

# AMA-LAW



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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

## JANUARY SPEAKERS: KAY PECHIN AND THE HONORABLE THOMAS JONES

“For us to address racism in our legal system, we need to make our legal system more compassionate.”

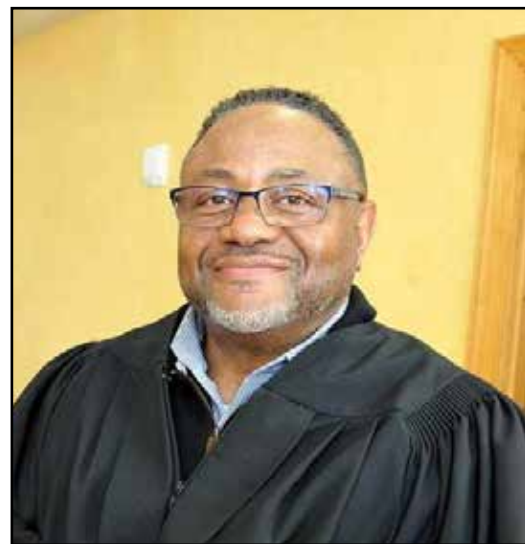
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“I’ve got to keep on keepin’ on.”

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**Kay Pechin**



**Honorable Thomas Jones**

The January CLE program will be presented by Kay Pechin and the Honorable Thomas Jones. Ms. Pechin and Judge Jones will present “The CARES Act Moratorium and the Impact on Evictions.”

Kay Pechin is the Managing Attorney for the Amarillo Branch Office of Legal Aid of Northwest Texas. Kay moved to Amarillo in 2013 from Evansville, Indiana, to join Legal Aid. Kay graduated from the University of Evansville in 1985 with a BA in History. Kay completed a Masters in International Affairs at American University in Washington, DC. Kay obtained her Juris Doctorate from Indiana University School of Law - Indianapolis. Kay is licensed to practice law in Wisconsin, Indiana and Texas. For many years, Kay practiced family law in

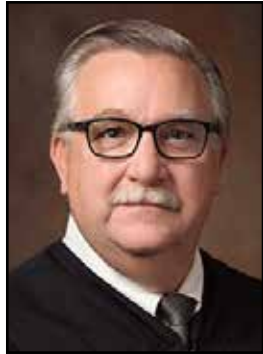
Indiana and became a certified family law mediator, collaborative lawyer and parent coordinator. Kay was one of the founders of the Parenting Time Center, a supervised visitation and exchange center in Evansville, Indiana. Since joining Legal Aid, Kay’s practice has been concentrated in foreclosure prevention, housing, bankruptcy in addition to family law.

Judge Jones is the Justice of the Peace for Potter County, Precinct 4. Judge Jones is an Amarillo native, graduating from Palo Duro High School in 1979. He was first elected Justice of the Peace in 2000 and has held this position continuously since that time.

Please join us Thursday, January 14, 2020 via zoom to hear this engaging presentation.

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# “RACISM IN OUR LEGAL SYSTEM”

By: Justice Patrick A. Pirtle  
*President's Page Guest Columnist*

2020 has not been my favorite year. Rather than list the litany of things that I did not like it, I would like to share with you about something very positive that did happen in 2020. It started back in September when I sent Jennie Knapp, our local bar president, an email asking her if she had “ever held a live grenade in [her] hand and pulled the pin?” I asked her that question because that is what it felt like when I asked her to appoint a committee, that I would be willing to shepherd, with the purpose of investigating, identifying, and addressing racism in our legal system.

I do not know if Jennie felt threatened or overwhelmed, but she graciously and enthusiastically appointed a diverse group of lawyers to serve on that committee. She even volunteered to be a member of the committee herself and she has embraced its goals and ideals. The other members of the committee are Adrian Castillo, Blair Oscarsson, Bobby Ramirez, Diana Hathaway, Judge Titiana Frausto, Thomas McMillian, and Robin Malone. Like so many other groups, our committee has been meeting by Zoom regularly.

The issue of racism is not easy to categorize into simple, identifiable acts of injustice. There are nuances, or, as our law professors used to say, shades and phases. There is explicit bias or racism that is easy to identify and, for the most part, easy to remove from the legal system. Then there is implicit bias or racism where the decision-making party is unaware of the subconscious tendencies they might have which result in unequal justice. When you layer the complexities of bias, prejudice, and racism onto the complexities of the law in any given area of the law, you begin to grasp the difficulties faced by this new committee.

While we are not so naïve as to think that our little committee is going to come up with the solution to a social illness that has plagued this country from its very foundation, we do believe that we have come upon a formula that can be successful in reducing racism in our legal system. It may be overly-simplistic, but that solution is compassion. For us to address racism in our legal system, we need to make our legal system more compassionate. Not the kind of gratuitous compassion that one party gives to another out of their abundance, but the fairness kind of compassion that comes from a real and sincere understanding of the other person's perspective. When we cross cultural lines and we see one another—not as black or white, rich or poor, clean or dirty, liberal or conservative—but as fellow human beings on life's journey, just like us—then, we will have made a difference.

To accomplish those lofty goals, the committee is planning on hosting a quarterly “conversation” where members of the legal community and members of the public will be able to come together and have a reasoned dialogue about how the legal system may have disadvantaged marginalized communities and people and how we can improve that system. We hope to expose racism where it exists and to educate the public where it does not.

It is my hope that the work of this committee continues in this legal community long after my service as a judge is over and I have moved on to greener pastures and higher mountains. It is also my hope that, if you are a member of the Amarillo Area Bar Association, you will be inspired to come along side of us and support the goals of this committee, and that God may bless our efforts.



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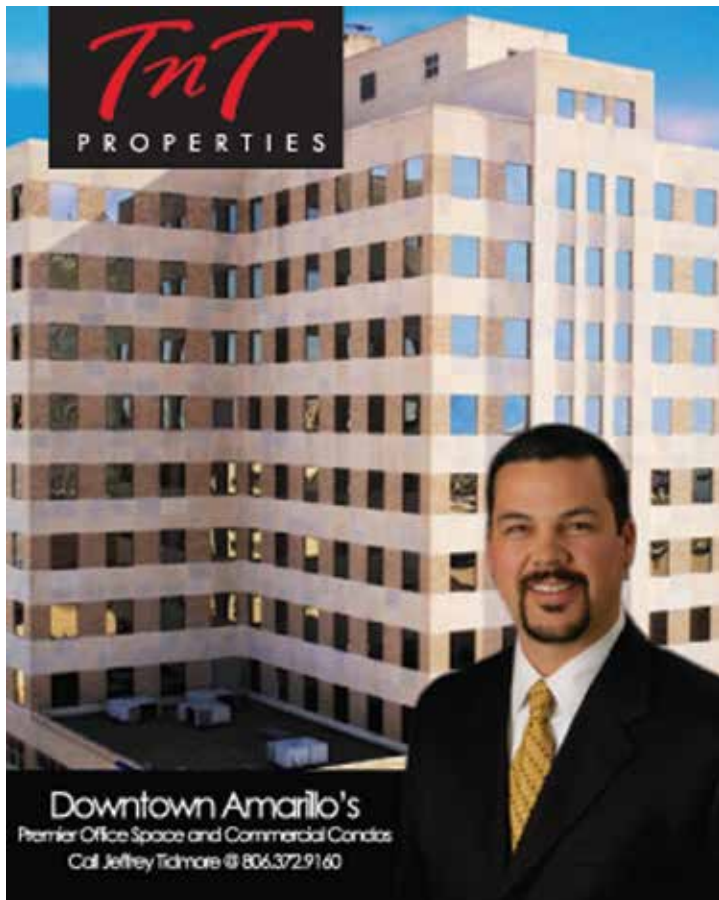
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Also visit our website at [www.amarillo-bar.org](http://www.amarillo-bar.org) for information and links to both local and state-wide legal resources.





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# 7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“I’ve got to keep on keepin’ on” . . . as timely today as it was when first played over 40 years ago.

And, in keepin’ on, we have to remember that what we say in a pleading may bite back. That happens often in suits involving child custody. Take, for instance, *Hamilton v. Maestas*, No. 07-18-00320-CV, 2020 Tex. App. LEXIS 2911 (Tex. App.—Amarillo Apr. 7, 2020, no pet.) (mem. op.), where Dad petitioned to modify a prior child custody order. To succeed, he, like other parents attempting that, needed to allege and prove that circumstances materially and substantially changed since the last order. As happens regularly, the ex-spouse (or Mom, here) responded by seeking her own modifications and also alleged that circumstances had materially and substantially changed which warranted them. In doing so, however, she judicially admitted that aspect of Dad’s burden, relieved him of having to prove that element of his claim, and precluded herself from questioning, on appeal, whether a material and substantial change actually had occurred. Yep, what you say in a pleading may bite back; so, think about the consequences of what you say in it.

Sometimes, though, what you say really has no effect, like the attorney’s statements in *Ex parte Young*, No. 07-20-00221-CR, 2020 Tex. App. LEXIS 8706 (Tex. App.—Amarillo Nov. 6, 2020, no pet.) (mem. op., not designated for publication). He was trying to get his client’s bond reduced. To that end, he told the trial court about his client’s inability to afford the existing bond, how his client was not a flight risk, and other things like that. The trial court refused to reduce the bond, and Young appealed. We had to affirm because the burden foisted on him involved presenting evidence to support the request, and an attorney’s unsworn argument and representations of fact uttered in a hearing generally are not evidence.

But, what you say coming back at you isn’t limited to what attorneys say or write, as Judge Eichman found out. While holding a string of plea hearings resulting in probation and involving people out on bond, he ended each by saying: “[Y]ou’re free to go.” Slipped in the mix, though, was a case where the accused was not on bond and who would not get probation. His plea was taken, and, as before, Judge Eichman closed with, “[Y]ou’re free to go.” Thinking fast, the defendant turned to the deputy who approached to transport him back to jail and said, “You heard the man. I’m free to go!” Yep, even men and women

in black need to watch what they say. I wonder if Judge Eichman’s words would have immunized the defendant from prosecution for escaping if he had bolted out the courtroom door? We’ll never know.

Oh, almost forgot ... Bobby Ramirez is our new Clerk of Court while still carrying his central staff attorney load. Vivian Long retired after a bazzillion years of dedicated service. Happy trails, Viv, until we meet again. Wave to Roy and Dale along the way.

And to Bobby ... well ... bring on the new year and whatever comes with it, cuz we “got to keep on keepin’ on.” Maybe there again will be a “big ol’ jet airliner” in all our future since “the big wheel keeps on spinnin’ around.” And, just maybe Steve Miller will be riding on that “Jet Airliner.”

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## **AAYLA UPDATE**

By Richard Biggs

Happy New Year from the Amarillo-area Young Lawyers. At the start of a new year, I usually come up with a few “resolutions” that I inevitably fail to keep. This is apparently a common problem; one-third of New Year’s goals are abandoned by January 31. Wanting to do better than the bottom-third, I looked up how to set a successful New Year’s resolution.

According to the New York Times, a successful resolution should be SMART: Specific, Measurable, Achievable, Relevant, and Time-bound. For example, it’s better to say “I want to lose 5 pounds by the end of February,” rather than “I want to lose weight,” or “I want to be as good looking as ‘Sexiest Man Alive’ Michael B. Jordan.” Merely “losing weight” is not specific or measurable, and the other is not achievable (at least for me; Alex Yarbrough’s overgrown Covid-hair makes him a contender).

This is a long explanation for how I discovered that resolution-setting is hard. In the practice of law, I am full of indefinite goals that I believe are shared with many of my readers. Most attorneys want to be more responsive

to their clients, more efficient and effective with their time, and simultaneously, want to find more time to spend with their family and their community obligations. I wish I knew the secret for untying this knot; if you know, please email me.

After last year, targeted and focused resolution-setting seems even more difficult. My scheduled events only survived through mid-March, and my personal fitness goals have gone from “losing weight” to “gaining weight slower.” The entire planet has spent the last year balancing their goals against an ever-changing set of health, safety, and social rules. Recent experience has shown that setting a specific, measurable plan may not work, either.

So I’m thumbing my nose at The Times and setting indefinite goals. This year, I hope to work harder for my clients, spend more time with my family, and so forth. I’ll try my best, but I can’t commit to anything concrete. Instead, I’ll commit to being flexible.



**Mason Harlan**

## **YOUNG LAWYER OF THE MONTH: MASON HARLAN**

Mason Harlan was born in West Texas and has lived there throughout most of his life. He finished high school in the small town of Littlefield and went on to attend Texas Tech University in Lubbock. At Texas Tech he graduated summa cum laude with a bachelor’s degree in business management. His family owns a grocery business, and his original plan was to work for the company upon graduation. His plans quickly changed, however, when he decided to further his education with a law degree at Texas Tech. He graduated from the law school with the honor of magna cum laude. Upon graduation he was proud to have joined the ranks of his parents who are also attorneys.

His father ran a general practice in Littlefield and it was

here he spent many hours in his youth running papers to and from the courthouse a few blocks away. His mother is chief council for his family’s grocery business. He was fortunate enough to receive a job offer from the firm of Burdett, Morgan, Williamson & Boykin last February. He quickly accepted and in June went on to move from Lubbock to begin working at the firm. His practice is focused primarily on the areas of estate planning and general corporate law. In December he was excited to receive the news that he passed the bar and was officially sworn in two weeks later. He’s excited to get to know more people in the great and welcoming community of Amarillo attorneys.

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# TEXAS BAR PRACTICE WEBSITE

*By James Wester, State Bar of Texas District 13 Director*



**James Wester**

As the State Bar's Board Advisor to the Law Practice Management (LPM) Committee, I want to be sure that you don't overlook a valuable website. [texasbarpractice.com](http://texasbarpractice.com) is a recently created site where the State Bar helps you (and your staff)

easily locate the tools needed to manage your law practice. The site concentrates in one location resources that were previously located on a number of webpages.

The LPM Committee and Texas Bar Books have designed the new website with Texas attorneys in mind. "We field calls and emails from State Bar members facing issues about law practice management," said Conor Jensen, web content specialist for Texas Bar Books. "Usually, more than one attorney is facing a similar set of questions, so we have the advantage of knowing what issues are coming up specifically for Texas attorneys."

The Law Practice Management Program provides free publications, how-to brochures, instructional videos, online classes, technology resources, and much more. The State Bar provides our members with a variety of resources to help build and grow a modern, effective law practice. Discover a wide collection of law practice management resources. Get special offers and member-only access with a Texas lawyer account.

Attorneys looking to learn about practice management will appreciate the website's streamlined organization and focus on material relevant to just this topic. Users can navigate the site based on which of the three categories they fall under: starting a practice, maintaining a practice, or looking to grow a practice. The site provides easy access to downloadable and printable resources produced by the Committee, including the how-to brochures and the Closing a Practice collection of recently

written and peer-reviewed articles. There are also links to LPM-related CLE, State Bar publications, and the Texas Young Lawyers Association's 10-Minute Mentor video series.

Texas lawyers can also access the Texas Bar Books store, which carries the print and digital reference materials you need to run your practice, including books, practice manuals, jury charges, quick reference cards, DVDs, online books and manuals, forms, and free downloads. The legal publications are all authored by attorneys who practice law around Texas. These digital products can be accessed via your account portal and shared within your account's organization. Some resources require a subscription.

You will see that the resources are available to more than just the attorney as a user. Attorneys can create a new organization or be added to an existing organization, share resources and have resources shared with them through the Texas Bar Practice portal. Creating your own "organization" is a great way to distribute materials throughout a law practice. You can link lawyer and legal assistant accounts.

"I am extremely proud of this project," said Trey Appfel, Executive Director of the State Bar of Texas. "It speaks directly to our mission to support the administration of the legal system and enable Texas lawyers to better serve their clients and the public."

Many thanks to the (i) Law Practice Resources Division, which has a staff of attorneys, editors, web designers, technical production staff, and customer service staff; (ii) Texas Bar Books department, which operates out of an enterprise fund with the intent to continually reinvest in new projects and support its operation; and (iii) Law Practice Management Committee, a standing committee of the State Bar, and its Law Practice Management Program with a mission to promote the efficient, ethical management of the delivery of legal service; the viability of practice at reasonable prices; and the management knowledge and skills of the members of the Bar.



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# YOUR BAR EVENTS - JANUARY 2021

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			AABA Zoom Meeting – “The CARES Act Moratorium and the Impact on Evictions”			
			Advanced Civil Trial CLE, Eagle Center Basement Training Room			
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						