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LYNDON BITTLE AND NEIL BURGER: GUEST SPEAKERS

“He always hired based on character first”

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“Oh, how shall I do justice to this case and to these men?”

-Page 7



Lyndon Bittle

In 2008 in South Texas, Manuel Velez was convicted of a murder he did not commit and was sentenced to prison on death row. The victim – the one-year-old son of Velez’s girlfriend – had died as a result of a brain injury. The state’s medical experts opined that the child’s head was slammed against a wall or other hard object. Because Velez was the adult in the apartment when the child succumbed to his injuries, Velez was arrested, tried, and ultimately convicted.

Our guest speakers, with the firm of Carrington, Coleman, Sloman & Blumenthal in Dallas, worked with lawyers from the ACLU and others to represent Velez in habeas proceedings.

During their investigation, they found



Neil Burger

a medical report in the State’s file that showed Velez was innocent. It also became apparent that Velez, intellectually challenged himself, had been woefully under-represented by his court-appointed trial attorney. Armed with this evidence and a host of experts, the team began the long battle (over 11,000 pro bono hours) of post-conviction proceedings and the ultimate reversal of Velez’s conviction.

Please join us at the Embassy Suites on Thursday, October 10, as we welcome Lyndon Bittle and Neil Burger and listen as they discuss the exonerating evidence, the habeas “trial,” and the lasting impression Velez has left on them. CLE credit will be offered.

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PRESIDENT'S PAGE

By: Joby Mills

MENTORING AND VOLUNTEER SERVICE TAKES A TRUE SERVANT'S HEART & THANK YOU JUSTICE CAMPBELL FOR YOUR YEARS OF SERVICE

Many of us were blessed early on in our various work careers by finding great mentors who have taken the time to show us the ropes and provide great professional advice and direction. Personally, I was fortunate to have an experienced mentor when I began my work career as an in-house trust counsel for a large bank trust department. Looking back, it's amazing how much you don't know out of college, including law school. That's a scary feeling for many young adults, and most do not want to admit how "green" and inexperienced they are in a newly found career. Sometimes, our egos and personal pride can get in the way and prevent us from seeking that mentorship opportunity. I was fortunate to start a career working for a gentleman who has a servant's heart and also the highest level of professionalism and integrity. He always hired based on character first; and second, whether that potential hire had either the necessary work experience or the capability to learn the job.

At our AABA luncheons, seminars, and social events, I see many true professionals and leaders of our community. Many of whom are already serving as wonderful mentors to young attorneys and future leaders. For other well-qualified mentors, they are approachable and looking for opportunities to be a mentor to our young lawyers. Whether you need a full-time mentor or not, you can always learn something from these true and wise professionals in the room. Take the time to be a mentor, or learn from a mentor.

Writing about professionals, I think of Justice Campbell as one of many great professionals in not only the legal arena, but in any community. Justice Campbell started his legal career as a U.S. Navy JAG Officer from 1974-77, was in private practice from 1978-2003, and then joined the Seventh Court of Appeals on February 25, 2003, serving on the Court for 16 years. Justice Campbell also served as our AABA President in 2009-10. By the

time this article is published, we will have recognized Justice Campbell at his retirement reception for his years of service for our country and legal profession. Congratulations and thank you Justice Campbell for your many years of service! On behalf of the Amarillo Area Bar Association, we wish you the best in your future endeavors and a very long and enjoyable retirement.

On a final and very important note, please keep the folks at Legal Aid in mind for volunteer opportunities. They need all the help they can receive in taking care of our Panhandle residents who desperately need legal services. I am looking forward to volunteering for my first legal aid clinic on September 17th and plan to attend other legal aid clinics going forward. I have done limited work in the Legal Aid arena, mostly wills drafting, so I'll be looking for a mentoring relationship for any legal aid services outside of the areas of probate administration and wills drafting.

For more information on legal aid clinics or other volunteer opportunities, please call either Ms. Kay Pechin or Ms. Luisa Vigil at 806-373-6808. God bless each of you and we'll see you at our October luncheon.



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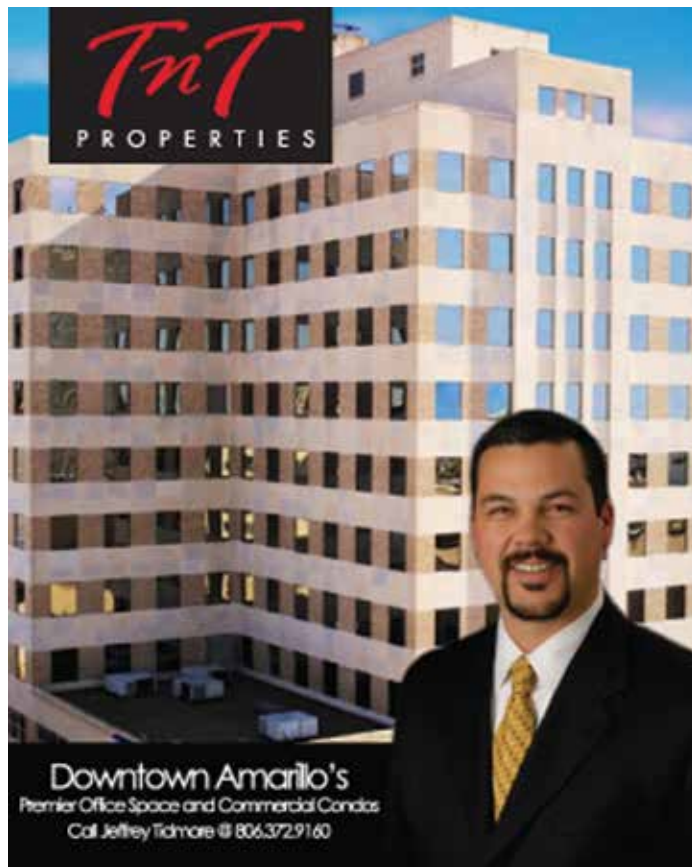
7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

We all are characters, at times. Sometimes, our traits are worth proving. Take, for instance, evidence of you having the character trait of being a peaceful person when others, including the State, charged you with assault or murder. That's permissible and potentially helpful. But how about presenting evidence of having been around kids before without attempting to molest them while the State's trying your client of soliciting minors for sex over the internet? That is what the accused attempted in *Reighley v. State*, No. 07-18-00171-CR, 2019 Tex. App. LEXIS 7392 (Tex. App.--Amarillo August 13, 2019), and the trial court rebuffed the effort. We affirmed its decision for several reasons. First, the evidence had to relate to a character trait relevant to the charge, and being a "non-pedophile" wasn't such a trait. Second, one proves a character trait through reputation or opinion evidence, not evidence of specific instances of conduct; the evidence Reighley offered fell in the latter category.

Let's segue now to parental rights, their termination, and the growing incidence of Ander's briefs. Recall that Ander's briefs are another way of counsel telling us that there's nothing to argue. We're seeing more and more of them in termination appeals. Admittedly, sometimes they're warranted. Yet, counsel needs to be careful in situations where parental rights were ended on multiple statutory grounds, such as when termination is based on both endangering the child and failing to abide by court directives imposed to secure a child's return. If the latter ground is supported by the evidence, then counsel may conclude that it matters not if there's evidence of the former. Oh, but he could be wrong. Why you ask? Well, if the

parent has other children who are not part of the termination suit, a prior finding of endangerment can be used to sever the parental relationship to those other kids. The Texas Supreme Court recognized that in *In re N.G.*, No. 18-0508, 2019 Tex. LEXIS 465 (Tex. May 17, 2019) (per curiam). And, this compelled us to ask appellant's counsel in *In re M.M.* No. 07-19-00105-CV, 2019 Tex. App. LEXIS 7505 (Tex. App.--Amarillo August 21, 2019) to provide us with supplemental briefing on the viability of the endangerment finding even though the judgment could be affirmed on other grounds. We wanted to insure that if the finding were to be used down the road, it was legitimate. So, if you have been appointed to represent on appeal a parent whose rights to a child have been terminated on endangerment and non-endangerment grounds and you're thinking about following the Ander's path, do us a favor; show us that the endangerment grounds have evidentiary support too, before we ask you to do it.



SEEKING JUSTICE IN AFRICA WITH REV. DR. CELESTIN MUSEKURA



Join the Amarillo Area Women's Bar Association (AAWBA) on October 24, 2019, for "Seeking Justice in Africa" presented by Reverend Dr. Celestin Musekura. Come hear stories of how a preacher from Rwanda, Africa, started a movement with lawyers and judges from Texas to aid vulnerable citizens in Rwanda. Dr. Musekura will present his incredible life story, including losing several of his friends and family members to genocide, learning forgiveness, and how he is now helping others in their journey to do the same.

Dr. Musekura is the founder of African Leadership and Reconciliation Ministries (ALARM). He founded the ministry immediately after the Rwandan genocide in

1994 in the face of great opposition from genocide perpetrators and victims alike. Twenty-five years later, the work has expanded and ALARM's peacebuilding efforts now seek justice for the marginalized. With the help of Texas lawyers and others, ALARM has empowered and equipped thousands of African lawyers, judges, police, and military personnel to rescue children from prison, help genocide survivors, and fight for members of their communities who could not defend themselves.

"Seeking Justice in Africa" is sponsored by AAWBA and Christopher Gulley M.D., J.D. The event will be held on October 24th at the Amarillo National Bank Skyline Room on the 16th Floor from 12:00 pm to 1:00 pm. The cost of the program is \$15 for members and \$20 for non-members. Lunch will be served, and CLE credit is pending (1.0 hours with .25 ethics). The deadline to RSVP for "Seeking Justice in Africa" is October 18, 2019. Please RSVP to Blair Oscarsson at BlairOscarsson@sprouselaw.com.

Do not miss out on the chance to hear stories of how American lawyers and judges are helping African lawyers, judges, police and military personnel seek justice for vulnerable members of their communities throughout East and Central Africa and to learn what we as lawyers in Amarillo can do now to continue these efforts!

2019 TRIAL ACADEMY APPLICATION

The Amarillo Area Bar Foundation, with the assistance of the Texas Bar Foundation and experienced trial attorneys from around the Texas Panhandle, is sponsoring a Trial Academy on Thursday, October 17, 2019, starting at 8:30 a.m. and concluding at 5:00 p.m. This year's Trial Academy will focus on jury selection.

The Trial Academy will begin with a continuing legal education course on jury selection presented by Robert Swafford. Mr. Swafford is a nationally recognized jury and witness preparation consultant and has been involved several high-profile cases, including the West Texas explosion case.

The Trial Academy is designed to allow attorneys, whether solo practitioners, members of firms, or government attorneys to obtain practical, hands-on experience in selecting a jury. The Academy is open to civil and criminal attorneys. Thanks to the Amarillo Area Bar Foundation, Texas Bar Foundation, and the Amarillo Area Bar Association, the Academy will be provided at no cost to the participants. Because of the hands-on nature of the Academy, space is limited.

If you are interested in applying to participate in this Trial Academy, please complete and send this application form to Grant Z. Gibson at ggibson@bmwb-law.com.



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AAYLA UPDATE

By Thomas McMillian

"Oh, how shall I do justice to this case and to these men?" – John Quincy Adams, The United States' fourth lawyer-president on his preparations for his arguments in the Amistad case.

United States v. Schooner Amistad, 40 U.S. 518 (1841), was the first time the U.S. Supreme Court heard a civil rights case. John Quincy Adams did not join the defense in the Amistad case until it reached the United States Supreme Court. In 1839, 53 captives of a Portuguese slaver aboard the Spanish ship Amistad bound for Cuba mutinied and attempted to force the ship back to Africa. The U.S. Navy captured the ship off of the coast of Long Island, NY and claimed salvage. The captives were subsequently charged with kidnapping and murder. A successful defense was mounted in the district and circuit courts which held that the accused were "kidnapped Africans" and had the right to defend themselves. Fearing that freeing these men would raise the issue of slavery on the eve of the 1840 election and divide the Democratic Party, President Martin Van Buren's administration appealed the decision in hopes of having the Africans established as property returnable to the Spanish slaveholders in Cuba. In a decision handed down by Justice Joseph Story on March 9, 1841, the U.S. Supreme Court found that the captives "were 'kidnapped Africans,' taken in violation of Portuguese law and Anglo-Spanish treaties against the African slave trade" and freed as

such. America's Lawyer-Presidents: From Law Office to Oval Office (Norman Gross ed., Northwestern University Press, 2004).

Fall is by far my favorite time of year. Cooler weather, college football (Wreck 'em Tech), and enjoying the Märzenbier brewers release for Oktoberfest always puts me in a good mood. This is also the time of year that we begin to welcome new faces to the Amarillo area legal community. In that spirit, the Amarillo Area Young Lawyers Association will host the annual New Lawyer Orientation on Thursday, October 17, 2019 at 1:30 P.M. Whether you are a new lawyer (including those awaiting Bar results in November) or just new to town, this is a great opportunity to meet our local judges, tour the courthouses, and network with other newcomers. If you would like to attend, or if your firm has new lawyers you would like to send, please email those names to Richard Biggs at rbiggs@mhba.com or Joe Hinton at jhinton@bmwb-law.com. After the Orientation, Happy State Bank (downtown branch lobby) is hosting us for the second annual Lawyers vs. Bankers Cornhole Tournament at 5:30 P.M. Everyone is invited to welcome our new lawyers and witness last year's runner ups (Brittany Taylor and yours truly) claim the championship from Matt Sherwood and Tom Knapp.

We hope you received a membership application in the September issue of AMA-LAW. If you have not done so already, please renew your membership or

become a new member. If you need a copy of the application, or if you have any questions, please email me at thomas.mcmillian@amarillo.gov.



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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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Also visit our website at www.amarillo-bar.org for information and links to both local and state-wide legal resources.





Matthew Stringer

Matthew Stringer is a staff attorney in the Amarillo office of Legal Aid of NorthWest Texas. He joined LANWT in 2017 to work on the Community Revitalization Project, which provides community education and free legal services to qualifying nonprofit organizations and neighborhood groups. His practice focuses on community development and fair and affordable housing. He received his J.D. from Southern Methodist University in 2016, where he was a student attorney at the Consumer Advocacy Project and president of the student chapter of the

YOUNG LAWYER OF THE MONTH: MATTHEW STRINGER

American Constitution Society. He also served as an Associate Managing Editor for the SMU International Law Review Association. He received an Economics degree from Sewanee in Tennessee, where he was a member of the volunteer

fire department. Matthew was born and raised in Fort Worth, but has roots in the Texas Panhandle. He enjoys traveling, hiking at Palo Duro Canyon, and Texas Rangers baseball.

AABA History Quiz

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YOUR BAR EVENTS - OCTOBER 2019

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			Advanced Criminal Law, Eagle Center Training Room			
6	7	8	9	10 AABA Bar Luncheon, Embassy Suites	11	12
13	14	15	16	17	18	19
				Advanced Evidence and Discovery, Eagle Center Training Room		
20	21	22	23	24	25	26
27	28	29	30	31		