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-Page 2

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-Page 4

CONTENTS

President's Page	2
Seventh Court of Appeals	4
Young Lawyer of the Month	6
AAYLA Update	7

A PASSIONATE ADVOCATE FOR THE IMMIGRANT POPULATION PRESENTS, “IMMIGRANT LABOR, THE ULTIMATE HUMAN RESOURCE”



Our first speaker who will kick-off our fall AABA monthly luncheons in September is Francisco Hernandez. Francisco's mission statement is, “The Passionate Advocacy for the Immigrant Population”. He has devoted his law practice to the immigrant population and protecting their interests since 1994 when he opened his law practice. Francisco will present a program focused on his extensive experience representing a wide range of immigrant issues, as well as the challenges immigrants face today regarding United States' citizenship. Francisco is well versed on various immigration issues, which includes

today's “hottest” immigration topic: separation of families at our border with Mexico.

Francisco was born in Fort Worth and is a TCU '86 Graduate. Due to his familial heritage, Francisco holds dual citizenship in the United States and Mexico. Francisco lived in Mexico until the age of 13 when his parents and five siblings returned to the United States. With more than twelve TCU degrees spread among family members and spouses, the Hernandez family bleeds purple.

Francisco obtained his law degree from Catholic University of America in Washington, D.C. in 1990. During law school, he worked for Congressman Pete Geren, the Department of Justice, and the law firms of Skadden Arps and Arent Fox. After law school, he worked for a Texas law firm, and later as in-house legislative counsel for Southwestern Bell Telephone Company in Austin. Francisco has also served as a legislative advisor to State Representative Doyle Willis. Francisco is a Criminal Law Specialist certified by the Texas Board of Legal Specialization. He is admitted to practice in Texas, the United States Supreme Court and the International Criminal Court in The Hague.

He is a frequent guest commentator on FOX News, and his website is: texasmexicolaw.com. Please join us September 13, 2018, for what promises to be an insightful and entertaining presentation.



PRESIDENT'S PAGE

By: Brad Howard



Ch-Ch-Ch-Changes

This next year will be a time of real transition for local lawyers and the Amarillo Area Bar Association alike. At the beginning of 2019, we say a hearty farewell to Judge Don Emerson and Judge Ronnie Walker, both of whom have worked hard to serve our community for years. We will welcome Judge Matt Martindale, Judge Matthew Hand, and Judge Walt Weaver to our courts, and look forward to practicing before Judge Pamela Sirmon in the 320th. That is an incredible amount of change in one year, and the Amarillo legal community will have a very different look. We wish our incoming and outgoing judges all the best in this time of transition, and God help us to remember who all the new judges are. Whenever I see an attorney around town, I will probably say "Hello Judge" just to be safe.

The AABA itself has a few changes to announce, too. First, our monthly bar lunches are now at a NEW LOCATION, THE EMBASSY SUITES in downtown Amarillo. We will still start at 11:45 am, and the first lunch will be held on Thursday, September 13. Don't go to the Amarillo Club that day, or you will miss our lunch and the first great speaker of the new bar year. Please pull out a Post-it and write EMBASSY SUITES EMBASSY SUITES EMBASSY SUITES EMBASSY SUITES EMBASSY SUITES on it.

Second, the Spring Institute will sport a different look this year. Over the years, the Saturday dinner attendance has dropped off, and many bar leaders felt it was time for change. This is still a work in progress, but the next Spring Institute will be a one-day affair, with CLE in the morning, golf in the afternoon, a Happy Hour at 5 pm, and a more casual and festive dinner to follow. This new format should appeal to all of us who enjoy spending time with members of the bar in a more relaxed environment while enjoying cocktails and festive music. That should be just about everyone, including the dozens of new judges around town!

There is also some change in the Officer and Director ranks of AABA. The Officers include Joby Mills as President-Elect, Jennie Knapp as Vice-President, Matt Sherwood as Perpetual Secretary/Treasurer, Chris Jensen as Past-President, and Mark Logsdon as Past-Past-President. The AABA Directors for this year are Bobby Ramirez, Audrey Mink, Robyn Nance, Thomas McMillian, Josh Woodburn, and Laura Hale. The President of the Amarillo Area Bar Foundation is Andrew Evans, and Courtney White is the President of the Amarillo Area Young Lawyers Association. Janet Byars is our indispensable Executive Director, and the ghost of Jo Ann Holt still double checks our work.

Thankfully, there is some consistency in the form of very reasonably priced local CLE! Be sure to check out the CLE Schedule for upcoming CLE on Advanced Evidence and Discovery (Sept 6-7); Trust, Probate and Guardianship (Sept 14); Advanced Criminal Law (Oct 3-5); Advanced Personal Injury Law (Oct 17-19); Advanced Family Law (Nov 7-9); Advanced Civil Trial (Nov 14-16); Advanced Oil,

Gas & Energy Law (Dec 6-7); Firearms Law (Jan 24-25); and Building Blocks of Wills, Estates & Probate (Feb 22). With all these offerings, you can forego CLE opportunities in boring places like San Francisco or Chicago and stay local with the same people you see all the time. Seriously though, these CLE programs are very relevant and inexpensive, and this local CLE has saved many of us from the indignities of certified mail from the State Bar. Please review the CLE calendar and sign up for your much-needed CLE! And thanks to Meg Morey for all of her work to make this possible.

Finally, please submit your application and bar membership dues to AABA, and calendar the monthly lunch meetings for the following dates: September 13, October 11, November 8, December 13, January 10, February 14, March 14, and April 11. I failed to take my own advice and got double booked for one of our luncheons already, so don't do that. Thankfully, our Perpetual Secretary/Treasurer Matt Sherwood has been kind enough to step in and cover unless he gets double booked, too. It's going to be a great bar year, and I look forward to seeing all of you throughout the next year.

MEMBERSHIP REGISTRATION AND RENEWALS

If you did not receive your Membership Registration packet, you may find the registration materials on the AABA website, amarillobar.org. 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. Membership Registration forms and dues payments can be mailed to AABA, 112 W. 8th, Suite 615, Amarillo, TX 79101. The CLE schedule for the year is also located on the website, amarillobar.org.

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Call or email Kerry McLain at 806.374.3765 or kerry@sgmtexaslaw.com.





7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“Summertime, and the livin’ is easy” It may have been for Porgy and Bess, but there does not seem to be much easy living during recent summertimes. Lawyers tell me that their practice no longer slows down, and the courthouse seems to be percolating as fast as ever. Ah, well, I guess it’s time to just “hush little baby, don’t you cry.” Here it goes.

Parental termination suits are more plentiful than ever, and that’s not necessarily a good thing. Many are being initially tried by associate judges, but statute allows for a de novo review of their decisions. Question again arose about what constitutes such a review in *In the Interest of N.V.*, No. 07-18-00060-CV, 2018 Tex. App. LEXIS 4920 (Tex. App.—Amarillo June 29, 2018). There, a parent sought one, and the trial court announced that it would be considering the record developed before the associate judge. That led the Department of Family and Protective Services to forego presenting additional evidence. The trial court reviewed the pre-existing record and adopted the associate judge’s findings supporting termination. We found that the statute allowed the court to do just that. The Department was not required to again prove its case through another formal trial, though all the parties were free to present additional evidence if they cared to. In short, a de novo review in a termination setting means looking at what there is through a new set of eyes; it does not require a whole new trial.

I hope this doesn’t apply to any of you who read my column, but felons generally cannot possess firearms. But what’s a firearm and does that include a flare gun? We said “yep” in *Mosier v. State*, No. 07-17-00357-CR, 2018 Tex. App. LEXIS 5134 (Tex. App.—Amarillo Jul. 9, 2018). The legislature defined a firearm as “any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.” The evidence in *Mosier* revealed that the item found in the car was designed to do just that.

Seems like everyone is recording everything, even attorneys who converse with their clients. Well, it was a telephone call that was recorded in *Taylor v. State*, No. 07-16-00419-CR, 2018 Tex. App. LEXIS 5576 (Tex. App.—Amarillo Jul. 23, 2018), and the parties to it were in California. That State requires both parties to consent to the recording for it to be lawful. Texas and the feds do not; only one party need consent. When the State offered the recording into evidence, Taylor objected, contending that the recording was obtained illegally. The trial court disagreed and admitted it. We agreed. California law did not control the admissibility of the recording in a Texas criminal prosecution. For some reason that reminds me of a Lyle Lovett lyric . . . “That’s right you’re not from Texas[,] [b]ut Texas wants you anyway.” Or, when in Texas, do as the Texans do.

Until next month. Enjoy the Fall.

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 and you will win a rolling briefcase provided by the State Bar of Texas.

Question: Who was the first female justice on the U.S. Supreme court, and where was she born?



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Contact Suzanne and Jana today to learn more about how our Amarillo-based team can help ensure your family business is running as efficiently as possible.



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Navigating Your Financial Future

*Barron's awarded the 2017 #2 and the 2016 #1 rankings in the Top 20 Independent Advisory Firms to Mariner Holdings based upon data compiled for Mariner Holdings' registered investment adviser subsidiaries. Barron's publishes these lists based upon a number of criteria and the firms' filings with the SEC were used to cross-check the data provided to Barron's. The listing includes the firms' numbers of clients, employees, advisors, offices and state locations. The award is not indicative of future performance and there is no guarantee of future investment success.

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YOUNG LAWYER OF THE MONTH: SHANTAL ORTEGA



Everyone who goes to law school claims to be motivated by a desire to seek justice. But, for Shantal, at the time an undergraduate in Texas Tech's political science and history programs, understanding how laws are made had to be accomplished before she could focus on the inner workings of the justice system. As this passion for understanding grew, Shantal, still as an undergrad, began traveling the world and understanding the policy methodologies and procedures in other cultures. She studied in Reims, France, and learned French while exploring the Champagne region and its political and legal climate.

She then worked as a legislative aide at the Texas Capitol, where she gained an appreciation and understanding for policy at the state and local level. She felt most inspired by the long hours engaging in committee meetings and demands, both intellectual and temporal, of serving the Texas legislature.

After working as a legislative aide, Shantal's passion to become a lawyer was solidified and she packed her bags for Charlotte, North Carolina to attend Charlotte School of Law, a place where she could both be near family and fulfill her educational dreams.

Drawing on the lessons she learned on the Amarillo High

Speech and Debate team, Shantal thrived in the Socratic-seminar style of law school that demands a love for public speaking. Putting those skills into practice outside the law school, Shantal successfully advocated for the clients she represented throughout legal proceedings in the law school's immigration clinic. Continuing her interest in law and policy procedures across the globe, Shantal, now a law student, studied in Vilnius, Lithuania and explored many different countries along her travels.

After law school, disaster struck the country and Shantal joined the U.S. Small Business Administration to provide legal assistance to the victims of Hurricane Harvey. In this role, she was honored to assist fellow Texans rebuild and pursue the coverage they needed and deserved.

As the immediacy of the hurricane response lessened, Shantal returned home to West Texas where she welcomed the nearness of her mother, her toy poodle, Lola, and especially her nieces who keep her young and fun. Decidedly planting her roots back in Amarillo, Shantal joined the City as an Assistant City Attorney in June 2018 as a prosecutor for the Municipal Court. She continues to develop her understanding of policy — locally, nationally, and abroad — and has plans to continue traveling the world every chance she gets.

“IN MEMORIAM” **Deborah Reeves**

Our friend, partner, and colleague Deborah Reeves passed away on Saturday, July 28, 2018. We mourn her loss and celebrate our fortune to have known and worked with her for many years – raising our eyebrows at her frankness, wincing at her salty language, smiling at her cowboy swagger, chuckling uncomfortably at her biting humor, appreciating her forthright advice, honoring her work ethic, respecting her pride, and admiring her courage.

She started out as “Deborah.” I never had the courage to call her “Debbie” or “Deb.” She picked up and eventually embraced the moniker “Deborah The Red.” That eventually became, familiarly -- “The Red.” Mind you, not “Red.” THE Red. “Deborah The Red.” Like a Viking. And that she was.

She loved sports. She was a devoted fan of the Houston Rockets, the Notre Dame Fighting Irish, and, fittingly, the Minnesota Vikings. She had a crush on Denzel Washington. So much so that the office, as a joke, gave her a life-sized cutout of Mr. Washington. We assumed she would enjoy the teasing, then throw the rascal out. But as with about most any assumption about The Red, we were wrong. Denzel stayed in her office and faithfully watched her work and helped counsel her clients. It took a while for that handsome guy in The Red's office not to startle those of us who worked late, early, or on a weekend, but he eventually became just another office-mate.

She was circumspect, but not timid. She was careful, but courageous. She was quite, but could command a room. She was slender, but not frail. She was strong. She was humble. She was very private.

She made us all better.

Deborah did not draw attention to her struggle. She fought breast cancer for many years with fortitude and grace. She lived her life and fought for her clients in spite of it. She lived with it, against it, and around it, without a word of complaint. Those tiny cells eventually overcame that great, powerful woman, but not her faith in God.

The Red was a tough gal. A great lawyer. And a fine lady.

We will miss her.

Joe L. Lovell

AAYLA UPDATE

By Courtney White



Hi everyone! I'm so excited to serve as AAYLA president for the 2018-2019 bar year!

Back in July, AAYLA board members Thomas McMillian, Joe Hinton, Brittany Taylor, and I attended the SBOT Bar Leaders Conference in Austin. We networked with representatives from other TYLA local affiliates, received a "major" award (Any Christmas Story fans, out there?) for last year's "Cookout and Connect" event, and learned how to improve our services to the public and to our local bar. After reflecting on the conference as a whole, I am excited to announce my goal for the year is to be intentional.

This year, I want our board to plan ahead, actively seek new members, harness social media, and more. So, here are a few things that I have cooked up for this year:

- Provide a calendar of events for the entire year
- Adopt an AAYLA logo, revamp the website, and order swag
- Apply for tax-exempt status (Can you believe that we are not tax exempt?!)

- Create a membership chair position to connect with non-members
- Restructure committees to encourage greater participation of the membership
- Lead by example to motivate the membership to provide legal services to the public

These are only a few of the exciting plans I have for this year. If you are a young lawyer, please join AAYLA! A membership application is enclosed in this issue of AMA-LAW, and I hope that you will renew your membership or become a new member!

If you have any questions, please feel free to contact me at 806.679.2151 or courtney.white@amarillo.gov. Let's have a great year!

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Audrey Mink	Robyn Nance
Josh Woodburn	Laura Hale
Bobby Ramirez	Thomas McMillian

Courtney White, AAYLA President
Janet Byars, Executive Director
Erica Beacom, AMA-LAW Editor

BOARD OF TRUSTEES OF THE TEXAS BAR FOUNDATION ANNOUNCEMENT

Thomas C. Riney with Riney & Mayfield LLP has been elected to the Board of Trustees of the Texas Bar Foundation. Mr. Riney will take office June 1, 2018.

Mr. Riney has practiced civil trial law in Amarillo for over 40 years. He is board certified in Civil Trial Law (Texas Board of Legal Specialization) and a Fellow of the American College of Trial Lawyers. His practice includes general civil litigation, commercial litigation, professional liability, products liability, healthcare related litigation and arbitration.

Tom has been active in the Amarillo community having served as President of the Amarillo area council of the Boy Scouts of America, President of the Downtown Kiwanis Club, President of the Coffee Memorial Blood Center, Chair of the Board of Governors of Northwest Texas Healthcare System, and has served on the Board of Directors of Catholic Family Service.

Founded in 1965 by attorneys determined to assist the public and improve the profession of law, the Texas Bar Foundation has maintained its mission of using the financial contributions of its membership to build a strong justice system for all Texans. To date, the Texas Bar Foundation has distributed more than \$18 million throughout Texas to assist nonprofit organizations with a wide range of justice-related programs and services. More than \$1 million is expected to be distributed for grants this fiscal year. For more information, please visit www.txbf.org.

September 6-7:

Advanced Evidence & Discovery CLE,
Eagle Center Basement Training Room

September 13:

AABA Monthly Luncheon, Embassy Suites

September 14:

Estate Planning & Elder Law Seminar,
Happy State Bank & Trust Company
Executive Dining Room



TEXAS HIGH SCHOOL MOCK TRIAL COMPETITION

VOLUNTEERS NEEDED

Help recruit Amarillo Area schools to participate in mock trial. No
litigation experience necessary. Training and support provided.
Questions? Contact Melissa Garcia at mgarcia@dallasbar.org or at
214-220-7484