

AAYLA-LAW



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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

FEBRUARY SPEAKER: MARK HOCKER



The Honorable Mark Hocker

Please join us for our next luncheon on Thursday, February 9th at the Amarillo Club. The Honorable Mark Hocker will present the 2022 Criminal Law Year in Review.

Mark Hocker is the Judge of Lubbock County Court at Law No. 1, a court of general jurisdiction. He primarily hears Class A & B misdemeanors and family law matters, but also oversees competency and *capias pro fine* proceedings for all the District and County Courts of Lubbock County, as well as hearing

civil commitments, probate and guardianship matters concurrent with the Constitutional County Court.

Judge Hocker graduated from Texas A&M University's College of Architecture, cum laude, in 1995, and earned his Doctor of Jurisprudence from Texas Tech University School of Law in 1998. He worked for nine years as a prosecutor and criminal defense lawyer in Lubbock, Hale, Swisher, and surrounding counties, trying more than 200 felony and numerous misdemeanor jury trials. He then practiced civil litigation state-wide for five years before going on the bench in December 2011.

Judge Hocker has served as a Director and President of the Lubbock Area Bar Association, and continues to Co-Chair the Law-Related Education Committee. He and his family are active members of First United Methodist Church, where he teaches adult Sunday school and volunteers with the youth. He also speaks regularly about the Constitution and law to lawyers, judges, students and the public.

Judge Hocker married his college sweetheart, Heather, in 1996, and they have one daughter, Mary Elizabeth. When he has free time, he enjoys golfing, fishing, and hunting.

“It is we who can best explain our legal heritage, our democratic institutions, and our role in preserving and perpetuating the rights we cherish.”

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“Time to let our minds run, at least for a while.”

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PRESIDENT'S PAGE

By: Liberty Lay

My home is close to my kids' high school, and it's always open to students who drop in at lunchtime and after school or practice. I enjoy the opportunity to get to know these young adults better and to discover what's on their minds.

Often, I am asked questions such as, "Mrs. Sobey, did you know you guys have been out of beef jerky for, like, two weeks?" (No, I didn't, but I will remedy that as soon as possible.)

Other times, our conversations are more meaningful. Recently, one of my daughter's friends said, "I heard that Stanford University has a list of words you're not allowed to say there. Can they really do that?" As lawyers, we're asked that question, or some variation of it, regularly. Can they do that? Is that legal?

All adults can speak life into the next generation by providing words of encouragement and support. But we as lawyers are in a unique position to educate them about their inherent, inalienable rights. It is we who can best explain our legal heritage, our democratic institutions, and our role in preserving and perpetuating the rights we cherish.

President John Adams said that "liberty cannot be preserved without a general knowledge among the people" Just as we are tasked with zealously advocating for clients and peaceably resolving conflicts, we are charged with sharing our knowledge in defense of democracy and the rule of law.

In this month of February, as we celebrate the legacies of Presidents Washington and Lincoln, may we be mindful of the hard-fought battles that secured our nation's existence. And may we honor our heritage by humbly heeding the call to do justice and to love mercy.

AMA-LAW

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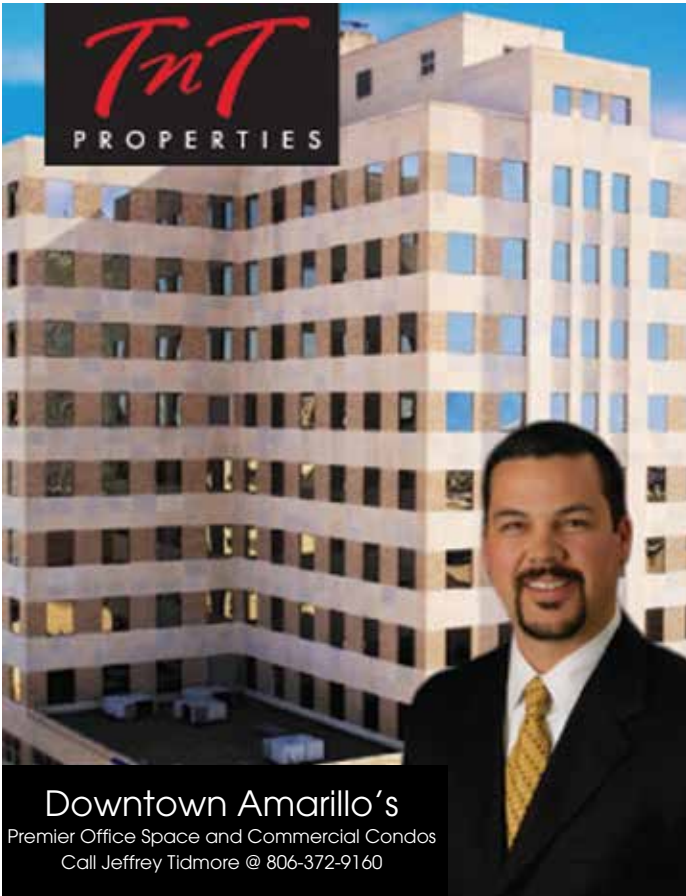
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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“Why do I find it hard to write the next line?” Spandau Ballet was not the only one. Some call it writer’s block. I call it getting out of the blocks. No doubt, words talk and selecting particular ones say much. The appellant in *Gonzales v. State*, No. 07-21-00225-CR, 2022 Tex. App. LEXIS 8349 (Tex. App.—7th Dist. Nov. 14, 2022, no pet. h.) encountered that.

The State indicted and tried Gonzales for kidnapping two people. On appeal, he argued that the State failed to prove he had kidnapped two individuals within the house he entered after being spied by police. Yet, an officer at the scene recalled how appellant mentioned having “hostages” when effort was made to have him exit. That very word appeared within the elements of the crime. According to the legislature, one engages in kidnapping when intentionally or knowingly abducting another person with intent to “use him as a shield or hostage.” That Gonzales himself described those within the house as “hostages” said much. It helped paint the picture of a kidnapping, as noted in our opinion, and led to the affirmance of his conviction.

Common words also paint different pictures depending on context, like the word “use” we dealt with in *Ex parte Claycomb*, No. 07-20-00238-CR, 2022 Tex. App. LEXIS 8590 (Tex. App.—7th Nov. 22, 2022, pet. filed). Claycomb argued that it meant to refer to someone. He made the argument after the State charged him under a criminal statute declaring it unlawful to “use[] the name . . . of another person to . . . create a web page on a” website. His interpretation apparently influenced his decision to attack the statute’s alleged unconstitutionality as a content-based restriction. Because the word was undefined, we turned to the dictionary to uncover its meaning. The definitions encountered were “to put or bring into action or service; to employ for or apply to a given purpose.” In our view, they described action or conduct. So, prohibiting one from “using” the name of another regulated conduct, not speech.

That meant the statute did not transgress the First Amendment as a content-based restriction.

It’s finding the right word that best illustrates the idea being expressed. But, the less we use our entire vocabulary, the harder it becomes to find the right word. That is the problem with formulaic writing. It impedes our ability to exceed the bounds of the formula. Eventually lost are the richness and texture of many other words better grasping the thought. “I know this much is true,” which explains why I (and others) sometimes find it hard to write that next line. Time to let our minds run, at least for a while.

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AAYLA UPDATE

By Alysia Córdova

Happy February! Love is in the air. The five love languages (physical touch, gift giving, quality time, words of affirmation, and acts of service), which represent the different ways individuals give and receive love, were first introduced by marriage counselor Gary Chapman in his book *The 5 Love Languages*.

Keeping with that theme, what is your legal love language? While lawyers spend plenty of “quality time” in the office, I believe most lawyers would likely say “acts of service.” Our field certainly can’t be accused of “words of affirmation;” just as any litigator that has been publicly scolded by a judge. With that in mind, how can we better “serve” our legal and local community?

This was the first question I asked myself upon stepping into role as AAYLA president. Our organization provides many events that the local bar has come to rely on year after year. For example, the annual Easter Egg

Hunt on the courthouse lawn and the Bunny Hop 5k, both of which are coming up this Spring! But I also examined what areas that we may be able to provide more service. I have mentioned, it is important to serve the communities you want to engage and for me that was lawyers outside the larger firms. In that spirit, we are busy planning our networking happy hour where attendees will have the opportunity to network, hear about market strategies, and will be offered a free professional headshot. We are currently lining up partnerships with bar sections and professional organizations. Our event, appropriately titled “Golden Hour,” is expected to occur in late March or April so stay tuned for more information as our plans finalize. I’m looking forward to finishing out the last of my term serving you!

SAVE THE DATE!!



Spring Institute
May 5, 2023

Details to follow

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YOUNG LAWYER OF THE MONTH: HANNAH RIVERA



Hannah Rivera

As a first generation lawyer, Hannah has always tried to find the “moment”—the moment in time that she realized she wanted to be a lawyer, but that magical moment just does not exist. There was not one moving story that led her to this career, rather an overall desire to help others. Hannah believes that no one in this world should be a victim to the system simply because they don’t know how to maneuver through its complexities. So...off she went to law school.

As an Amarillo native, Hannah is a proud graduate of Amarillo High School (Blow Sand Blow!), and stayed close by at West Texas A&M where she received her undergraduate degree. Rather than keeping with the trend to stay near, Hannah headed east to attend law

school at the University of Arkansas at Little Rock William H. Bowen School of Law where she graduated with her law degree in 2021.

Though, her time in the Natural State—full of 52 state parks and 7 national parks—was short lived. Following law school, Hannah was ready to return to the flat, arid, and windy climate that is West Texas. Shortly after the bar exam, Hannah accepted a position and has been working as a litigation associate at Lovell, Lovell, Isern & Farabough, LLP where she focuses her practice on family law, personal injury, and business litigation.

During her free time, Hannah enjoys being with friends and family—but most important of all, her beloved dog (a mini Australian Shepherd-Pug), Sophie.

UPCOMING CLE OPPORTUNITIES:

February 8-9, Advanced Personal Injury.
Offers 16.75 CLE hours including 3.25 Ethics hours
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YOUR BAR EVENTS - FEBRUARY 2023

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8 Advanced Personal Injury CLE, Eagle Center	9 AABA Luncheon, Amarillo Club	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				