



AMA-LAW

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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

FEBRUARY SPEAKER: STEVE DAWSON



Steve Dawson

Our February speaker is Steve Dawson with the Dawson Forensic Group in Lubbock, Texas. Steve is a Certified Public Accountant and Certified Fraud Examiner. Steve formed DFG 26-year career as a partner in one of the nation's top 400 public accounting firms, serving as a financial statement auditor, forensic examiner, and nationally-recognized public speaker and trainer.

As a CPA and a CFE, Steve recognized the need for a single-purpose company devoted to fraud prevention, detection, and education. As a result, he established Dawson Forensic Group to combat small business fraud through forensic auditing, litigation support, accounting records reconstruction, internal control design consulting, and anti-fraud training

services. Steve has provided his services to governmental agencies, such as the FBI and the Texas Rangers, and has helped numerous private parties, including financial institutions, non-profit organizations, and private companies. Steve and his team assist these groups in investigations and in litigation assistance.

Steve's talk is entitled "Financial Postmortem: The Role of a Forensic Accountant in Litigation." In this discussion, Steve will discuss the many different types of cases where a CPA can assist a party, the different roles that CPAs play in litigation, and discuss the most effective ways that a CPA's testimony can be used by a party. We are excited to have Steve join us at noon on February 13, 2020 at the Embassy Suites.

“[H]e appealed and contended that admitting the evidence about him being a rapper and his music violated his First Amendment rights.”

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“No president is more associated with being a lawyer than Lincoln.”

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PRESIDENT'S PAGE

By: Joby Mills

SUPPORTING THE AMARILLO AREA BAR FOUNDATION – AN INTERVIEW WITH AABF PRESIDENT MR. W. HEATH HENDRICKS

As I was thinking about what to write for our February newsletter, I was thinking about the many fellow members who volunteer their time to support the various causes of the AABA, and also our Amarillo Area Bar Foundation (the “AABF”). For those of you who do not know much about our Amarillo Area Bar Foundation, I took the time this month to visit with AABF President Mr. W. Heath Hendricks.

Mr. Hendricks has been practicing law in Amarillo since 2006, and is a partner at Riney & Mayfield, LLP. He graduated from Southern Methodist University Dedman Law School with a Juris Doctor and obtained a Master’s in Business Administration from SMU with concentrations in Finance and Financial Consulting. Mr. Hendricks presides over the AABF as this fiscal year’s President.

The primary purposes of the AABF are as follows:

1. To operate for the benefit of the Amarillo Area Bar Association, an organization exempt under Section 501(c)(6) of the Internal Revenue Code of 1986 . . .;
2. To receive and administer property acquired by gift, grant, purchase or otherwise for educational, scientific and charitable purposes;
3. To make grants or other payments to qualified charitable organizations; and
4. At all times and within such purposes, to operate exclusively for charitable, educational or scientific purposes, within the meaning of Section 501(c)(3) of the Code.

See Bylaws of the Amarillo Area Bar Foundation – May 2004

Our membership raises funds for the charitable arm of the AABA, the AABF, through the biennial Wine Dinner (this year on January 24th at The Derrick Event Center), and regular donations received by the AABF throughout the year from our fellow members.

The AABF uses the financial donations to award annual scholarships to selected students who are enrolled in or accepted for admittance to a law school accredited by the ABA, and who were either born in, raised in, or currently reside in one of the 26 counties of the Texas Panhandle. The AABF will be putting together a committee this year to evaluate all of the scholarship applications and make a decision as to the scholarship recipients for the 2020-21 school year. For more details, please see www.amarillobar.org/foundation or contact our Executive Director, Ms. Janet Byars, at (806) 371-7226.

In addition to the annual scholarship awards to law school students

from the Texas Panhandle, the AABF also focuses on the continuing education of our AABA members. The AABF plans a biennial local Trial Academy to continue to educate our newer AABA member attorneys. If you have an interest in either volunteering as a witness or judge during the Trial Academy, or serving as a mentor, please contact Mr. Hendricks. The AABF is always looking for more volunteers to make each Trial Academy a big success.

Lastly, Mr. Hendricks asks that you contact him if you have an interest in volunteering your time to the AABF, its scholarship committee, the Trial Academy, the biennial wine dinner, or any other AABF events. Mr. Hendricks can be contacted at (806) 468-3204 or by email at hhendricks@rineymayfield.com

We appreciate the great work the AABF Board and Committee members are doing for our AABA members and the local communities. Thank you!

AABF SCHOLARSHIP ANNOUNCEMENT

The Amarillo Area Bar Foundation will be awarding four \$2,500 scholarships for the 2020-21 academic year during the 2020 Spring Institute Dinner. Applicants must be (1) enrolled in or accepted for admittance to an ABA accredited law school, and (2) born in, raised in, or currently reside in one the 26 counties of the Texas Panhandle. Once recipients of the scholarships are selected by the scholarship committee of the Foundation, the applications of those recipients are provided to the Coppedge family for review and a determination on who should receive the scholarship designated as the Chris Coppedge Memorial Scholarship. For more information on eligibility and an application, visit amarillobar.org and click on the Amarillo Area Bar Foundation tab or call Janet Byars at (806) 371-7226. The deadline to apply is April 1, 2020, 5:00 p.m.

Amanda Azua,
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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“Hello, again, hello.” A little Neil Diamond and a quiet dinner out with your significant other . . . not a bad way to spend the upcoming Valentine’s Day. So, when do you “render” the appropriate invitation? Or maybe you just “present” it.

Actually, those two words were the crux of the dispute in *In re C.R.*, No. 07-19-00316-CV, 2019 Tex. App. LEXIS 10653 (Tex. App.—Amarillo Dec. 9, 2019, no pet. h.) (mem. op.). The appeal involved whether the parental termination case had to be dismissed because trial was untimely. They must begin within a certain time by statute, and the clock starts ticking on the date the trial court “renders” its decision to appoint the Department of Family and Protective Services managing conservator of the children. We noted that a decision is rendered when the trial court pronounces it either orally in the presence of a court reporter or in writing. Here, the only record of the trial court pronouncing its decision was in a written order appointing the Department conservator. The Department’s presentation of its petition several days earlier was not enough. The catch, though, is remembering that a decision may be through an oral pronouncement. If the court does that in open court and several days later incorporates its decision into a written order, then the clock may have started ticking earlier than you thought. Kind of esoteric, isn’t it? But ain’t that what the law’s all about?

A reminder about the importance of preserving error. In *Perez v. State*, No. 07-18-00234-CR, 2019 Tex. App. LEXIS 10143 (Tex. App.—Amarillo Nov. 21, 2019, no pet.) (mem. op., not designated for publication), the trial court was asked to revoke Perez’s probation and adjudicate him guilty of aggravated assault. He previously received deferred adjudication. During the hearing, the court heard about appellant being a rap musician. His rap music included lyrics about gang activity, drug trafficking, and

violence. After being adjudicated guilty and sentenced to prison, he appealed and contended that admitting the evidence about him being a rapper and his music violated his First Amendment rights. It allegedly confused “his artistic persona with his actual person” and resulted in him being punished for exercising free speech. That may have been an interesting topic to address had he raised that ground for excluding the evidence at the hearing. Though he objected to the evidence, he said nothing about the First Amendment. So, the ground was not preserved. I know that attorneys lack the time for cool reflection during the heat of trial, and all of us often have those “I wish I said that” moments. But, try to let your mind spin and come up with as many grounds to support your evidentiary objection as possible. Mentioning new ones on appeal is too late.

That’s it! Enjoy Valentine’s Day with someone special.

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AAYLA UPDATE

By Thomas McMillian

“Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country; and never to tolerate their violation by others.”

“In law it is a good policy to never *plead* what you *need* not, lest you oblige yourself to *prove* what you *can* not.”

“Let no young man choosing the law for a calling for a moment yield to the popular belief -- resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.”

--Abraham Lincoln, The United States' 12th lawyer-president.

I deviated a bit from the chronology of our lawyer-

presidents so that we could celebrate Abraham Lincoln during his birth month. No president is more associated with being a lawyer than Lincoln. He was probably the only U.S. president to have a film made portraying his legal career prior to the release of *Amistad* in 1997. “Lincoln was an effective trial advocate who had the ability to get to the heart of the issues and to convey his arguments in home-spun language that jurors could appreciate and understand. Lincoln was also a skilled appellate lawyer who had one of the largest caseloads before the Illinois Supreme Court.” His reputation as “Honest Abe,” the “honest lawyer and conscientious advocate” is imbedded in our culture. U.S. Supreme Court Justice David Davis (who Lincoln appointed to the high court) stated “[t]he framework of his mental and moral being was honesty, and a wrong case was poorly defended by him.” Described as a “prairie lawyer” Lincoln’s legal career never brought him great wealth but did bring him into the upper middle class and provided a springboard to his political ambitions. *America’s Lawyer-Presidents: From Law Office to Oval Office* (Norman Gross ed., Northwestern University Press, 2004).

We launched our Children’s Luggage Drive in conjunction with the Panhandle Family Law Association benefiting the Rainbow Room back in December and are continuing it into the spring. Many children that enter the foster care system have little more than trash bags to carry their belongings in. We are accepting donations of new children’s luggage of all sizes. Donations can be made from your desk by visiting bit.ly/AAYLAdrive. You can also contact Alysia Córdova (alysia.cordova@sprouselaw.com) or Titiana Frausto (titiana.frausto@uwlaw.com) to arrange a drop off.

By the time this issue is printed and distributed, we’ll be gearing up to head west for the 2020 Biennial Las Vegas CLE on Friday, February 7th. I hope you will be joining us! Our response has been so good that we filled the room block and bought up all the “cheap seats” on the Southwest Airlines nonstop flight to Las Vegas! Easter falls on April 12th this year. That means that the annual AAYLA Easter Egg Hunt will be held on Friday, April 10th and the Bunny Hop 5K will be held on Saturday, April 11th. Keep an eye out for emails and announcements about these upcoming events.

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YOUNG LAWYER OF THE MONTH: AUDREY SIRMON



Audrey Sirmon

Audrey Sirmon was born and raised in Amarillo, Texas. After graduating from Tascosa High School, she attended Texas Tech University. She majored in Agricultural and Applied Economics, while minoring in Red Raider Football.

Loving Lubbock too much to leave, Audrey enrolled at Texas Tech University School of Law. While there, she served on the Estate Planning and Community Property Journal and was the Party-Planner-in-Chief of the Board of Barristers.

After graduating from Tech Law in 2018, Audrey moved to Austin to pursue her interest in politics and breakfast tacos. She served as Legislative Director for State Representative Justin Holland (R-Rockwall) during the 2019 Texas Legislative session.

In 2019, she returned to the wide open spaces (and highways) of the Texas Panhandle and joined Young & Newsom, where she assists with the firm's employment and commercial law, personal injury, and contested probate matters.

When not in the office, she enjoys working on her money pit / fixer upper with her dad, cheering on the mostly successful Red Raider athletic program, and visiting friends in places with trees.

AABA History Quiz

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Texas seceded from the Union to join the Confederacy. In what year was the state readmitted to the Union?



Joby Mills



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Scott Richardson

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WHAT DOES THE STATE BAR DO FOR ME?

By James Wester,
State Bar of Texas District 13 Director

FREE LEGAL RESEARCH RESOURCES - A significant benefit of your Bar membership is access to Casemaker® and Fastcase®, which provide FREE legal research for all State Bar members (a value of approximately \$2,000 a year). Both programs allow members to search an extensive database including Texas Caselaw; Texas statutes; U.S. Code; Courts of Appeals; and more. You can access Fastcase® and Casemaker® under the “My Bar Page” link at texasbar.com.

LAW PRACTICE MANAGEMENT - Roughly 22% of Texas lawyers are solo practitioners and another 15% practice in firms of 2-5 attorneys. The State Bar has specially tailored resources for solos and small firms. The Law Practice Management Program provides how-to brochures, tips, and video resources to help attorneys who are starting a practice, dealing with day-to-day practice management issues, or closing a practice. Another guide to hanging out a shingle is the Texas Young Lawyers Association project - Office in a Flash, which provides helpful information for starting a practice including business plans, firm structure, office logistics, technology, and how to obtain and manage revenue. You can access these resources at texasbar.com/LPM. Don't forget to look for the Solo and Small Firm Page in each issue of the Texas Bar Journal.

INSURANCE - The State Bar of Texas has been offering insurance programs to its members since 1948. The latest program is the Texas Bar Private Insurance Exchange, which offers a broad level of insurance coverages and a concierge-level of support. This multi-carrier private exchange was started on November 1, 2013, exclusively for all Texans serving the practice of law and their families and provides you an advisor and advocate for insurance needs. To leverage the buying power of a group plan for Texas attorneys and help shelter our members from market disruptions, the Bar introduced the Members Health Plan, a member-owned group health plan launched in May 2018 by Member Benefits Inc., the administrator of the exchange. Unlike in the traditional insurance market, where profits go back to the insurance company and its shareholders, the potential surplus generated from the Members Health Plan goes back into the plan to enhance benefits and reduce costs for plan participants. For more information go to - texasbar.memberbenefits.com.

If I can be of assistance, please feel free to contact me at James.Wester@uwlaw.com or 806.379.0354.

KELLN ZIMMER SCHOLARSHIP TO BE ENDOWED AT TEXAS TECH



Kelln Zimmer

Kelln Zimmer Memorial Scholarships have previously been awarded by the KAZ Foundation to full-time students of Texas Tech University School of Law from the Amarillo / Panhandle area. The new Kelln Zimmer Memorial Scholarship will be formally recognized at the Law School's 2020 Scholarship Gala, March 7, at the Overton Hotel in Lubbock. In addition to the scholarship, the Texas Tech

Law Review office will be named after Kelln Zimmer.

Kelln Zimmer, a Texas Tech Law School graduate and Amarillo native, died in 2010, following a seven-year battle with breast cancer. She was an associate with Underwood at the time of her passing.

Ms. Zimmer served as managing editor of the Texas Tech Law Review. Before law school, she was a traveling consultant for Kappa Kappa Gamma sorority, for which she also served as chapter president at Texas A&M – College Station.

Kelln Zimmer Memorial Scholarships have previously awarded by the KAZ Foundation to full-time students of Texas Tech University School of Law from the Amarillo / Panhandle area. The foundation awarded over \$15,000.00 in grants. The Texas Tech Law School Foundation will now administer the scholarship, retaining its focus on law students with ties to the Amarillo area.

“Kelln was a great student, a fabulous lawyer, and above all else, an inspiration to every person she met,” said foundation trustee and childhood friend, Ed Dowdy. “This endowment will elevate the profile of the scholarship, while creating more of a permanent recognition of Kelln and her time at Texas Tech School of Law,” added Roger Cox, also a KAZ Foundation trustee (and Ms. Zimmer’s uncle).

Locally, the KAZ Foundation will remain a tax-exempt charitable organization, but it will shift its focus to local charitable efforts. Donations can be made directly to the KAZ Foundation or to the Texas Tech Law School Foundation – Kelln Zimmer Scholarship.



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YOUR BAR EVENTS - FEBRUARY 2020

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	AABA Bar Luncheon, Embassy Suites	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29