice of the State's intent to offer such evidence, if you ask for notice. But, the duty to notify does not include evidence of bad acts offered in rebuttal, and we said so in *Murdoch v. State*, No. 07-17-00291-CR, 2017 Tex. App. LEXIS 12110 (Tex. App.—Amarillo Dec. 28, 2017) (mem. op., not designated for publication).

**TnT**  
PROPERTIES

*Downtown Amarillo's*  
Premier Office Space and Commercial Condos  
Call Jeffrey Tidmore @ 806-372-9160

*You Name It, We Do It &  
We Appreciate You.*

**Scott's Flowers**

Just a phone call away

700 N. Polk 1-800-235-6470  
Amarillo, TX 79117 1-806-376-4679



# *Stewart* **WERNER**

## **FOR JUDGE RANDALL COUNTY COURT AT LAW NO. 2**



### ***VOTE FOR EXPERIENCE***

I respectfully ask for your support of my campaign for Judge of the Randall County Court at Law #2.

Those of you who know me know that I have the experience, intellect, patience, and temperament to most effectively serve on this bench. Having appeared in countless trials and hearings for more than 37 years, I well appreciate the demands on courtroom attorneys. As your new Judge of the Randall CCL#2, I pledge to be prepared, read your briefs, faithfully apply the law to the facts, and do my very best to get it right. I will be respectful of you, your client, and your time.

If you are a Randall County resident, I respectfully ask for your vote in the March 6 Republican Primary. If you are not, I ask that you encourage your Randall County friends and neighbors to vote for me.

### ***Experience***

- Juris Doctor degree – University of Oklahoma School of Law (graduated in the top 5% of his class, Order of the Coif, Oklahoma Law Review Articles and Note Editor)
- BBA – Management degree – Texas Tech University
- Licensed to practice law in the states of Texas and Oklahoma and in the United States Federal District Court for the Northern District of Texas
- Mediation Certification in civil litigation and family law
- Collaborative Law Certification
- Member of the State Bar of Texas (Section Memberships in Litigation and Family Law)
- Member of the State Bar of Oklahoma
- Member of the Amarillo Area Bar Association
- Member (and former president) of the Panhandle Family Law Association
- Leadership Amarillo alumnus and previous service on the boards of Court Appointed Special Advocates (CASA) and Family Support Services

[StewartWernerForJudge.com](http://StewartWernerForJudge.com)  [Facebook.com/StewartWernerForJudge](https://Facebook.com/StewartWernerForJudge)

SWERNER@ARN.NET | 806-231-1663 | P.O. BOX 9332, AMARILLO, TX 79105 | TREASURER: JOHN R. SANDERSON JR.

Pol. Ad. Paid for by the Werner for Randall County Court at Law #2 Campaign in compliance with the voluntary limits of the Judicial Campaign Fairness Act.

# YOUNG LAWYER OF THE MONTH: JUSTUS LINDSEY

Justus grew up in Uvalde, Texas, with his brother, Austin, and his parents, Skeet and Linda. Justus graduated from Uvalde High School in 2011, and moved to Wichita Falls, Texas, where he attended Midwestern State University. He graduated from MSU in 2014 with a BBA in Finance and moved in with his grandmother while he attended Baylor Law School. While at Baylor, he met his wife, Caitlin, who is an associate at the Underwood Law Firm. Justus graduated from Baylor in the top 10% of his class with a special distinction in litigation and participated on multiple mock trial teams. Justus is now an associate at Burdett, Morgan, Williamson and Boykin, LLP, where he practices civil litigation and trademark litigation. In his free time, Justus (or "Juice" as he is known by most of the Amarillo Bar) enjoys playing golf, watching college football, and Netflixing, but his favorite pastime

is telling Matt Sherwood, Grant Gibson, and anyone else who will listen how Baylor football will again be atop the Big 12 in less than three years.



*Justus Lindsey*

## AABF TRIAL ACADEMY

On November 17, 2017, the Amarillo Area Bar Foundation ("AABF") hosted a Trial Academy at the Potter County Courts Building. The Trial Academy began with a continuing legal education course on trial techniques presented by Jay Harvey. Mr. Harvey is an accomplished trial attorney with the law firm of Winckler & Harvey in Austin, Texas. The Trial Academy's hands on experience and practice material incorporated a mock trial problem, which was kindly provided by the Texas Young Lawyers Association. Twenty-two young lawyers from across the Texas Panhandle obtained practical, hands-on experience regarding direct and cross examination of witnesses and admission of documentary evidence. Local AABF members gave their time and served as witnesses, judges, and mentors. Members also served as mentor attorneys and provided valuable critiques to the new lawyers on their performance.

The day ended with a happy hour sponsored by the Texas Association of Defense Counsel, the Underwood Law Firm, and Sprouse Shrader Smith. The Trial Academy itself was underwritten by a generous grant from the Texas Bar Foundation, which enabled young lawyers to participate at no charge. Since its inception in 1965, the Texas Bar Foundation has awarded more than \$18 million in grants to law-related programs. Supported by members of the State Bar of Texas, the Texas Bar Foundation is the nation's largest charitably-funded bar foundation.

The Trial Academy committee worked countless hours to make this event a success. AABF wants to thank Jennie Knapp, Grant Gibson, Leslie Lowe, Bobby Ramirez, Titiana Frausto, Sabrina Karels, Meredith Pinkham, and Tim Williams.

VOTE
ELECTION DAY IS MARCH 6, 2018 • Early Voting Begins Feb. 20, 2018

Born and raised in Borger, I am married with an adult son and have been an active member of the Amarillo community since 2003. Having grown up in a family with strong Christian values, I support pro-life and the 2nd Amendment. As a household, we are NRA, Amarillo Rifle, and Pistol Club members. I believe that voting is a privilege and a responsibility and I have voted in every Republican Primary and every general election.

As a conservative with a strong work ethic, I have the experience it will take to lead the Potter County District Clerk's office. And with a passion for learning new things and solving problems when they arise, I pledge to make the Clerk's Office work with extreme efficiency.

▶ **GOALS AS DISTRICT CLERK**

- Provide excellent communication and customer service in Potter County Clerk's Office
- Examine the jury pool system and incorporate ways to minimize citizens being summoned
- Continue updating and automating the District Clerk's Office to better serve the Courts, attorneys, law enforcement and the public

▶ **38 YEARS OF LEGAL EXPERIENCE**

- Court Administrator- 181st Judicial District Court: 2003 - present (Potter/Randall Counties)
- Potter/Randall County Indigent Defense Coordinator: 2015 - present
- Court Administrator- 84th Judicial District Court: 1993 - 2002 (Hutchinson, Hansford & Ochiltree Counties)
- Legal Assistant and County Attorney Secretary: 1980 - 1993 (Edmonds, LaGrone & Smith)

▶ **ADDITIONAL ACCOMPLISHMENTS**

- Member of Amarillo Republican Women: 2018
- Member of High Plains Republican Women: 2018
- Attended the Tyler Technology Odyssey User Conference: 2014, 2015, 2016 & 2017
- Rural Association for Court Administration: 2016 - present (Secretary/Treasurer)
- RACA Conference Organizer in Amarillo: 2011 and 2016
- Speaker at Rural Association for Court Administration Conference: 2015
- Texas Center for the Judiciary Professional Development Program Graduate: 2005
- Member Rural Association for Court Administration: 1996 - present
- Member Texas Association for Court Administration: 1993 - present
- Hutchinson County Republican Women: 1994 - 1996 (Secretary/Treasurer)
- Attended Frank Phillips College and Amarillo College

Political Advertising Paid for by Carley Snider Campaign, Carley Snider, Treasurer



# AAYLA UPDATE

By Tyler Topper

February is here, and that means it is almost time for the AAYLA's 15th Biennial Las Vegas CLE! Our board committee has put a ton of work into this event, so you won't want to miss this quality CLE on February 24th. We've got a great slate of speakers, including Judge Board, Judge Schapp, Mark White, Sam Karr, Matt Sherwood and Grant Gibson. We've also planned a happy hour at the Grand Lux Café at the Palazzo (The Venetian) on Friday evening. Fly out on Friday, be there for the happy hour, attend the CLE on Saturday and enjoy a fun weekend in Vegas! You'll be glad you did! If you have any questions, contact Thomas McMillian at [tmcmillian@gmail.com](mailto:tmcmillian@gmail.com).

For those of us that don't typically think two months ahead, Easter comes early this year (April 1st). That means that the AAYLA's annual Easter Egg Hunt



and Bunny Hop 5k are also coming early! Our Easter Egg Hunt will be on March 30th at the Potter County Courthouse, and our Bunny Hop 5k will be on March 31st at Thompson Park. Mark your calendars for these fun, family events, and be on the lookout for more information soon. Also, we will be bringing back our Bunny Contest in conjunction with the Easter Egg Hunt. The Bunny Contest allows anyone to donate funds to see your favorite lawyer come dressed as the Easter Bunny for the event. Rumor has it that there is some early support for Patrick Weir, Matt Sherwood and Ben Doyle, but you can donate to support anyone you would like!

If you have any questions, or would like to know more about the AAYLA, please contact me anytime at [ttopper@bmwb-law.com](mailto:ttopper@bmwb-law.com) or 806-358-8116.

## AABF Scholarship Announcement (AMA-LAW)

The Amarillo Area Bar Foundation will be awarding four \$2,500 scholarships for the 2018-19 academic year during the 2018 Spring Institute Dinner. Applicants must be (1) enrolled in or accepted for admittance to an ABA accredited law school, and (2) born in, raised in, or currently reside in one the 26 counties of the Texas Panhandle. Once recipients of the scholarships are selected by the scholarship committee of the Foundation, the applications of those recipients are provided to the Coppedge family for review and a determination on who should receive the scholarship designated as the Chris Coppedge Memorial Scholarship. For more information on eligibility and an application, visit [amarillobar.org](http://amarillobar.org) and click on the Amarillo Area Bar Foundation tab or call Janet Byars at (806) 371-7226. The deadline to apply is April 2, 2018, 5:00 p.m.

## AABA History Quiz

### WIN A ROLLING BRIEFCASE!

Be the first to correctly answer the question below and send your answer to [ebeacom@bf-law.com](mailto:ebeacom@bf-law.com) and you will win a rolling briefcase provided by the State Bar of Texas.

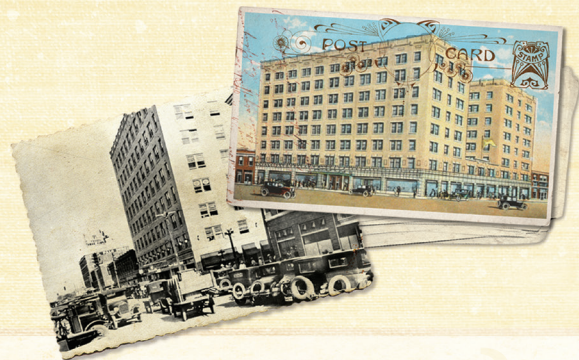
Question: What year was the first female appellate judge appointed to the Seventh Court of Appeals of Texas?



STATE BAR of TEXAS  
1-800-204-2222

## HISTORY IN THE MAKING

DOWNTOWN AMARILLO'S ORIGINAL HIGH-RISE  
FOR OVER 90 YEARS



The Historic Amarillo Building, built in 1925, proudly stands as Amarillo's oldest high-rise.

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.



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

Images courtesy The Amarillo Public Library



112 West 8th Ave., #615  
Amarillo, Texas 79101

Presorted  
Standard  
US Postage  
**PAID**  
Amarillo, TX  
Permit No. 227

Return Service Requested

#### EXECUTIVE COMMITTEE

**Chris Jensen**, President  
**Brad Howard**, President-Elect  
**Joby Mills**, Vice President  
**Matt Sherwood**, Secretary-Treasurer  
**Mark Logsdon**, Immediate Past President

Terms Expire 2018:  
**Christy Drake**  
**Jennie Knapp**  
**Brian Farabough**

Terms Expire 2019:  
**Audrey Mink**  
**Josh Woodburn**  
**Bobby Ramirez**

**Tyler Topper**, AAYLA President  
**Janet Byars**, Executive Director  
**Erica Beacom**, AMA-LAW Editor

## YOUR BAR EVENTS - FEBRUARY 2018

S	M	T	W	T	F	S
				1 CLE, Advanced Guardianship	2 CLE, Advanced Elder Law	3
4	5	6	7	8 AABA Bar Luncheon, Main Dining Room, 31st Floor, Amarillo Club	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23 CLE, Building Blocks of Wills, Estates & Probate	24
25	26	27	28			