

AABA-LAW

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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

SEPTEMBER SPEAKER: MICK McKAMIE



Mick McKamie

At our September meeting, Amarillo City Attorney Mick McKamie will present: Hot Topics in Municipal Law in Amarillo and throughout Texas. McKamie is a civil trial lawyer who has spent a significant portion of his career representing governmental entities. McKamie has served as the Amarillo City Attorney a little more than a year and served another year before that as the Interim City Attorney. McKamie has addressed numerous issues at the City of Amarillo and beyond, and his stories of trials, hearings, administrative proceedings, and all other matters for many municipalities across Texas are both

entertaining and educational to attorneys across all practice areas.

McKamie is a graduate of the University of Texas and Texas Tech University School of Law. He also earned a Masters Degree in Public Administration from Texas Tech University. McKamie is a former Assistant City Attorney for Lubbock (1979-81) and City Attorney for Greenville (1983-87). He has also served as City Attorney for the Home Rule Cities of Alpine, Boerne, Hondo, and the General Law Cities of Leon Valley, Richwood, Somerville, Ferris and Cottonwood Shores. He has served as Interim City Attorney for the City of Euless and for the City of Forney, and as General Counsel for the Laredo Housing Authority.

McKamie is a frequent speaker and panelist on municipal and public law issues, focusing on Open Government, land use litigation, annexation and boundary disputes, governmental and official immunity, Fair Housing, Whistleblower Act, EEOC and employment discrimination, damages and remedies issues, and complex civil litigation. He is an Original Member of the Housing Authority Defense Attorneys Association.

McKamie has over 50 reported State and Federal Appellate decisions as lead counsel. Come listen to him regale us with stories of municipal law and cities in search of legal solutions to their problems.

“You should have already received your AABA Membership Registration and Dues Statement in the mail. If you have not received it, please go to our website at www.amarillobar.org.”

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“When you want the trial court to do something, you better be able to help it decide you’re right.”

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PRESIDENT'S PAGE

By: Chris Jensen

Welcome to the new bar year!

I find it hard to believe that it is already September. Time is flying by. It seems the Spring Institute, Memorial Day, and the kids getting out of school happened just a few weeks ago. At the time I am writing this article, however, we can watch preseason football, the MLB playoff picture is coming into focus, the kids are back in school, and the AABA bar year is just beginning.

You should have already received your AABA Membership Registration and Dues Statement in the mail. If you have not received it, please go to our website at www.amarillobar.org. The dues will remain the same as last year. I encourage you to renew your membership. The AABA strives to keep the cost of membership low while providing services to you consistent with the purposes of the AABA.

The AABA provides many services to its members. The AABA publishes the AMA-Law to keep you current on the news relating to attorneys. The AABA also brings speakers to the monthly luncheons to provide low cost, informative and entertaining CLE. The AABA sponsors full CLE courses and has already set the schedule for those courses. The schedule can be found on the website. The AABA offers discounts to its members for these courses and these courses prevent the need for Amarillo area attorneys to incur the time and expense to travel to other cities to obtain participatory CLE credit. The AABA also maintains an attorney locator on its website. A member of the public can go to the AABA website and select a practice area and a city and obtain a list of available attorneys. This is not limited to just attorneys in Amarillo.

The AABA is updating this on-line directory and will also publish a new pictorial directory this year. The last pictorial directory was published in 2015-2016. We have reached an agreement with Davy Knapp Photography to take pictures of each attorney. Mr. Knapp has agreed to provide a professional portrait at a greatly discounted rate. The cost of the studio session and one (1) high resolution electronic portrait will be \$30 (regularly \$275.00). For AABA members who do not have a photograph on the Attorney Locator page and those who would like to have an updated photograph with their information, contact Davy Knapp at 806-371-9210 to schedule your portrait sitting.

This is not the forum to call anyone out specifically. However, I think some of these pictures appear to be dated sometime during the Bush presidency (that is the George H.W. Bush presidency). As I am perusing the last pictorial directory, I notice some of you have lost some or all of your hair or, as in my case, my hair is significantly lighter than it was all of those years ago. The new photographs will be used for both the on-line directory and the new pictorial directory. Please contact Mr. Knapp and have your picture taken prior to October 15, 2017.

I would like to conclude this article by briefly discussing the governance and purposes of the AABA. The AABA is governed by the Executive Committee that is made up of the officers (President, President-Elect, Vice President, Secretary-Treasurer and Immediate Past President) along with six directors. The AABA attempts to select officers and directors from different practice areas so that all voices can be heard. Your Executive Committee is here to serve you. We met back in June to plan and prepare for the upcoming bar year with the purposes of the AABA in mind.

Article One of the AABA Bylaws describes the primary purposes of the AABA as: "improving the legal profession and the legal community in the Amarillo,

Texas area, including, but not limited to the maintenance of a high degree of professional service and responsibility to the public, advancement of professional interests of persons licensed to practice law, advancement of justice and the science of jurisprudence, preservation of high standards of integrity, honor and courtesy in the legal profession, and improvement of relations among the judiciary, the legal profession and the community." The Executive Committee is committed to fulfilling the purposes of the AABA. If you have any suggestions or comments on how the Executive Committee can further the purposes of the AABA, please contact someone on Executive Committee. The list of the people serving on the Executive Committee is available on the last page of this AMA-LAW and our contact information is on the AABA website.

I am looking forward to a great year. Please remember our first monthly luncheon of the 2017-2018 bar year will be on September 14. I also want to let you know that the meeting locations have moved from the 30th floor of the Chase Tower to the 31st Floor. I hope to see you there as we kick-off the new bar year.

2017 Fiduciary Liability & Legislative Update

Date: Friday September 29, 2017
Location: Happy State Bank and Trust
Company * Executive Dining Room
701 S. Taylor, Amarillo, Texas
Registration Costs: \$100 AABA/LABA
Members
\$125 Non-members of AABA or
LABA
Seminar Time: 10:15a.m.-1:15p.m.

Seminar Description: Mr. David Johnson, Managing Shareholder of Winstead, Fort Worth, will be our featured speaker on Fiduciary Litigation. Craig Hopper of Hopper Mikeska PLLC, Austin, Texas, and current Chair of the Estate and Trust Legislative Affairs Committee of REPTL, will be the featured presenter of the 2017 Texas Legislative Update. We are very fortunate to have both Mr. Johnson and Mr. Hopper coming to Amarillo to serve as our featured speakers on these important legal topics. Lunch will be served in the Happy State Bank Executive Dining Room by chef Joe Anderson. Seating is limited, so please register early.

CLE credit: 2.5 hours

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

There ain't no cure for the summertime blues, supposedly. What about the end of Summer when you're left wondering where it went. Seems like there ain't no cure for the "where in the heck did Summer go" blues neither. Despite having dem blues every year around dis time, I guess I best just write.

When you want the trial court to do something, you better be able to help it decide you're right. In *Keenum v. State*, No. 07-16-00111-CR, 2017 Tex. App. LEXIS 6534 (Tex. App.—Amarillo July 14, 2017), appellant's trial attorney wanted the trial judge to add an instruction on a lesser-included offense in its jury charge. When the trial judge asked the attorney if he could point to evidence entitling him to the charge, counsel said he could not. We viewed this response as effectively estopping appellant from contending on appeal that evidence warranted submission of the instruction. In short, the appellant gave the trial court reason to deny the request; so he had no reason to complain on appeal.

Caps, caps, and more caps, and I'm not talking the kind that cover your head. We know that statute caps monetary tort recoveries against governmental entities, but who falls under those caps? In *Anderson v. Stiniker*, No 07-16-00214-CV, 2017 Tex. App. LEXIS 6991 (Tex. App.—Amarillo July 26, 2017), we were asked if a private physician working in the emergency room of a government hospital did. Our answer was yes. It appears that the legislature expressly said so, even though his colleagues working in other areas of the same hospital may not be entitled to the protection.

We all push other people's buttons sometimes. Doing that to a

judge, though, can result in contempt. And, if it happens that you are involved in a criminal case when that button is pushed and you hear the words "I find you in contempt and sentence you to a rest in jail," don't come to us looking for the keys to that jail cell. We do not have original habeas corpus jurisdiction

when one is cited for contempt in criminal cases, as we noted in *In re Spriggs*, No. 07-17-00266-CR, 2017 Tex. App. LEXIS 7438 (Tex. App.—Amarillo August 7, 2017). Only the Court of Criminal Appeals can set you free then.

AABA CLE SCHEDULE 2017-2018

		AABA Members	Non-AABA Members
Sept 7-8	Advanced Evidence & Discovery 13.5 CLE HRS, 3.0 HRS ETHICS Basement Training Room, Eagle Center	\$340	\$390
Sept 29	2017 Fiduciary Litigation and Legislative Update 10:00 a.m.-1:15 p.m.***LUNCH PROVIDED*** 2.5 CLE HRS Happy State Bank, Basement Training Room	\$100	\$125
Oct 4-5-6	Advanced Criminal Law 21+ CLE HRS 4.25 HRS ETHIC Basement Training Room, Eagle Center	\$400	\$450
Oct 18-19-20	Advanced Personal Injury Law 20.25 CLE HRS 3.0 HRS ETHICS Basement Training Room, Eagle Center	\$400	\$450
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

AMARILLO TO OBSERVE SEVENTH ANNUAL RED MASS

All judges of the Texas Panhandle will be the guests of honor at the Seventh Annual Red Mass Ceremony on Tuesday, September 26, 2017, at 6:30 p.m. at St. Mary's Cathedral, 1200 S. Washington in Amarillo. We invite, and encourage, all attorneys to attend. Sponsored by the Roman Catholic Diocese of Amarillo, the Red Mass is a centuries-old tradition that marks the official opening of the judicial year. The service promotes the unity of the judiciary and the legal profession and invokes the blessing of the Holy Spirit upon the judicial system, the judiciary and those whose duty it is to judge, teach and resolve legal matters in the pursuit of justice. Because the color red is traditionally symbolic of the Holy Spirit, the liturgy has become known as "the Red Mass."

A Red Mass is held each October in Washington, D.C., to mark the opening of the term of the United States Supreme Court. Many dioceses in the country, therefore, celebrate their Red Mass in October as well. The Red Mass is open to all judges, lawyers, public officials, law enforcement and anyone in the community with a concern for justice, regardless of religious background. We welcome everyone into the church for this very special Mass celebration.

Bishop Patrick J. Zurek of Amarillo will serve as principal celebrant, and the Mass will be followed by a keynote address from Federal Magistrate Judge Renee H. Toliver of Dallas. Judge Toliver has served as a Federal Magistrate Judge in the Northern District of Texas, Dallas Division, since 2010. Judge Toliver is a 1981 graduate of Howard University and a 1984 graduate of the University of Texas School of Law. Judge Toliver grew up poor and endured very challenging circumstances, but with the guidance of her mother and grandmother, she excelled in school and has worked her way up to her current position. Judge Toliver was the first African-American magistrate judge for the Northern District of Texas. Judge Toliver's story is inspiring, and we look very forward to her presentation.

A reception with heavy hors d'oeuvres, beer and wine will follow the Mass and keynote address. Dress attire is business attire, and everyone is encouraged to wear red accents.

A committee of members from the Amarillo Area Bar Association has been working with Bishop Zurek to plan this event. For additional information, please contact Brad Howard at 345-6310 or bhoward@bf-law.com.

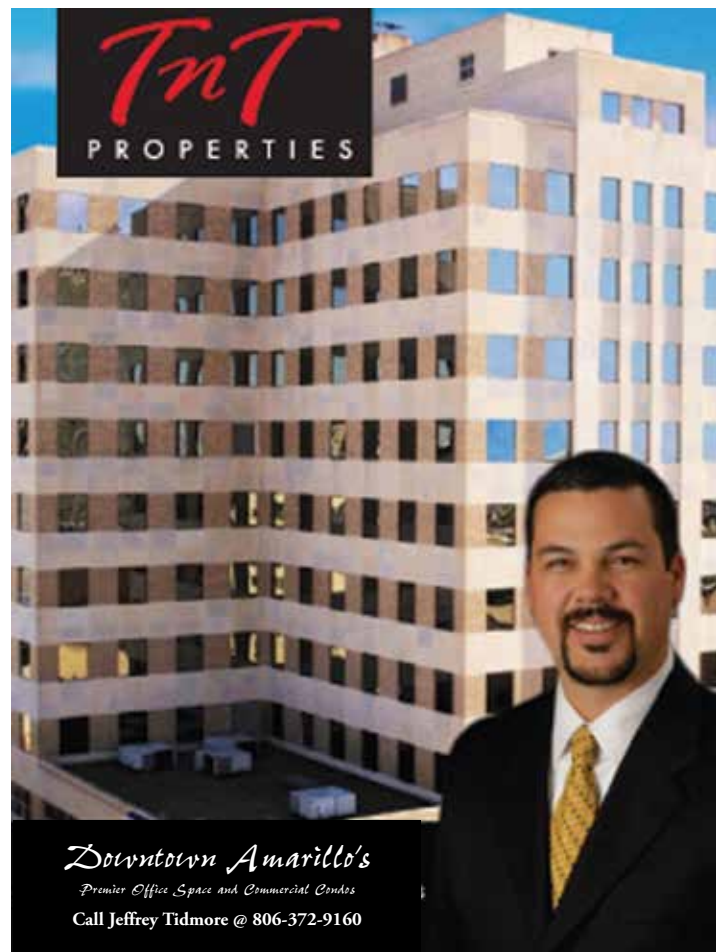
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YOUNG LAWYER OF THE MONTH: TYLER ALLEY



Tyler Alley

Tyler Alley is a native of Houston, Texas. He first realized his calling was in the legal field in the 10th grade during an English project for the book "Lord of the Flies." His teacher created a fake trial for the prosecution of the main antagonist of the novel, Jack (coincidentally, Tyler was on the prosecutor group for that project). He studied journalism as an undergraduate at Baylor University, which helped to sharpen his writing and editing skills. After graduating with his B.A. degree in 2012, Tyler pursued his interest in law by attending Baylor University School of Law, where he obtained his Juris Doctor degree in 2016, with a concentration in Real Estate and Natural Resources. However, during his second summer of law school, Tyler interned at the Harris County District Attorney's Office in Houston where he realized prosecution was the route he most wanted to pursue.

After graduating from law school, Tyler briefly interned with Harris County again before he began studying for the Texas bar exam. Upon passing the bar, Tyler pursued a career path in criminal law. After growing up in Houston and spending seven years in Waco, Texas, he decided to

try a less humid environment where snow actually sticks on the ground; he joined his friends from law school, Brittany Taylor and Joseph Hinton, in Amarillo and found a job with the Potter County District Attorney's Office. Tyler is currently an assistant district attorney for Potter County, Texas. Recently, Tyler was promoted from his position as an intake attorney to being stationed with the 320th District Court.

During his free time, Tyler loves to spend time with his friends and his girlfriend, Brooke. He enjoys playing video games, watching Netflix, hiking Palo Duro Canyon, and any other random activity he finds himself a part of. Tyler has not been in Amarillo for very long, but he already loves where he is and hopes to call this city home for many years to come.

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AAYLA UPDATE

By Tyler Topper

The AAYLA is excited to begin a new bar year, and we are looking forward to the continuing opportunity to serve our area bar and community. We held our first board meeting of the new bar year recently, and are happy to have a number of new folks on the board. We also have new officers. This year's officers were sworn-in at the Spring Institute Dinner last May:

- President: Tyler Topper
- Vice President: Courtney White
- Treasurer: Joey Parsons
- Secretary: Richard Biggs
- Past President: Shane Brooks

Before Shane rides off into the AAYLA sunset, I'd like to congratulate both him and last year's board on AAYLA's receipt of a TYLA Award of Achievement for service to the bar this summer at the Bar Leaders Conference in Houston. The award was received for the AAYLA's Not Quite Vegas CLE project.

Despite the Not Quite Vegas CLE project being an award-winning success, we will not be repeating the project this year. That's because we're going to Vegas, baby! That's right... we're bringing back everyone's favorite project, our Vegas CLE! We don't have firm dates for the CLE yet (it will be in early 2018), but be on the lookout for more information in the coming months.



As far as upcoming events, AAYLA will be hosting a family-oriented Cookout and Connect Membership Drive event on Friday, September 15th. We will be grilling burgers and hot dogs at a local park. We'll have inflatable games for the kids (and maybe some adults), and will be showing a family movie after dark. Whether you are a young lawyer, old lawyer, AAYLA member, or not, don't miss this opportunity to spend time with your families and connect with your colleagues at this fun event.

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.

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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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Eagle Center
112 West 8th Avenue, Suite 615
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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.



HAVE YOU PAID YOUR DUES?

Remember, only AABA members:

- * are featured in the online directory at amarillobar.org;
- * will be included in the AABA membership directory;
- * pay member rates for monthly luncheons, the Spring Institute, and CLE; and
- * receive each month's issue of AMA-LAW.

If you have not yet submitted your dues for the year, please send your check to: AABA, 112 W. 8th Avenue, Suite 615, Amarillo, TX 79101.

Dues are \$65.00 for attorneys licensed five years or less and \$100.00 for those licensed more than five years. Contact Janet Byars at (806) 371-7226 or director@amarillobar.org for more information.

AABA History Quiz

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Question: What local attorney co-sponsored the "Integrity and Civility" Bill?



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YOUR BAR EVENTS - SEPTEMBER 2017

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