



AAYLA-LAW

amarillobar.org

Volume 32
November 2017
No. 3

A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

ASSOCIATE DEAN FROM TEXAS TECH UNIVERSITY SCHOOL OF LAW PRESENTS ETHICS TOPIC: GRIEVANCE: THE TEXAS ATTORNEY DISCIPLINARY PROCESS



Wendy Adele Humphrey

At our November meeting, Texas Tech University School of Law Associate Dean Wendy Adele Humphrey will present the topic: GRIEVANCE: The Texas Attorney Disciplinary Process. In this informative and dynamic presentation, which has been submitted for .75 ethics hours, Humphrey will address some very pressing questions, including: What is your duty to report another attorney? What is the Client-Attorney Assistance Program (CAAP), and how does this confidential statewide dispute resolution service work for attorneys and clients? What steps are involved when a grievance is processed by the State Bar of Texas, and how can attorneys help themselves? What does the Board of Disciplinary Appeals (BODA) do when hearing certain attorney discipline cases, and how can attorneys help themselves? What are some of the arguably unethical practices that land Texas attorneys right in the middle of the grievance process? What are some of

the more ethical attorney practices that can help an attorney better avoid the grievance process? What else do you want to know about the grievance process? Associate Dean Humphrey is an expert on the grievance process, and she will present an interesting program and answer all your questions.

In addition to being a member of the law school faculty, Associate Dean Humphrey oversees all aspects of the law school's recruitment and admissions efforts, and she is in charge of compliance with ABA and regional assessment standards. She is also a Co-Director of the Texas Tech University Pre-Law Academy, which is a rigorous summer program for undergraduate students. In 2014, Humphrey received the university-wide Spencer A. Wells Award for creativity in teaching. She now serves as Chair of the ABA negotiation competition committee, which oversees the administration of the ABA regional and national competitions, and she coaches the law school's ABA Representation in Mediation team. Because she cannot get enough of her very interesting work, Humphrey also serves on the national Executive Committee for the AALS Legal Writing, Reasoning, and Research section, and she is a Co-Chair of the Legal Writing Institute's national Pre-Law Outreach committee.

Associate Dean Humphrey earned her B.A. in Psychology, magna cum laude, from Westminster College in Fulton, Missouri. She then earned her M.Ed. in Curriculum & Instruction, summa cum laude, and her J.D. from Texas Tech University. Before joining the faculty at Texas Tech University School of Law, Humphrey was a partner at a local litigation firm specializing in commercial law, personal injury law, and appellate law. We look forward to Associate Dean Humphrey's interesting and fact-filled presentation on grievances.

“The AABA formed the Special Concerns Committee in 2008. The Committee's purpose was to respond in appropriate ways to bereavement, illness and other life events affecting AABA members and their immediate families.”

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“AAYLA's annual Swearing-in Ceremony will be held on Wednesday, November 8th in the courtroom of the 7th Court of Appeals. If you are a new lawyer and would like more information about this event, contact Thomas McMillian at tlmcmillan@gmail.com.”

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PRESIDENT'S PAGE

By: Chris Jensen

Honoring and Caring for Our Fellow Colleagues and the Legal Profession

This past year we lost several long-time Amarillo area lawyers. Afterwards, I recalled discussions about what the AABA might do in recognition of lawyers who passed away. As your Executive Committee was reviewing the by-laws and policies of the AABA to prepare for this bar year, we realized that the AABA previously addressed this issue.

The AABA formed the Special Concerns Committee in 2008. The Committee's purpose was to respond in appropriate ways to bereavement, illness and other life events affecting AABA members and their immediate families. If a lawyer passed away, these responses could include a telephone call or sympathy card to a member of the deceased's family, a plant or floral arrangement, and announcements at the meetings and in AMA-LAW. The Committee might also lend a helping hand for a known need. In the case of hospitalization or serious illness, the Committee might contact the lawyer, send a card or flowers, and when appropriate let other lawyers know of the hospitalization or illness. The Committee even had an arrangement with a local florist to provide five plants per year in exchange for a business card size advertisement in each issue of the AMA-LAW.

Several of our members served dutifully for years on this Committee recognizing our friends and colleagues that had passed and consoling the surviving families. One of the challenges of such a committee is that its call to action is on an intermittent and infrequent basis. In addition, the Committee can only respond when its members become aware of a need. Over the years, the AABA focused its efforts in other areas and notifications to the Committee declined.

The Executive Committee has decided to recommit the efforts of the AABA to see that the Special Concerns Committee is appointed, active and supported. We discussed potential members of the committee. I am impressed with our membership. Every person I asked to serve said "yes" and did so without the need for bribes or threats. The Special Concerns Committee for 2017-2018 will be: David Russell, Chair; Bill Brian; Hon. Abe Lopez; Blair Oscarsson; Marty Rowley; John Talley; Mark White; and Chris Wrampelmeier. Their first task will be to review the policy adopted in 2008 and to make recommendations for changes. Their second task will be to begin doing the good and important work the Committee started years ago.

I want to thank those who agreed to serve. For the rest of us, I would ask two things: First, please send me or anyone on the Committee any

suggestions you have for the Committee. Second, please send me, Janet Byers (director@amarillobar.org) or anyone on the Committee the names of area lawyers when you learn that they have passed away, as well as the names of lawyers that are hospitalized or have a serious illness. While the Committee will be active in trying to obtain this information, we certainly want to do our best to avoid missing someone. I am proud of our organization, its members and its leadership. I believe we are privileged to practice law in an area where we have a sense of community and support among the bar.

On a final note, I attended the Red Mass and was impressed. The Red Mass dates back to the 13th Century England. It serves as the official opening of the judicial year. The Red Mass promotes the unity of the judiciary and legal profession and recognizes the importance of divine guidance to our legal system. Judge Toliver, a Federal Magistrate Judge for the Northern District of Texas, did a great job in delivering the keynote address. If you were unable to attend, I hope you will plan to attend next year. I want to recognize the efforts of the committee who worked to make the Red Mass a success: Brad Howard, Abe Lopez, Richard Biggs, Shyla Buckner, Brian Heinrich, Meg Morey, Bobby Ramirez, Deborah Reeves, Tom Riney, Audie Sciumbato, John Turner, Mark White and Terry White. Thank you.



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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

Appearing as this month's guest writer . . . the Honorable Pat Pirtle wrote the following submission:

Time to keep your cow on a leash . . . ? In Texas, there is no common law duty for an owner of livestock to ensure that his animals do not roam at large—including on roadways. However, under the Texas Agriculture Code, a local “stock law” can be created by an election to impose a duty on a livestock owner to avoid negligently endangering the public whenever his livestock begin to stray. In *Ceniceros v. Pletcher*, No. 07-15-00427-CV, 2017 Tex. App. LEXIS 6020 (Tex. App.—Amarillo June 29, 2017, pet. filed), we held the trial court erred in granting summary judgment in favor of a livestock owner who was sued when the plaintiff's vehicle struck a black cow, in the middle of the night, on a farm-to-market road in a precinct where a stock law had been lawfully adopted. (Editor's note: Cow leash, hmm . . . I bet you could find one on Amazon).

Next we deal with the question: “Who's the boss?” The appellant, a recent immigrant from Cuba who spoke no English, happened to be driving his aunt to Amarillo in her car. A State Trooper clocked them at 92 mph and gave chase with emergency lights on. Appellant saw the lights, slowed to 66 mph, eventually realized that the trooper was trying to stop him, and turned to ask his aunt what to do. She told him to keep driving until they reached “a signal.” Her directive won the day, resulting in appellant

being convicted for evading arrest. We were asked whether sufficient evidence supported the verdict in *Fernandez v. State*, No. 07-16-00420-CR, 2017 Tex. App. LEXIS 5315 (Tex. App.—Amarillo June 12, 2017, no pet.). It did, even though appellant was obeying his aunt. Between my Mom and a police officer . . . well, my Mom's skunk eye still scares me when I ignore her. At least the State will afford me due process.

I close this submission with some tips. First, many of the judges and their staff attorneys here use Lexis when researching the law. But many lawyers cite only to Westlaw for unpublished opinions. It sure would help us out if Lexis cites were included.

Second, Anders briefs are becoming quite commonplace.

Though an attorney is free to file one when the circumstances warrant it, counsel should still remember that the appeal is, for most practical purposes, the last chance for his client to question either his conviction or the termination of his parental rights. It is important to show the client and this court that great effort was taken on behalf of the client even though the effort uncovered nothing to appeal. A growing number of recent Anders briefs have fallen short of that mark. A brief full of misspellings and grammatical errors or that lacks analysis does little to assure us or the client that counsel was zealous. Let the client know you care through what you write. Appearance is important, too.

AABA CLE SCHEDULE 2017-2018

		AABA Members	Non-AABA Members
Nov 1-2-3	Advanced Family Law 21+ CLE HRS 8.25 HRS ETHICS Basement Training Room, Eagle Center	\$400	\$450
Nov 15-16	Advanced Civil Trial 18 CLE HRS 3.75 HRS ETHICS Basement Training Room, Eagle Center	\$400	\$450
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

*The Amarillo Area
Young Lawyers Association
and the Amarillo Area Bar Association
would like to invite you to the annual
Swearing In Ceremony
for new lawyers to be held at the 7th Court
of Appeals Courtroom at 4:00 PM on
Wednesday, November 8, 2017.*

*A reception will be held at the Amarillo Club's
Empire Room immediately following the ceremony.
At the reception, the AAYLA and AABA will
welcome the new lawyers to the practice of law and
Justice Judy Parker to the Court of Appeals. Please
make plans to attend to meet and congratulate the
new lawyers and Justice Parker.*

Save The Date

Amarillo Area Bar
Foundation

Wine Dinner

January 26, 2018

6 O'Clock in the evening

Amarillo Country Club



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YOUNG LAWYER OF THE MONTH: TYLER DiMARINO



Tyler DiMarino

Tyler DiMarino was raised in Amarillo after his family migrated to Texas from Pennsylvania in 1996. He is a graduate of Amarillo High School, and attended Texas Tech University following graduation. Tyler always had a desire to attend law school, but was unsure what major to pursue in college. After looking at different options he decided to major in Restaurant, Hotel, and Institutional Management. Tyler had always thought about running his own restaurant, and it seemed like a good alternative if law school did not work out. Learning to manage a hospitality business taught him how to create an exceptional experience for customers, something he continues to strive for in his work for clients. Tyler graduated magna cum laude from Texas Tech in 2013.

A Red Raider at heart, Tyler decided to attend Texas Tech School of Law after finishing his

undergraduate degree. While in law school, he participated in the Board of Barrister's negotiations, mock trial, and moot court competitions. He was an Articles Editor for the Business and Bankruptcy Law Journal where he helped prepare law articles discussing recent updates in the fields of commercial and bankruptcy law for publication. He also participated in the summer associate programs at Sprouse Shrader Smith and Burdett, Morgan, Williamson & Boykin.

In his last semester of law school, Tyler was able to intern with the Spurs Sports and Entertainment's General Counsel Office in San Antonio, Texas. During his internship, he assisted with various legal issues ranging from civil litigation to employment law to intellectual property. He managed to teach Kawhi Leonard a few things about basketball, and despite multiple pleas from Coach Popovich, he declined a chance to play for the Spurs to pursue his legal career. Tyler obtained his Doctor of Jurisprudence from Texas Tech School of Law in May of 2016.

Following graduation from law school, Tyler returned to Amarillo to work for Sprouse Shrader Smith. His legal practice area includes civil and commercial litigation, transportation litigation, and appellate work.

In his free time, Tyler enjoys exercising, attempting to play golf, going to the shooting range, and spending time with friends and family. He is an avid sports fan, and maintains his Pennsylvania roots by cheering for his favorite teams, the Pittsburgh Steelers and the Pittsburgh Penguins.

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AABA History Quiz WIN A ROLLING BRIEFCASE!

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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

This month's AAYLA update might be more appropriately titled the "New Lawyer Update." AAYLA recently held its New Lawyer Orientation on October 25th. The orientation was well-attended, and the many participants were given a tour of a number of our local courts, the opportunity to meet several

of our local judges, and enjoyed a happy hour after the tour.

AAYLA's annual Swearing-in Ceremony will be held on Wednesday, November 8th in the courtroom of the 7th Court of Appeals. If you are a new lawyer and would like more information about this event, contact Thomas McMillian at tmcmillian@gmail.com. We encourage everyone to come out to the event to show your support for our new lawyers at this important moment in their careers. There will also be a reception at the Amarillo Club following the ceremony.

If you or someone at your office has been waiting to join the AAYLA until after receiving bar results, then the wait is finally over! All of you newly minted lawyers can now rest assured that your AAYLA membership fee won't be wasted money! If you haven't already filled-

out a membership application for this bar year, contact Joey Parsons at jparsons@mayfield-lawfirm.com, and he will get you set up. Please note that there is a discount if you apply before November 15th!

Finally, whether you are a new lawyer or not, we encourage you to save the date for AAYLA's Vegas CLE on February 23rd and 24th. This CLE is shaping-up to be an incredible event—probably the best CLE you'll ever attend in your life, so **SAVE THE DATE!**

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



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

Advertisement Rates Single Issue

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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@amarillo-bar.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.



SAVE THE DATE!

Please save the date for our Annual
AABA Christmas Reception on
Thursday, December 14th

Location: Happy State Bank
& Trust Company,
701 S. Taylor
(1st floor -Bank Lobby)

Time: 6:00-8:00p.m.

More information soon to follow.





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YOUR BAR EVENTS - NOVEMBER 2017

S	M	T	W	T	F	S
			1	2	3	4
			CLE, Advanced Family Law			
5	6	7	AAYLA Annual Swearing-In Ceremony	AABA Bar Luncheon, Main Dining Room, 31st Floor, Amarillo Club	10	11
12	13	14	15	16	17	18
			CLE, Advanced Civil Trial			
19	20	21	22	23	24	25
26	27	28	29	30		