



AAMA-LAW



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NOVEMBER SPEAKER: MIKE WARE

“The best way to honor them will be to take the best ideas we learned and to apply them in our own practices.”

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“Rather, I want to share my silver linings as a way to encourage us, and to add a little light to the dark tunnel we’ve all been in.”

- Page 7



Mike Ware

Please join us at the Amarillo Club for our next luncheon on November 11, as we welcome Mike Ware to Amarillo. Mike is the co-founder and current executive director of the Innocence Project of Texas. He is also an adjunct professor at Texas A&M University School of Law, where he supervises the Texas A&M Innocence Project legal clinic, an Innocence Project partner.

The Innocence Project of Texas is a nonprofit organization that provides legal counsel and investigative services in an effort

to exonerate wrongfully convicted Texans. Since 2006, the organization has exonerated or freed from incarceration 25 innocent people, who collectively served 341 years behind bars. The Innocence Project also works to reform criminal justice practices and educate the public about wrongful convictions. Mike will discuss proving innocence and will provide an overview of several Innocence Project cases.

Mike is a 1983 graduate of the University of Houston Law School, where he was research editor for the Houston Law Review and the Houston Law Review’s Texas Rules of Evidence Handbook. In 1984, he began private practice, specializing in criminal defense. From 2007 to 2011, Mike was the Special Fields Bureau Chief for the Dallas County District Attorney’s office, which included the Conviction Integrity Unit. In 2014 and 2020, he received the Texas Criminal Defense Lawyers’ Association’s Percy Foreman Criminal Defense Lawyer of the Year award.

You won’t want to miss Mike’s presentation.

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PRESIDENT'S PAGE

By: Matt Sherwood

In Honor of Two AABA Members

For those who have read my first two President's Pages, you should have noted a theme. My goal with this page is to try to bring you something light hearted, somewhat entertaining, slightly funny, and, most of all, something you might want to read. This month I am taking a different path.

The AABA recently lost two of its longest tenured members, Tom Morris and Walter Wolfram. I feel that this page should be used to honor them both. These two men had a combined 140 years' experience working in the law, with Tom (or Mr. Morris as those of us who worked with him called him) receiving his law license in 1946 and Walter receiving his in 1956.

Both men have a long list of achievements and accolades in our profession. Tom's greatest achievement was his victory in the 1966 United States Supreme Court case, *Graham v. Deere*, which established the law of non-obvious subject matter in patent cases and remains the law today after 55 years. Walter worked hard to integrate public schools in Texas, New Mexico, and Arizona and was instrumental in the fight for the passage of the Texas Equal Rights Amendment in 1972.

I had the honor of working with Tom (I mean, Mr. Morris) for several years at the Underwood Law Firm, where I was amazed by his legal mind. I also had the privilege of working against Walter, where he consistently brought his passion for his client's position in every case we had, whether big or small.

It is difficult to put into words the full scope of the work and achievements they both accomplished during their long careers. They both started practicing shortly after the conclusion of World War II (with Tom honorably serving in the Pacific Theater). They both started in this profession at a time when legal research was done in books, secretaries drafted pleadings on typewriters, and personal computers were decades away. They passed away in the same year that the Texas Supreme Court announced the bar passage list on Twitter and the pass list ultimately was posted on Reddit.

I tried to think of the best lesson I learned from both men. I think from Tom, I will always remember him as a true legal professional. As Tom Riney eloquently put it at Tom's memorial, Tom exemplified the best characteristics of a lawyer in his preparation, his knowledge, and his courtesy. From Walter, I will remember his dedication to his clients. Walter always brought the same fervor to a case, regardless of his client's financial position or status in the community.

As the philosopher William James put it, "The great use of life is to spend it for something that will outlast it." I know that a great many of us in our local bar association had the privilege to work with these two men. I

like to think that most all of us were impacted by both of them in some way due to the manner in which they both approached the practice of law. The best way to honor them will be to take the best ideas we learned and to apply them in our own practices.

While it is a tremendous loss to our bar to lose two members with such storied careers, I am confident that most of us are better because we had the honor to work with them.



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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“Who died and made you boss?” Thanks Sleigh Bell for loaning a line from “I Can’t Stand You Anymore.” I direct that question to the publisher of the “Green Book.” You know of it . . . that book we are told to follow back in law school when citing authority in our briefs, motions, orders, and opinions. Who died and made you boss and why do we have to follow you? Why can’t we cite the Amarillo Court of Appeals as “(Tex. App.—7th Dist.)”? Why should we drop the year when citing to Vernon’s Black Statutes? Why does “Lexis” have to be “LEXIS” in a citation? Why does it pour as opposed to rain in Southern California, according to Albert Hammond? Why? Ok, so much for that rant . . . but, who did die and make it (and the “Blue Book” for that matter) boss?

True or false: a judgment is rendered only when it appears in written form? For those of you who remember the rule about unconditional words like “only” in “true/false” questions, then you got this one right. As observed in *In re Light*, 07-21-00162-CV, 2021 Tex. App. Lexis 7274 (Tex. App.—7th Dist. Aug. 31, 2021, orig. proceeding) (mem. op.), it can be rendered verbally in open court or by a writing filed with the clerk. If in open court, the words uttered by the judge have to show an intent to presently rule, as opposed to rule in the future. And, the only way we can know for sure is if a court reporter transcribes what the judge said and someone gives us that transcription. We didn’t have it in *Light*.

Yes or no? Your client allows a police officer to enter his house without a warrant. The officer sees contraband sitting atop a bench, goes outside momentarily to do some other bit of work, and then re-enters the house without consent to get the contraband. Is it a lawful seizure? Drum roll . . . yep. The contraband was drug paraphernalia in *Harris v. State*, No. 07-21-00001-CR, 2021 Tex. App. Lexis 7392 (Tex. App.—7th Dist. Sept. 2, 2021, no pet. h.), and the officer saw it when the homeowner allowed him to come in the garage. Seeing the items in the homeowner’s possession constituted probable cause to believe a crime occurred in the officer’s presence. Having such probable cause, he was free to re-enter the garage and seize the contraband after arresting the guy he came there to arrest in the first place.

Lately, I have ended these missives with a quote

from a judge or the like. Not this time. I have a short anecdote about an exchange I had with Tom Morris. Years ago, we were attending a bar function and I had just written an opinion adverse to his client. Mr. Morris came up to me with a smile and twinkling eyes and said: “Judge, you know I am going to reverse you in the Supreme Court.” I stared at him briefly, stepped a bit closer and replied: “I’d be honored to have you reverse me, Tom.” I meant it. It would have been an honor to have such a gentleman of character, drive, charm, and intellect cause me to be reversed. Tom, I hope you can read this while finally relaxing above. If anyone were “the boss,” it was you . . . okay . . . and my wife. Godspeed, Mr. Tom Morris.

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AAYLA UPDATE

By Brittany K. Hinton

October was an exciting month in our legal community. On October 18, 2021, the Amarillo Court of Appeals swore in one of the largest classes of newly-admitted attorneys in recent memory. In total, eight new attorneys were sworn in on October 18th, excluding the three newest Underwood Law Firm attorneys sworn in by the Honorable Titiana Frausto. Family, friends, and colleagues gathered at the Amarillo Court of Appeals to congratulate our newest and freshest legal minds. A reception to celebrate our new young lawyers' achievement followed the ceremony at Crush. It was refreshing to enjoy both events in person.

AAYLA sincerely appreciates the efforts of Bobby Ramirez and the Amarillo Court of Appeals, as well as AAYLA's Swearing in Committee, for hosting one of the most exciting events of the year for local young lawyers. Be sure to welcome the newest fresh faces to the bar when you see them out and about this year!

Just one night later, on October 19, 2021, the 10th Annual Red Mass Ceremony took place at St. Mary's Cathedral. The ceremony is always well attended by judges, attorneys, legal professionals, and law enforcement. Former Texas Supreme Court Justice, Eva Guzman, made a lovely address to the group. I look

forward to the Red Mass every year. It is always a beautiful ceremony.

As Martin Luther King Jr. said, "If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do, you have to keep moving forward." Over 50 years later, this quote remains impactful and important. As we continue to adjust to the "new normal" from week to week, AAYLA hopes to continue to host and support events for the local bar in whatever capacity allowed by the current times.



YOUNG LAWYER OF THE MONTH: HOLTON WESTBROOK

Holton Westbrook is an Associate at Sprouse, Shrader, Smith PLLC where practices litigation in the fields of oil and gas, real estate, agriculture, and business law. Holton grew up in Stephenville, Texas and later attended Texas Tech University for his undergraduate and law degree.

Holton majored in Agricultural and Applied Economics while attending Texas Tech. While at Texas Tech, Holton served as a student body president, was homecoming king, interned with the U.S. House Committee on Agriculture, and served as a Texas FFA state officer. In an attempt to take a few victory laps, Holton enrolled in law school at Texas Tech University.

While in law school, Holton was elected the 3L Class President and served on the Administrative Law

Journal as Executive Managing Editor. He also clerked for the 99th Judicial District Court, Office of the President of Texas Tech University, Office of the Chancellor of the Texas Tech University System, and Bourland, Wall, and Wenzel P.C.

Holton began his career in Midland, Texas at Cotton, Bledsoe, Tighe & Dawson P.C., but quickly realized he needed to move north to get to cooler and windier weather. He joined Sprouse in April 2021.

Holton and his family, Madeleine and Hallie, enjoy watching Texas Tech sports struggle, snow skiing, and playing with their two dogs, Izzy and Berkley.



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SILVER LININGS

By: Tyler Topper

I state the obvious when I say that COVID-19 has dramatically changed the world in which we live. The virus will have long-lasting impacts, not just medically, but politically, economically, socially, psychologically, etc. While many of the impacts are negative, there are and will be “silver linings” so to speak; impacts that, while outweighed by the massive devastation and disruption the virus has caused, change our lives for the better.

For my family, one of these silver linings has been the opportunity to slow down and build closer relationships with certain family and friends instead of just rushing on the next thing all the time. For instance, early-on in the pandemic, in March 2020, my sister-in-law and her husband flew from California with their four-month-old daughter for a weeklong visit. Two days into their visit the world began to shut down. My in-laws’ home in California was placed in lockdown, and there were scarcely any flights available, if any. After several weeks, it began to feel like Gilligan’s Island around my house! 120 days later, as we waved goodbye to the in-laws, we were truly sad to see them go. Even though having in-laws visit for four months sounds comical (and sometimes it was), my wife and I came to realize that it was such a blessing to be able to spend so much quality time with her sister and her sister’s family. There’s no other way we would have been able to spend that much time and strengthen those relationships without the disruption the virus caused in our lives.

On a professional level, the need to adjust to the virus has created other silver linings. One of these has been the realization that some degree of remote work can be just as productive as equivalent time spent in the office (at least for me). Before the virus, I would not have believed this to be true, and certainly would not have felt comfortable spending any significant time working remotely. However, over a year and a half into

this pandemic, I’ve come to very much appreciate the flexibility some remote work offers. Not only can I handle court hearings, conferences, and everyday work from my home office, but I can be there for my wife on those occasions when she needs help with our three young children during the day. The virus forced our profession to adapt in many ways, including more remote work, courtroom proceedings via Zoom, and less business travel. Some of those changes will be here to stay, not only creating more flexibility for us as attorneys, but also creating efficiencies and saving our clients time and money as well. That’s a silver lining in my book.

Our world is a far different place than it was in February 2020. At this point, virtually everyone has either lost a loved one, or knows someone who has lost a loved one to COVID-19. By pointing out silver linings created by the virus, I certainly do not intend to downplay the severity of or devastation the virus has caused worldwide. Rather, I want to share my silver linings as a way to encourage us, and to add a little light to the dark tunnel we’ve all been in. There’s light at the end of the tunnel, but there’s light along the way too.

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S	M	T	W	T	F	S	
	1	2	3	4	5	6	
		Advance Family Law, 2nd floor training room, Eagle Centre					
7	8	9	10	AABA Bar Luncheon, Amarillo Club	11	12	
13	14	15	16	17	18	19	
20	21	22	23	24	25	26	
27	28	29	30				