

# AMA-LAW



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## DECEMBER SPEAKER: DR. SOFIA CHAPMAN



Dr. Sofia Chapman

While we may all feel stressed from time to time, the holidays (and pandemics) can bring their own special challenges. For our December bar luncheon, Dr. Sofia Chapman will present a timely program entitled “Wellness Matters.”

Dr. Chapman is the Associate Dean for Student Life at the Texas Tech University School of Law. In her role overseeing mental health support for law students, she is familiar with the stress, anxiety, and depression that can sometimes affect law students. She works to assist those struggling with mental

health, substance abuse, emotional concerns, and other wellness challenges.

Dr. Chapman also serves as an adjunct faculty member in the Higher Education program. With more than eighteen years of educational experience, Dr. Chapman has served in various administrative roles, dealing with issues related to admissions and recruitment, judicial/conduct affairs, alcohol education, managing distressed students, Greek life, leadership programs, and more. She was formerly the Managing Director of the Office of Student Conduct at Texas Tech University, where she oversaw campus discipline. She has earned a B.S., M.Ed., and Ph.D. from Texas Tech University.

We hope to see you at the Amarillo Club on December 9 for this presentation on attorney wellness.

*Remember that the State Bar of Texas created the Texas Lawyers Assistance Program (TLAP) to provide confidential support for attorneys who are struggling with stress, anxiety, depression, substance abuse, and other issues. You can reach TLAP by calling 1-800-343-TLAP (8527) and find resources at [tlaphelps.org](http://tlaphelps.org).*

“I hope you will take solace in a saying that has helped me through some of the more difficult times in this journey: ‘Don’t say it is going to be okay. It is already okay...you just do not know it yet.’”

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“If I knew how to wrestle with time, I’d pin it for a three count. But, it has me in a spinning-toe-hold while setting up for the atomic drop.”

– Page 4

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# PRESIDENT'S PAGE

By: Matt Sherwood

## It is Okay to Not be Okay

The holiday season is officially upon us. By the time you read this article, we will have made it through Thanksgiving and will be well on our way to Christmas. Traditionally, the AABA President will write something about giving thanks or reasons we should be thankful. I have always enjoyed those and thought I might write my own list, but I want to take a different approach with the holiday article this year.

If you are like most people, you are on some form of social media, whether it is Facebook (Meta?), Instagram, Twitter, or Snapchat. Most people on social media likely have a profile picture similar to my family picture above—showing a happy, loving group that appear to have everything together. To the outside world, everything appears to be perfect. But for many of us, these happy, carefree pictures do not often equal reality.

One of the unfortunate things about our profession is that we often struggle with addiction and mental health issues. A 2019 study by the American Bar Association and Hazelden Betty Ford Foundation polled nearly 13,000 lawyers across 16 different states and delivered some shocking results. Nearly 21% of respondents scored at a level consistent with problematic drinking (double the rate of other highly educated professions). 28% of respondents reported mild to higher levels of depression. 19% reported mild or high levels of anxiety. Nearly 12% of respondents reported suicidal thoughts at some point during their career.

For me, I struggled with alcohol abuse for years. I used every excuse possible to justify my drinking. I told myself it was just to help cope with the stress of the profession. I convinced myself that I was not all that different from anyone else. I told myself that I could quit anytime I wanted to. None of this was true, though. Once I started to realize I had a problem last fall, I still kept at it. I reasoned that, as a social person in a social profession, I had to be able to drink. If I did not drink, and especially if I admitted I had a problem, how would others think of me? Would they think I was some kind of leper?

All that changed last December. I had my version of rock bottom on December 5, 2020. That next morning, I knew I had to change. I knew if I did not I might lose everything. I reached out to trusted friends for help, and they were happy to help in any way possible. On December 6, 2020, I started down a new path. I found that my fear of people's reaction was completely misplaced, as I have received universal support from my friends and colleagues who know about my struggles. Hopefully, if I stay strong in the program that works for me, by the time you read this article I will have gone a year without drinking. I have my family, my friends, and my faith to thank for that.

I want the AABA to have resources for our members.

It is my biggest goal for my year as your President. The Texas Lawyers Assistance Program has some excellent resources for attorneys dealing with forms of addiction and mental health issues, and many of the larger bar associations have local organizations under the TLAP umbrella. Amarillo is not one of them, and I aim to change that. I would like to form a new committee (or call it a group) to help me get this started. You do not have to struggle with an addiction or mental illness to help—I just need people who want to help others in our profession. If you are interested, please email me or call me. I will also make the ask at our December bar luncheon.

In truth, this was not an easy article to write. It is not easy to admit to your colleagues and peers your biggest weakness. But, it is also freeing. My hope with all of this is that someone else who might have similar struggles will be able to find a solution. If that happens to be you, I hope you will take solace in a saying that has helped me through some of the more difficult times in this journey: "Don't say it is going to be okay. It is already okay...you just do not know it yet."



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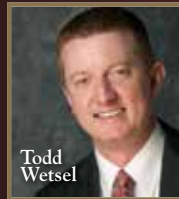
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# 7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

I believe time is sensory. If you do not sense it lapsing, then it is gone without you experiencing it. Sleep is a good example of that. Whether I slept for 2, 4, or 6 hours, it feels like only an instant lapsed between the moments sleep came and left. The same is true when busy. Concentrating on tasks at hand diverts attention from passing time; in the end, you only realize it passed. That struck me again this year. Where did time go as we prepare to say goodbye to 2021. Yes said it best: “one down one to go, another town and one more show ....”

Enough ... let us talk cases and begin with confronting one’s accusers. You have that right but take care to object appropriately. Your objection must inform the trial court of the specific evidence or testimony about which you complain. We found the general objection urged in *Gallardo v. State*, No. 07-20-00011-CR, 2021 Tex. App. LEXIS 6184 (Tex. App. —7th August 2, 2021) was insufficient. Generally objecting to the particular medical examiner testifying failed to timely and specifically identify the portions of the testimony deemed objectionable in *Gallardo*. We further observed that an expert relying on an autopsy report drafted by another person when deriving her own opinion about the cause of death did not implicate the Confrontation Clause. Much depends upon whether the expert is merely regurgitating the conclusions expressed in the report or is developing her own conclusions based on records given her. She was doing the latter, here.

As we know, it is not easy to sue and recover from a governmental entity. That tall wall called sovereign immunity is tough to climb. But, premises and special defect claims may clear that hurdle depending on the nature of the complaint. In *Tex. A&M Univ. Sys. v. Fraley*, No. 07-20-00116-CV, 2021 Tex. App. LEXIS 6138 (Tex. App.—7th July 30, 2021), Fraley sought recovery for injuries caused by driving his car into the dead-end of a T-intersection. The intersection had been four-way until A&M changed it. Fraley was not complaining about the change. His issue concerned the lack of lighting or signage to assist drivers in recognizing it. Yet, the decision on how to design a road and whether to install safety features, like signs and lighting, are discretionary ones. As such, they do not surmount the high wall.

Not too long ago, I sat with Stewart Werner at a bar luncheon. He began telling me about an old law school professor of his. The gentleman was known to his students as “Deep Sleep”. Why? I’ll leave that to your imagination. Nevertheless, while in a robust debate with students who propounded numerous questions about a particular topic, Prof. D.S. abruptly halted the exchange. In the resulting silence, he murmured: “sometimes you just have to get on the floor and wrestle with it.” That’s true about a lot

of our concerns. If I knew how to wrestle with time, I’d pin it for a three count. But, it has me in a spinning-toe-hold while setting up for the atomic drop. Maybe I should take a gander to the side of the ring and reach out to tag Father Christmas. That’ll give me a breather. Merry Christmas all and tag out for a breather too.

## AMARILLO AREA BAR ASSOCIATION

You and a guest are invited to  
Join us for our annual  
*Christmas Reception*


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Thursday, December 9  
6:00 PM – 9:00 PM  
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# AAYLA UPDATE

By Brittany K. Hinton

Attorney wellness is a current hot topic among legal professionals across the country. The discussion surrounding attorney wellness is crucial for the success of current and future legal professionals. On the whole, attorneys are quite unwell. A 2016 study by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs shows “21 percent of licensed, employed attorneys qualify as problem drinkers, 28 percent struggle with some level of depression and 19 percent demonstrate symptoms of anxiety.”

How can we as a profession improve these statistics? While there is no one-size-fits-all answer, attorney wellness can improve many attorneys’ lives. Though many definitions of “wellness” exist, in summary, wellness involves doing whatever one needs to do to feel better and be healthier on a day-to-day basis. Lawyer wellness often includes practicing self-reflection, improving nutrition, exercising, resting, participating in self-care, and improving mental health.

The Texas Young Lawyers Association (“TYLA”) is hosting its first Attorney Wellness Retreat in December.

It is chaired by Courtney White, Assistant City Attorney of Amarillo. The agenda for the event includes learning about meditation, self-care, stress-reduction techniques, nutrition, and yoga.

In addition, the Texas Lawyers’ Assistance Program (“TLAP”) provides many tools to the Texas legal profession, including tools for improving wellness, managing stress and anxiety, treating depression and bipolar disorder, addressing cognitive decline, helping with substance abuse, and offering suicide prevention resources. These tools may be found at [www.tlaphelps.org](http://www.tlaphelps.org). TLAP does not share any information from a legal professional seeking help with the State Bar, Chief Disciplinary Counsel’s Office, or any other disciplinary agency or entity.

I challenge the local bar to adopt at least one new wellness technique in the month of December (especially if attending TYLA’s Wellness Retreat!). While the practice of law and familial obligations are often particularly significant in December, self-care is always important.

## YOUNG LAWYER OF THE MONTH: CONOR HARVEY

Conor Harvey is an associate at Burdett, Morgan, Williamson & Boykin LLP, where he practices litigation in a variety of areas. Conor grew up in Houston, Texas. He attended the University of Texas at San Antonio, where he received a bachelor of public administration cum laude. Conor then received a juris doctor from the University of Chicago Law School.

At the University of Texas at San Antonio, Conor served as the speaker of the student government senate and participated in the Bill Archer Fellowship Program, which allowed him to spend a semester interning on Capitol Hill. Conor then worked in Houston and Dallas before attending law school. At the University of Chicago, Conor was named a Ruth Wyatt Rosenson Scholar, served as a law school representative to the university-wide student government, was president of the Texas Law Society, and was hired to supervise students

participating in the Kirkland & Ellis Corporate Lab clinic. With too much time on his hands, Conor also served as the executive editor of the University of Chicago Legal Forum and published a note in the same journal. Conor spent his law school summers working at Jones Day in Dallas and at the First Liberty Institute in Plano.

After law school, Conor served as a law clerk to Justice Jimmy Blacklock of the Supreme Court of Texas. Conor will soon serve as chief law clerk to Judge Matthew Kacsmaryk of the United States District Court for the Northern District of Texas.

Conor and his wonderful wife enjoy cooking, traveling, spending time with family, and playing with their dogs, Princess and Scooter.



**Conor Harvey**



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# NEIGHBORS AND MENTORS

By: Alex Yarbrough

Can you name all your neighbors? If I gave you a piece of paper, could you write down each of your neighbors' names and some other detail about them? If I was asked this question before the start of the pandemic, my answer would have been "probably not." Kids sports, homework, getting out of the house, and Netflix transformed into riding bikes around the neighborhood and more Netflix during the pandemic. While the pandemic has caused many negative impacts in the world, it has also created lasting impacts amongst my neighborhood.

I can now fill out the piece of paper and name each of my neighbors and something about them. As attorneys we are eager to help others, but I discovered that asking for help from your neighbors – as hard as it may be – helps build the relationship. Whether you need to borrow a tool or a cup of sugar, asking for help from neighbors can lead to friendships. Before the pandemic, I may have simply pulled into the garage and not even said hello to my neighbors when coming home from work. Now, we share baked goods and a few evenings by the fire pit. Margaritas to-go was not the only thing good to come from the pandemic. A newfound friendship for my neighbors is something I will cherish for years to come.

During law school, I worked as a clerk for two years for Judge Ruben Reyes, a state district judge in Lubbock, Texas. I hope no one from the Texas Tech School of Law reads this, but I think I learned more from working with Judge Reyes than I did at school. After graduating from law school, Judge Reyes remained a mentor for me. Whether it was a personal issue or a work issue, Judge Reyes always provided some sage advice. Judge Reyes passed away from Covid-19 during the pandemic. While I had fortunately found multiple mentors in Amarillo, losing a mentor is not easy.

Having a mentor or serving as a mentor is important. During the pandemic, many new and first-impression issues arose. I believe all of us were looking towards others for answers. It is comforting to be able to pick up the phone and call a mentor. It is also a good feeling to help a fellow attorney with any personal or work issue they may be having. If you are young in your career and reading this, seek out a mentor. If you are experienced in your career, begin mentoring to someone starting out. If you are in the middle, take some margaritas to-go to your neighbor.

## In Memorium

Amarillo - Judge John Thomas Boyd of Amarillo, Texas, passed away peacefully in his sleep on Tuesday, November 23, 2021.

John Thomas Boyd was born on August 28, 1927, in Plainview, Texas, to Arthur E. and Mary Effie Boyd. He is survived by his wife of seventy-one years, Bonnie Lamb Boyd. John graduated from Plainview High School in 1944 and entered Virginia Military Institute with the intention of pursuing a career in the military. However, he was drafted into the U.S. Army that year and served in the Aleutian Islands until his discharge in 1945. Following his discharge, he received his undergraduate and law degrees at Baylor University. It was there that he met Bonnie Lamb, the love of his life, and also began his life-long love of Baylor. After graduating from law school in 1950, he returned to Plainview and joined the law offices of Lucien Morehead. After Bonnie graduated from Baylor in the fall of 1950, they were married on November 18, 1950.

In 1969 Boyd was appointed as 64th District Judge by Governor John Connally. In 1981 he was appointed by Governor Bill Clements to the Seventh Court of Appeals in Amarillo, and in 1996 he successfully ran for Chief Justice of that court. He served there until 2002 when he reached the mandatory retirement age of 75. At that time, he was the longest-tenured state judge, and it is a testament to extreme respect he received as a judge that he was never opposed in an election. After his retirement he continued to sit on judicial assignments for several years.

Judge Boyd served as the chair of the Judicial Section of the State Bar of Texas 1982-1987, chair of the Board of Directors of the Texas Center for the Judiciary and chair of the Texas State Commission on Judicial Conduct. He was named Baylor Lawyer of the Year in 1995 and also received the Baylor University Alumni Association's Price Daniel Distinguished Public Service Award for an elected or appointed official who exemplifies "the spirit of selfless dedication to public service." In 2003 he was named the recipient of the Samuel Persara Outstanding Jurist Award from the Texas Bar Foundation. He also received the Lifetime Achievement Award from the State Bar in 2011. Boyd was a long-time member of the Plainview and Amarillo East Rotary Clubs.

John was loved by so many—his family, friends, fellow judges and lawyers, and his caregivers the last years of his life. He was an eternal optimist and possessed an innate sweetness, treating every person with grace and kindness. He made each feel worthy and valuable, consistently exhibiting the love of Jesus with a twinkle in his eye.

In addition to his wife, Bonnie, he is survived by his son, John Thomas Boyd, Jr., and wife, Laura; daughter Rebecca Boyd Bailey and husband, Wes; and many grandchildren and great-grandchildren.





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# YOUR BAR EVENTS - DECEMBER 2021

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	<b>AABA Bar Luncheon, 9</b> <b>Amarillo Club</b> <b>Christmas Reception</b> <b>sponsored by Happy</b> <b>Trust Company, 6:00</b> <b>p.m.-9:00 p.m., The</b> <b>Barfield</b>	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	