



AAYLA-LAW



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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

DECEMBER SPEAKER: BRAD KNAPP



December's speaker is Brad Knapp. Brad is a Partner at Locke Lord, LLP, working out of the firm's New Orleans Office. Brad is a 2007 graduate from the SMU School of Law and a 2004 graduate from Southwestern University. Brad is also a 2000 graduate from Amarillo High.

Brad focuses his practice on advising clients on a variety of litigation and bankruptcy matters, with a particular focus on Chapter 11 issues. Brad has been involved in every aspect of the Chapter 11 process, having represented debtors, assisted with committee representations, represented buyers

with bankruptcy acquisitions, and represented creditors. Brad also has extensive experience with bankruptcy litigation on behalf of energy industry clients and consumer finance clients. Brad also represents energy clients in regulatory matters, particularly related to offshore oil and gas interests.

Brad's presentation is "Thrilling Issues in the 2020 Chapter 11 Tidal Wave." Brad will discuss the large number of Chapter 11 bankruptcy cases filed in 2020 and the major issues this has created. Please join us via Zoom on Thursday, December 10th at noon to hear this interesting and helpful presentation.

“Clocks tick on, but occasionally you can get a gift of time. .”

-Page 4

“Simply put, embracing the concept of the “new normal” is normal for the legal profession.”

-Page 7

CONTENTS

President's Page	2
Seventh Court of Appeals	4
AAYLA Update	5
Young Lawyer of the Month	7



PRESIDENT'S PAGE

By: Jennie Knapp

So many things usually clutter December that the awe and mystery of the season are lost in the hubbub. This year presents a golden opportunity for the full enjoyment of old traditions, and maybe some new ones. Our family has decided to more thoroughly celebrate the Advent and prepare our home and hearts for the dual celebrations of Jesus's coming to earth and His second coming. In making even simple plans for this season, I have found joy and peace. I encourage you to also enter December with purpose.

Unfortunately, the AABA is not going to hold its traditional Christmas party at Happy State Bank. At this event, we have in the past encouraged Bar members to donate toys, toiletries, and other items to the Amarillo Children's Home. But just because we are not having a party doesn't mean we shouldn't continue to help ACH! Many causes are worthy, but this one really is. ACH provides homes to about 45 children, who are mainly from the foster care or judicial systems. They live in cottages with fulltime house parents who love and care for them. ACH seeks to restore the children's identities so that they can realize their great value and be a blessing to others.

Please donate this year. The children were in their homes much more than normal over the last 9 months, and as a result ACH had to use more resources than they typically do. In talking with them, right now their real need is financial support. Funds go to help pay utility bills, meals, toiletries, and many other things. To provide some perspective, in a year, ACH goes through 1,456 gallons of milk and 6,500 rolls of toilet paper. Managing 7 households, each with 6 children (many of whom are teenagers), gets expensive fast.

And as an added bonus, Happy State Bank has generously offered to match donations (up to \$3,500)! Let's meet (and exceed) this donation goal!

It is easy to give at <https://amarillochildrenshome.org/> (We will also send this link out by email.) Note an Honorarium "AABA Matching Gift Donation" on the form online. Or, you can bring a check to the AABA office in the Eagle Center, and we will get it to ACH. Please note "AABA Matching Gift Donation" in the memo line of checks.

I pray that you have a lovely December full of health and happiness. Stay safe and wash your hands.

The Texas Bar Foundations- honoring lawyers and promoting justice

by Tom Riney, Texas Bar Foundation Trustee



Tom Riney

Election to the Fellows of the Texas Bar Foundations is one of the highest honors that can be bestowed upon a member of the State Bar of Texas. Why? Because the Texas Bar Foundation makes significant contributions to build a strong justice system for all Texans. Nominations of Fellows are based on outstanding contributions to the legal profession and commitment to the community. Those elected as Fellows join

a network of distinguished attorneys in Texas who support professional integrity and the promotion of the cause of justice in Texas.

Recent grants awarded to District 13 include:

Amarillo Area Bar Foundation \$5,192
"Trial Academy"

To provide a Trial Academy for area young lawyers to enhance their trial skills in the area of voir dire and jury selection.

Catholic Charities of the Texas Panhandle \$28,333
"Expansion of Legal Services for Low-Income & Disadvantaged Refugees & Immigrants"

To provide pro bono legal services to immigrants and refugees, including the homeless, in Amarillo and the 26 counties of the panhandle who are not able to afford attorney's fees.

Deaf Smith County District Clerk \$7,254
"Deaf Smith County Restore and Preserve Historical Valued Records"

To preserve the first County Minute Books and Criminal File Docket Books for future public use.

Family Support Services of Amarillo, Inc. \$20,000
"Victim To Survivor - Removing Legal Barriers"

To provide legal services to victims of domestic violence, sexual assault, and human trafficking; disadvantaged elderly or disabled persons with mental health issues; veterans.

Unfortunately, COVID-19 prevents us from gathering the Fellows in our area as we customarily do. Nevertheless, the work of the Foundation goes forward. Our District can make five nominations of Fellows for this Bar year.

The only obligation of becoming a Fellow is a pledge of \$2,500, payable \$250 a year for 10 consecutive years.

(Continued on next page)

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Upon payment in full of the \$2,500, one becomes a Life Fellow with no further financial commitment. There is also the option to become a Sustaining Life Fellow of the Foundation by contributing \$2,750 immediately, or by contributing \$250 each year to the Foundation after one becomes a Life Fellow. Sustaining Life Fellows allow the Foundation to do even more to further the mission. All Sustaining gifts are used directly for our grants program. I have made a sustaining gift each year since 1995.

If you have suggestions for nominees or would like to be considered for nomination as a Fellow, please contact one of our District Nominating Chairs:

Andrew R. Evans

(806) 468-3340
andrew.evans@sprouselaw.com

Alex Yarbrough

(806) 468-3202
ayarbrough@rineymayfield.com

You may also contact me:

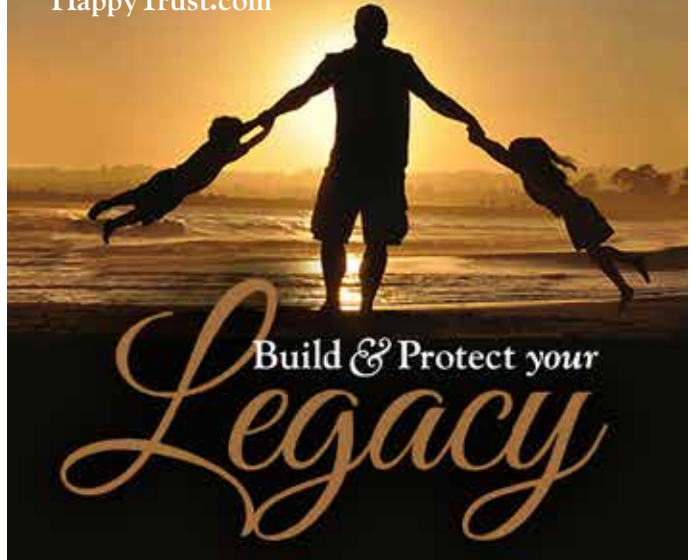
Tom Riney

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For more information about the Foundation, please visit its website at www.txbf.org.

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

I hear ticking clocks directing us to Christmas and the close of 2020. We certainly received some odd gifts this year.

Clocks also tick and mark the passing time in suits to end parental rights. Normally, trial has to begin within 18 months of the date the child is removed and State is appointed temporary managing conservator. But, that clock may be reset. In *In re K.R.*, 07-20-00179-CV, 2020 Tex. App. LEXIS 8404 (Tex. App.--Amarillo October 23, 2020), the child was removed, the State appointed temporary conservator, and suit filed to end the parent/child relationship. In the interim, parent and child were reunited. When unification proved unsuccessful, the State again removed the child and proceeded with its suit. Before trial could begin, though, the initial 18 month deadline expired. The parent thought that meant the case had to be dismissed. It did not. Removing the child a second time allowed the trial court to reset the clock for another 180 days, and trial began within the extended period. Clocks tick on, but occasionally you can get a gift of time.

We still feel the effects of Covid as the year draws to an end, as do people sitting in jail awaiting trial. Article 17.151 of the Code of Criminal Procedure entitles them to either a bond reduction or release on personal bond if the State is not ready for trial within 90 days of being jailed. Many invoked that statute recently, including an individual arrested for a capital crime. In *Ex parte Rowe*, No. 07-20-00151-CR, 2020 Tex. App. LEXIS 7974 (Tex. App.—Amarillo October 2, 2020), Rowe sought release because he had sat in jail for more than 90 days after his arrest for capital murder. He wanted out under art. 17.151. But, the Constitution said no. It contains a provision entitling everyone to bail, except those charged with a capital crime "when the proof is evident." And, we know that the Texas Constitution trumps a mere statute. So, the trial court acted correctly when it denied him the gift of freedom

Since it is the Christmas season, I'll pass on a gift received from Judge Les Hatch. It involves a construction case he tried. "[The] homeowners sued

the contractor for shoddy work. One of the complaints was that the bricks/mortar lines were crooked. It was alleged that the bricklayer was drunk while on the job. Plaintiff[s] counsel put the picture of the [brickwork] on the big screen, and it was obvious. When the contractor was asked about it, he knew he couldn't argue they were straight. Instead he paused, stared at the picture, turned to the jury, and said "actually, for Lupe that's not that bad."

Give yourself a gift and find humor when you can, especially in years like 2020. The new year will ring in with a bit of it from Judge Billy Eichmann. Have a great holiday and remember that each sun's rise is another gift to you.

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AAYLA UPDATE

By Richard Biggs

For those looking to these columns to hear the latest tales of adventure from the Amarillo Area Young Lawyers Association, prepare to be disappointed again. Amarillo is still in “Code Red,” and so we haven’t been doing much. You could say that our winter holiday traditions are being “more honored in the breach than in the observance.”

A French philosopher once wrote that “hell is other people.” Recent events have reminded me that the absence of “other people” is no great joy, either. This is particularly true when comparing our holiday festivities with friends and family against the cold distance of Zoom calls.

That being said, this is the last issue of AMA-LAW for the year. With Pfizer (and others) shining a light at the end of our collective tunnel, it has made me ponder what our shared experience with the year 2020 has taught us. For example, we’ve learned to communicate with each other in a number of ways that don’t require people to be in the same room. Trials,

hearings, and deal closings have all taken place over a computer screen, and many of us are now experienced videographers. Something to add to your resume!

In addition to a new skillset, we’ve learned something about our community. For example, a person’s importance isn’t always apparent by their job description. Recently, grocery store stockers, hospital nurses, and Amazon delivery drivers have been labeled “essential” or “indispensable,” while surgeons, CEOs, and (eek!) lawyers have been sent home. When 2020 began, I don’t recall thinking that delivery drivers were essential, or really, thinking much about retail logistics at all. That perspective changed rather radically when I was on my last roll of TP without any idea where the next would come from. On that day, the Amazon delivery driver was one of the most essential people in my life.

As this is the holiday season, I would like to express my gratitude to the Amarillo bar. Bringing suit against your clients and/or defending against your clients’ often-dubious lawsuits has been a pleasure. I mean it. This has been one of the hardest years in recent memory (in fairness, the only memory us Young Lawyers have). The Amarillo Bar has risen to the occasion. I have seen extraordinary acts of patience, grace, and understanding of the conditions afflicting all of us.

I have seen Judge Reno conduct criminal hearings with a translator over videoconference software that wasn’t working very well at all. She never lost her cool – or if she did, she had the presence to hit the mute button and look away from the camera. It was an impressive showing of patience either way.

I have seen unexpected acts of patience and grace from my fellow bar members. For example: I have seen lawyers from the Riney firm let a request for a deadline extension go unopposed.

This grace spills over to the Amarillo Bar’s extended family. I have had the pleasure of meeting many of your children and pet animals over Zoom, most of whom were under strict instructions to stay out of the home office. As far as I’m concerned, they are always invited to Zoom depositions or Zoom court.

Merry Christmas to you all, and congratulations. You’ve just about made it out of 2020.

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Katherine Bush

YOUNG LAWYER OF THE MONTH: KATHERINE BUSH

Trinity University in San Antonio where she double majored in English and Communications. She then went to the University of Oklahoma to attend law school where she was involved in the moot court competitions program. During her last summer of law school, she interned at the 47th District Attorney's office in

Katherine grew up in Amarillo and after a few years away for school decided to return home to begin her career as an attorney. She attended

Amarillo and decided to pursue a career in criminal law.

After law school, Katherine came to her senses and decided to return home to Texas. She took a job at the Amarillo City Attorney's office as a prosecutor and after spending a year in Municipal court decided to continue a career in government law and make the move to the Potter County Attorney's office where she is currently an Assistant County Attorney.

THE "NEW NORMAL" IS NORMAL

By James Wester, State Bar of Texas District 13 Director



James Wester

As I was reading the Opinion: **Coping with COVID-19—considerations for the "New Normal"** by Paul K. Stafford dated April 20, 2020 on the Texas Bar Blog, specifically the portion of the article quoted below, I started reflecting on the term "new normal."

"Lawyers and the "New Normal"

As the COVID-19 restrictions are lifted and we revert to our traditional notions of normalcy, we will become increasingly and keenly aware that COVID-19 created (or greatly contributed to) this "new normal"—a reality from which the legal profession is not immune. Out of necessity, working from home has become commonplace, and employers and employees have become more comfortable with the concept of virtual workplaces. Expectations of responsiveness and quality legal service have not decreased; they have arguably increased, as have the expectations of clients for attorneys to provide high quality legal services in the most efficient and cost-effective manner professionally possible. Accordingly, technological competence is as important as ever. The nature of networking and client development is now changed as well, and lawyers must adapt to likely apprehension from potential clients to attend large gatherings or to participate in gatherings or events that may be considered to increase susceptibility or exposure to COVID-19. Professional relationships will be increasingly defined by personal contact, with a decreased emphasis on personal presence."

While none of us can accurately predict the "new normal" or when it will have arrived, I believe we can all agree that our lives and practices differ from the world we knew pre-COVID. We have learned, at times by

necessity, to employ technology that we previously did our best to avoid. Zoom, Microsoft Teams, and other platforms have become a normal part of our typical day. Racing to the airport to attend a hearing, deposition or meeting has been replaced by virtual attendance.

Being in front of the camera is new for many and has provided learning opportunities. We avoid standing up because the business attire on the upper half of our body is somewhat inconsistent with the casual attire on the lower half. We turn on virtual backgrounds to keep from providing "entertainment value" for others when family or pets make an unexpected appearance in our physical locations.

As I think of how practicing law is changing as a result of the pandemic, I am reminded of the past technological advances during my career—from having a typewriter that actually had "memory" to the amazing word processing options available today. "Snail mail" and fax machines (including the "plain paper" evolution) being replaced by scanning and emailing. From a computer (monochrome screen and tethered with wires everywhere) to self-contained laptops and tablets. The internet (a novelty at first) now an integral part of our lives. From "bag" phones (airtime costing dollars per minute for even local calls) to the smart phones of today. From lugging a large briefcase (without wheels) to an electronic briefcase. From Dictaphones to speech recognition on most devices. The changes go on and on.

While many of us fossils were dragged kicking and screaming through these technological innovations, we learned to embrace and exploit many of them. Simply put, embracing the concept of the "new normal" is normal for the legal profession.

The views expressed in this article are mine and not those of the State Bar of Texas. If I can be of assistance, please feel free to contact me at James.Wester@uwlaw.com or 806-379-0354.



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YOUR BAR EVENTS - DECEMBER 2020

S	M	T	W	T	F	S
		1	2	3 Advanced Oil, Gas & Energy Law, Sprouse Shrader Smith	4	5
6	7	8	9	AABA Zoom Meeting 10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		