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# ERIKA BRIGHT IS OUR APRIL SPEAKER



Erika Bright

in disputes with insurance carriers and advises clients on all insurance-related topics, including how to minimize risk, draft indemnity agreements and obtain optimum insurance coverage.

Erika has extensive experience in the courtroom and has litigated insurance disputes involving virtually all types of coverage, including Directors and Officers (D&O), Errors and Omissions (E&O), Fiduciary Liability, Commercial General Liability (CGL), Property, Builder's Risk, Employer's Liability, Environmental and Energy policies.

Additionally, Erika is an accomplished lecturer and author on insurance issues and frequently speaks at industry conferences, events and law schools nationwide. Ms. Bright serves as Faculty Member and lecturer for the Texas Bar CLE's Advanced Insurance Law Course and UT Law CLE's Annual Insurance Law Institute. She has authored and contributed to many leading publications, such as the ABA's Handbook on Additional Insureds and Law 360.

Prior to joining Wick Phillips, Erika was a partner at Haynes and Boone, LLP in the firm's insurance coverage and business litigation practice groups.

Erika has received numerous honors and awards, including recognition as one of The Best Lawyers in America (2013-2018) and Texas Super Lawyer in Insurance Coverage, Business Litigation, and Construction Litigation (2012-2016). Erika is a 1997 graduate of the University of Oklahoma College of Law. We look forward to her very informative presentation in April!

Our April speaker is a well-known attorney in Dallas whose topic crosses all practice areas and has practical application for every attorney. Erika Bright, a Partner in the Dallas office of Wick Phillips, will present the topic: "Show Me The Money: Triggering Insurance Coverage to Protect Your Clients." Whether you represent individuals, corporations, or business entities of any kind, there is a possibility that the behavior they are accused of might trigger insurance coverage, or at least a duty to defend on the part of an insurer.

For more than 20 years, Erika Bright has litigated and counseled on complex insurance coverage, indemnity, business and construction disputes throughout all major industries. Recognized as a leading authority on insurance coverage and commercial litigation, Erika has devoted her practice to protecting clients and finding recovery in their time of need. Erika represents corporate policyholders

*“We are extending a special invitation to all of our attorneys who have been licensed to practice law for 50 years or more to attend our AABA lunch meeting on April 12 at the Amarillo Club.”*

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*“I was once asked if I would drink treated, recycled effluent. I hope I never have to find out what my answer would be.”*

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## YOUR BAR EVENTS - APRIL 2018

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12 AABA Bar Luncheon, Main Dining Room, 31st Floor, Amarillo Club	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30 Institute on Estate Planning					

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# PRESIDENT'S PAGE


By: Chris Jensen

## In 1968 ....

In 1968, Lyndon Johnson was in the White House, the minimum wage was \$1.60 per hour, a gallon of milk was \$1.15, a loaf of bread was 22 cents, gas was 34 cents a gallon, a movie ticket was \$1.50, the average income per year was \$7,850 and the average cost of a new house was \$14,950. 1968 also had more than its fair share of bad news: Martin Luther King, Jr. and Robert Kennedy were assassinated and North Vietnam and Viet Cong troops launched the Tet offensive. We saw a number of technological advances in 1968: the Boing 747 made its maiden flight, NASA launched Apollo 7, the first ATM was installed, the Emergency 911 service started, and Intel was formed. In the midst of these law prices, world events, and technological advances, the following members of the AABA were practicing law:

Charles Aycock  
Art Baker  
Jim Besselman  
Maston Courtney  
John T. Boyd  
James Doores  
Robert Forrester  
Seldon Hale  
Don Jackson  
Billy Jarvis  
George Jennings  
Wales Madden  
Dee Miller  
Oth Miller  
Charles Moss  
Tom Morris  
John Oden  
Don Patterson  
Mary Lou Robinson  
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Otis Shearer  
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Images courtesy The Amarillo Public Library

I do not want to miss anyone. If you are aware of any other 50 year lawyers, please let me or Janet Byars know (371.7226). The Bar would like to honor these lawyers. We are extending a special invitation to all of our attorneys who have been licensed to practice law for 50 years or more to attend our AABA lunch meeting on April 12 at the Amarillo Club. Please plan to attend and help us honor our attorneys who have been licensed for 50 years.



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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  
112 West 8th Avenue, Suite 615  
Amarillo, Texas 79101  
e-mail: [director@amarillobar.org](mailto:director@amarillobar.org)  
Phone: 806-371-7226

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.



## AAYLA UPDATE

By Tyler Topper

## Happy Easter

### Easter Egg Hunt

Courthouse lawn

Friday, March 30th @ 4 pm

Contact Tom Knapp or Chelsie Kidd

with any questions

([tknapp@bf-law.com](mailto:tknapp@bf-law.com) or [ckidd@bf-law.com](mailto:ckidd@bf-law.com))



### Bunny Hop 5k

Thompson Park

Saturday,

March 31st @ 9 am.



### Amarillo Area Bar Association

*Invites you to the 2018 Spring Institute  
Seminar \* Golf Tournament \* Dinner  
sponsored in part by the State Bar of Texas*

#### Friday, May 4, 2018

**Spring Institute Seminar:** Amarillo College West Campus Lecture Hall, 6222 W. 9th  
8:00a.m. Registration and Breakfast courtesy of Underwood Law Firm  
8:30a.m. Welcome by Joby Mills, Chair of Spring Institute  
8:35-9:50a Mr. Gary Kennedy, Former Senior Vice President & General Counsel of American Airlines, "Twelve Years of Turbulence: The Role of Lawyers during Times of Crisis"  
9:50-10:00a Break  
10:00-11:00a Mr. Jody Holland, "How to Read Anyone in 10 Seconds or Less"  
11:00-12:00 Mr. Dustin Benham, Texas Tech University

#### Friday, May 4, 2018

**Golf Tournament:** Ross Rogers Golf Course, 722 NW 24th Ave.  
12:30p Registration; box lunches and beer; Welcome  
1:30p Shotgun start with awards ceremony at conclusion of tournament (Mulligans for sale - 2 for \$20)

#### Saturday, May 5, 2018

**Spring Institute Dinner:** Embassy Suites, 550 S. Buchanan St.  
6:00p Cocktail Hour  
7:00p Invocation/Dinner  
7:45p Installation of Officers and Directors: AABA, AAYLA, AABF, and AABF Scholarship Presentation; presentation of Justice Reynolds Award  
8:00p Live music performed by JARS of Sound

For any additional information please call the AABA office 806.371.7226

# YOUNG LAWYER OF THE MONTH: GRANT GIBSON

(This is my favorite article in all the world, though I have never read it. – Grant Gibson) Most young lawyers of the month write their own article in the third person, but Grant Gibson is not your typical young lawyer.

Hailing from the booming metropolis of Iowa Park, Texas, Grant demonstrated his atypical nature at an early age. His father describes him as a revolutionary. His mother loves his sister and the family dog, so she was unavailable for comment. In high school, Grant excelled at academics, football, basketball, and baseball. But, he could not hide from his true passion: Medieval fairs...because it is not every day you can dress up as the Dread Pirate Roberts and let yourself be free.

After high school, Grant traveled to the flatlands of Lubbock, Texas, to attend Texas Tech University. He was a member of the Texas Tech baseball team for a time, but he decided that the most appropriate place for his talents was the intramural softball fields, where the 200-foot fences were more within reach. Plus, no curve balls. When he wasn't focusing on his professional softball career, Grant obtained a B.B.A. from the Rawls College of Business. When the sponsorships did not arrive from Rawlings, Grant decided that law school was a good back-up plan.

Despite the existence of an excellent law school full of brilliant students in Lubbock, Texas, Grant chose to move to Waco to attend law school. While at this "other" law school, Grant found that his passion was to be a litigator. Or, maybe it was just that this law school made him go to pretend court and required him (and

all other graduates) to talk about pretend court ad nauseam. Regardless of the reason, Grant sought a litigation position out of law school, and accepted a position at Burdett, Morgan, Williamson, & Boykin.

Since joining BWMB, Grant has continued to hone his skills as a litigator, recently being accepted into the partnership at the firm. When not billing hours, Grant gallivants from smoky bar to smoky bar as a member of the esteemed cover band, "Not Them Again." Or, at least that's the unofficial name, based upon what is usually yelled at the band when they begin a set. Grant's favorite passion, however, is running over, around, and through obstacles in Spartan Races, where he desperately tries (and fails) to keep up with Sam Karr. Despite the routine losses to someone nearly twice his age, Grant manages to hold his head (and his participation medals) high.



Grant Gibson

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# 7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

I was once asked if I would drink treated, recycled effluent. I hope I never have to find out what my answer would be. However, in *Davis v. City of Lubbock*, No. 07-16-00080-CV, 2018 Tex. App. LEXIS 1034 (Tex. App.—Amarillo Feb. 6, 2018) (mem.op.), several horses ate hay cut and baled from land owned by Lubbock and watered with treated effluent. Three fell sick and two died. The owner sued and, you guessed it, Lubbock invoked its sovereign immunity. To avoid it, Davis initially contended that the baling and selling of hay was a proprietary, not a governmental, function. We acknowledged, in Davis, that a municipality is not immune from suit when performing proprietary functions. But, disposing of effluent is a governmental function, and doing it in the way Lubbock did was part of a method approved by the Texas Commission on Environmental Quality. So, the City's actions were not proprietary. Furthermore, using machinery to harvest the crop did not place the City's actions within the exception to immunity found in section 101.021(1)(A) of the Civil Practice and Remedies Code relating to injury caused by motor driven equipment. The bacteria growing on the hay caused the injury, not the machinery used to cut it.

How about a reminder? It concerns jury instructions and article 38.23(a) of the Texas Code of Criminal Procedure. A defendant may be entitled to an instruction telling the jury that if it believes evidence was obtained illegally then it must disregard it. But, that entitlement arises when facts underlying the manner in which the evidence was obtained are contradictory. For instance, let's assume the defendant says he was in custody or under arrest because the interrogator held him for 10 hours, denied him food and water, and handcuffed him to the table prior to confessing without having been told his Miranda rights. Let's also assume that the interrogator admitted he did not mirandize

the defendant but denied everything else the defendant said. The ultimate question is custody and whether the defendant was in custody. That is a question of law. On the other hand, who to believe is not a legal question but one for the jury to decide. So, the article 38.23 instruction is submitted to the jury. On the other hand, if the interrogator agreed with everything the defendant said, then an instruction would be unnecessary since the underlying facts are undisputed. In that situation, it would be up to the court to decide if the scenario equated custody. I know, it all sounds like a big ol' technicality but what fun would there be in the law if there were no technicalities. Read our opinion in *Chappell v. State*, No. 07-17-00151-CR, 2018 Tex. App. LEXIS 882 (Tex. App.—Amarillo Jan. 31, 2018) (mem. op., not designated for publication), where again we discussed the technicality.

## 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: How many accredited law schools exist in Texas?



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