

AAYLA-LAW



amarillobar.org

Volume 36
April 2022
No. 8

A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

APRIL SPEAKER: TERRY BENTLEY HILL

“You know what else can be maddening? The practice of law.” – Page 2

“Spring is finally here, and... Amarillo weather did not get the memo...” – Page 5



Terry Bentley Hill

Counsel.”

Terry is a criminal defense attorney in Dallas. She has built a robust defense practice representing clients who have mental health issues or substance use disorders that result in criminal charges. Her advocacy often results in dismissals or no-bills for her clients.

Terry is equally passionate about attorney wellness. She is vice-chair of the Texas Lawyers Assistance Program for the State Bar of Texas and was chair of the Dallas Bar Association Peer Assistance Committee for four years. For her efforts, she was awarded the 2021 Terry Lee Grantham Memorial Award by the Texas Bar Foundation and a 2011 Presidential Citation from the State Bar of Texas.

She earned a bachelor’s degree in journalism from the University of Texas and a law degree from what is now Texas A&M University School of Law.

Terry is married to Tom Krampitz and is the mother of four daughters, all of whom were born in Amarillo.

Please make plans to join us at the Amarillo Club for our next bar luncheon on April 14. Our speaker, Terry Bentley Hill, is bringing us a presentation entitled, “Cunning * Baffling * Powerful: An Attorney’s Biggest Foe is Not Opposing

CONTENTS

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



PRESIDENT'S PAGE

By: Matt Sherwood

March is a Time for Madness

March is upon us. Spring is in the air (at least until that late April freeze three days after you plant \$200 worth of flowers in your garden). If you are like millions of Americans, you will tune into March Madness to watch your favorite school play in one of the most exciting events in American sports. Probably by the time you are reading this, your bracket has been busted. Next year maybe pick winners based on mascots instead of actual metrics.

I love the NCAA basketball tournament. In no other sport do the 68 best teams in the country (sorry A&M...you are only 69th best this year) compete in a single-elimination tournament to determine the champion. The buzzer beaters. The upsets. There is truly nothing else like it, and it has earned its moniker of March Madness.

You know what else can be maddening? The practice of law. For this month's article I chose to bring back another David Letterman-esque Top 10 list, this time focusing on the 10 most maddening parts of practicing law.

10. Latin phrases. They call Latin a dead language for a reason. Why do we still use these phrases? Nunc pro tunc. Res judicata. Yet another leftover vintage from our British brethren. We should treat this like the "e" in "judgement" or the "u" in "labour." We do not need these phrases anymore. Now, maybe you think this is just an ad hominem attack, but trust my ipse dixit here.

9. The Universal Bar Exam. The fact that this did not exist when most of us were in school is hot garbage. You really mean to tell me that law students now get to take one test only one time, and there is zero ability for the rest of us to get grandfathered in? This seems like a violation my constitutional rights. Due process? Full faith and credit? Quartering soldiers? Something has to stick.

8. The idea that we know ALL laws. A situation can arise in any foreign state or foreign country in any area of the law, and, inevitably, we will get a question that starts with, "Hey, you're a lawyer, right?" Yes, Aunt Margo, I do practice law, but, sadly, I have very little experience with whether the country of Morocco can detain the super yacht of a Russian oligarch. No, they did not teach us that in law school. Maybe this is on the Universal Bar Exam, though.

7. Office HVAC systems. My office has two temperature settings: Antarctic winter and surface of the sun. There is no in-between. "I am sorry you cannot understand me, Your Honor, I will try to keep my teeth from chattering. There, that is better, but now I need to take off my jacket, my tie, and my dress shirt." Speaking of Zoom...

6. Zoom trials. We already ask so much of jurors in a live trial, where we can at least try to wow them with pretty demonstratives, our charming personalities, and, for some of us, our height. Do we really expect jurors to be able to (or want to) pay attention to us from a small screen with all the distractions of home life? And do we really expect them to follow the rule about not searching for information about the case when Google is literally available at their fingertips? LOL.

5. E-Discovery. Has it been around since I graduated law school? Yes. Have I been on a computer since I was 11? Yes. Do I still fully understand meta data? Absolutely not. E-discovery continues to be quite the pain even though more and more of us grew up in the computer age.

4. Lawyers who do not track changes. "Counsel, Thank you for sending the first draft of the asset sale documents. Attached please find my proposed changes." Except, I cannot find anything, Dave, because you did not take the 1.3 seconds to click the "Track Changes" button. Don't worry, I will just scour the 112 pages on my own and try to figure out what you did and did not change. Cool.

3. Yankee lawyers. Recall all the things I discussed about lawyers being civil last month? (Of course you do because you save my articles every month!) Yeah, well, throw that out the window if you are dealing with some of our friends north of the Mason-Dixon Line. It seems they were taught that the only way to succeed is to kick, scream, fight, and claw for everything. They probably use a lot of Latin phrases, too.

2. Legal Zoom forms. Who needs to go through three years of legal education, multiple years of mentoring, and years of practice when all you need is an internet browser, a Legal Zoom account, and your own understanding of the law? I mean, why do people even need us at all?

1. Billing time. The biggest no-brainer of them all. For those of us who bill clients by the hour, or, more accurately, by the tenth of the hour, billing time is the most maddening of all aspects of this profession. This practice has spilled over into so many other areas of my life. I now judge my shower length by tenths of hours, getting annoyed at myself if I go over a .2. While tracking the time spent on matters is necessary for fair billing to the client, keeping a minute-by-minute diary of your daily work activities is truly maddening.

Lastly, I would be remiss to not mention the situation in Ukraine. Please keep the victims of this tragedy in your thoughts. And save some room on your backside for Vladimir Putin to kiss.

AABF Scholarship Announcement

The Amarillo Area Bar Foundation will be awarding \$2,500 scholarships for the 2022-23 academic year. 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 of 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 May 16, 2022, 5:00 p.m.

“

I enjoy helping customers navigate life's important financial decisions, and coming up with a plan to get there. FBSW is MY BANK.”

Ronda Smith
Wealth Management
Trust Officer



IF YOUR FINANCIAL ADVISOR ISN'T TALKING TO YOU,
YOU SHOULD BE TALKING TO US.

- Estate Planning
- Investments
- IRAs
- 401(k) Rollovers and Plans
- Trust Administration
- Executor Services

Trust Services and Wealth Management Investments are not FDIC insured, are not a deposit or obligation of FirstBank Southwest, are not guaranteed by the depository institution and may lose value.



806.322.7241 • FBSWWEALTH.COM



- ucidigital.com
- (806) 372-7722
- 1000 S. Adams St.
Amarillo, TX 79101

Our Goal Is To Enhance Your Business Success

Our team is committed to helping our clients stand out and be seen. We use our skills to deliver the results -- **when you succeed, we succeed!**

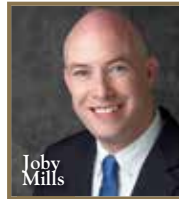
Our services include:

- Websites
- Social media
- Content & SEO
- Graphic Design
- Analytics
- Video Production
- Google Ads
- Ecommerce & POS

Build & Protect Your Legacy.



Buffy Haden



Joby Mills



Scott Richardson



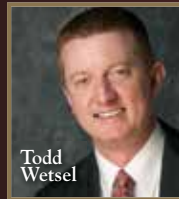
Kevin Rider



Alisa Fox



Hunter Vagrosky



Todd Wetsel



Terri Wright



Terry Wright



Bryan Limmer



HAPPY TRUST COMPANY
Wealth Management & Trust Services

HappyTrust.com



7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“If you could read my mind . . . what a tale my thoughts could tell.” Mr. Lightfoot has something going with that. If we could read minds, just think of all the time we’d save each day. Unlike my wife, I lack the ability (. . . uh, I love you, babe). But there is a procedure to help me to save time and gain insight about a ruling.

Everyone, concentrate. What procedure am I thinking about? How many of you came up with findings of fact and conclusions of law? They reveal the tale the trial judge’s thoughts would tell about why he or she ruled a particular way. Oddly though, litigators, especially in the criminal arena, tend not to request them. And, unless you ask, a trial court generally has no obligation to disclose its thought process.

There are times when we appellate judge can

require them, however. We recently did that in *Rico v. State*, No. 07-21-00208-CR, 2022 Tex. App. LEXIS 1214 (Tex. App.—7th Dist. Feb. 18, 2022). It involved a motion to suppress evidence, which the trial court granted. The court issued findings and conclusions. Yet, they did not reveal the story written within the court’s mind but, for the most part, reiterated witness testimony. Missing were such things as findings of controlling historical fact and touching upon witness credibility. We all know that witnesses often contradict each other; so, who the trial court deemed truthful and what “facts” it derived from their testimony are pivotal to our analysis. Indeed, those are the type of findings to which we must defer. They also illustrate the factual basis underlying the decision from which we assess whether it was unreasonable or arbitrary. Given their importance, we have some authority to remand an appeal and direct the court to fill-in the gaps, which authority we used in *Rico*.

As I explained a bit during a recent presentation at a seminar in Vegas, the right findings constitute a shield protecting the decision from attack. No doubt, an appellee and the trial court want it protected. So, when you get the opportunity to build that shield, consider the standard of review and think about the findings needed to make the shield impenetrable. Yeah . . . your opponent may still come up with a spear sharp enough to penetrate it. But, if nothing else, with adequate findings we will not be left trying to read someone’s mind while humming “I never thought I could feel this way, and I’ve got to say that I just don’t get it”



**YOUR LOCALLY OWNED TITLE TEAM
WITH ATTORNEYS ON STAFF.**



americanlandtexas.com

At the luncheon on April 14, the Amarillo Area Bar Association will honor attorneys in the Panhandle area who have been in practice for at least 50 years. Please join us as we honor these outstanding individuals in recognition of this important achievement.



AAYLA UPDATE

By Brittany K. Hinton

Spring is finally here, and though the Amarillo weather did not get the memo with its late-March blizzard, AAYLA's spring events have returned in full force.

AAYLA kicked off its spring events with the Biennial Las Vegas CLE on Friday, April 1, 2022. The event was a huge success, and AAYLA sincerely appreciates the speakers and attendees for their attendance and presentations. I have not laughed so much on an April Fools' Day in years.

AAYLA's next exciting event is the AAYLA Annual Easter Egg Hunt for the Amarillo legal community and their families. It will be held on the Potter County Courthouse Lawn on Friday, April 15, 2022, at 3:30 p.m. Kick your Easter weekend off right by letting your kids burn off their energy running around and searching for eggs. Also, like previous years, the Easter bunny will be in attendance for photos and revelry. As a reminder, all attorneys, staff,

and employees of law firms and governmental legal offices are invited to bring their children to this fun and free event, so please encourage everyone in your office to attend.

Finally, AAYLA's Bunny Hop 5K is returning after two long years! The Bunny Hop 5K is set to begin at 9:00 a.m. on Saturday, April 16, 2022. Race day registration begins at 8:15 a.m. The cost of attendance is \$20.00 for individuals and \$30.00 for families. Those wishing to race may sign up either online (<https://www.active.com/amarillo-tx/running/distance-running-races/bunny-hop-5k-2022>) or by providing the form included in this issue to Joe Hinton at jhinton@bmwb-law.com. The first 100 attendees will receive a free pair of bunny ears, and the Easter Bunny will again be available for photos.

AAYLA sincerely thanks the local bar for its support of its reestablished events this spring!

YOUNG LAWYER OF THE MONTH: BAILEY HARTMAN



Bailey Hartman

Bailey Hartman is a native to West Texas, born and raised in Canyon, where she attended Canyon High School. She went to West Texas A&M University for her undergraduate degree where she majored in psychology with a minor in management. She completed her undergraduate degree in two and a half years, graduating magna cum laude. Before beginning law school, Bailey married her high school sweetheart Blake Hartman.

After completing her undergraduate degree, Bailey moved to Fort Worth where she attended Texas A&M University's School of Law for her first year of law

school, transferring to Texas Tech University's School of Law for her final two years. She participated in the Alternative Dispute Resolution Clinic at Texas Tech and graduated in the top ten of her graduating class. At Tech, Bailey was vice-president of the Organization of Women Law Students and the Tech Health Law Association, Secretary for the Christian Legal Society, an active member in the Energy Law Interest Group, and an associate editor for the Journal of Biosecurity, Biosafety, and Biodefense Law.

In the summer after her second year of law school, Bailey interned at Burdett, Morgan, Williamson, & Boykin, LLP where she now works. Her practice areas include bankruptcy, collections, employment, and real estate related litigation. After passing the bar, Bailey had the honor of being sworn-in by the Seventh Circuit Court of Appeals in October and has since been sworn-in to the United States District Court for the Northern District of Texas. When she is not working, Bailey enjoys escape rooms, bowling, and spending time with her husband and her English mastiff, Carl. Bailey is also a member of the High Plains Choral Society in Amarillo.

SPRING INSTITUTE

MAY 12, 2022

8:00 a.m.

CLE @ WT Enterprise Center

11:30 a.m.

Lunch/Swearing-in of new AABA officers and directors

@ WT Enterprise Center

1:00 p.m.

Golf Tournament @ Ross Rogers

RISK-TAKING CAN BE FUN...



...BUT NOT WHEN IT'S
A MALPRACTICE CLAIM.

Real Estate Litigation Claim*

- Lawyer sued for error in service of process
- Damages of up to \$1,000,000 alleged
- TLIE settled claim for \$2,500

INSURED BY TLIE

Total out-of-pocket (deductible)	= \$1,000
---	------------------

IF NOT INSURED

Defense costs	\$35,000
Settlement	+ \$2,500
Total out-of-pocket	= \$37,500

* Based on actual claim handled by TLIE.

FIND OUT MORE:
TLIE.ORG or
(512) 480-9074



BUSINESS VALUATION

Family Law • Commercial Litigation • Tax • Consulting

LITIGATION SUPPORT

Expert Testimony • Tracing • Collaborative

CONSULTING

M&A Advisory • Financing • Exit Planning

(806) 853 • 7832

admin@caprockbusinessconsulting.com

www.caprockbusinessconsulting.com

BUNNY HOP 5K



by the Amarillo Area Young Lawyers Association

SATURDAY, APRIL 16TH, 2022

9:00 A.M.

(RACE DAY REGISTRATION AT 8:15 A.M.)

THOMPSON PARK

(STARTS ON E. CHAPARRAL ROAD
ACROSS FROM WONDERLAND PARK ENTRANCE)

\$20 PER PERSON / \$30 PER FAMILY

***Packet pick-up Friday, April 15th*
4:30 - 5:30 p.m. at
GetFit Amarillo
1911 S Georgia St, Amarillo, TX 79109**

Register online at:

<https://www.active.com/amarillo-tx/running/distance-running-races/bunny-hop-5k-2022>



SEE INSERT FOR MAIL-IN REGISTRATION FORM



Presorted
Standard
US Postage
PAID
Amarillo, TX
Permit No. 227

112 West 8th Ave., #615
Amarillo, Texas 79101
806-371-7226

Return Service Requested

EXECUTIVE COMMITTEE

Matt Sherwood, President
Liberty Lay, President-Elect
Tyler Topper, Vice President
Tyler Topper, Secretary-Treasurer
Jennie Knapp, Immediate Past President

Terms Expire 2022: **Chris Jones**
Alex Yarbrough
Diana Hathaway

Terms Expire 2023: **Morgan Tilley**
Alysia Cordova
Courtney Miller

Brittany Hinton, AAYLA President
Janet Byars, Executive Director
Michael Alexander, AMA-LAW Editor

YOUR BAR EVENTS - APRIL 2022

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14 AABA Bar Luncheon, Amarillo Club 50-year Lawyer Recognition	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30