

AAYLA-LAW



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OCTOBER SPEAKER: BRENT TURMAN



Brent Turman

Make plans to join us at the Amarillo Club on October 13th for a presentation by Brent Turman entitled, "Ethics Lessons from HBO's Succession." HBO's hit series "Succession" follows a fictional media company created by a legendary patriarch. As the title suggests, the founder's children are maneuvering to seize the throne and succeed their father as the company's CEO. In this presentation, Brent tracks the power plays of the company's c-level executives and general counsel, explaining whether their on-screen

actions comply with specific ABA Model Rules of Professional Conduct (spoiler alert: most of the time they don't). Through the lens of this captivating series, Brent provides an entertaining way for attorneys to obtain ethics credit.

Brent received his JD from Southern Methodist University Dedman School of Law in 2012. He is currently a Partner at Bell Nunnally in Dallas, and his practice covers a variety of areas including litigation, entertainment, advertising and new media, intellectual property and real estate. Brent gives presentations across the country, teaching attorneys the strategies and tools he has used in the courtroom.

Before Brent began his legal career, he was an Associate Operations Producer for ESPN / ABC College Football. Additionally, Brent produced commercials, industrial videos, in-arena entertainment, and music videos for clients throughout North America. Brent has continued to use this experience to create compelling narratives for juries and assist clients in the Entertainment, Media and Sports industry by preparing and reviewing contracts and navigating clients through business disputes. Outside of the office, Brent produces short films and worked as a Remote Producer for the XFL's re-launch in 2020.

“Now, I may not recognize every teachable moment that comes along, but I recognized this one.” – Page 2

“If you're sensing a theme here, you're correct; my goal is to serve lawyers (both young and old) in the small firm, solo practitioners, and government sectors and hopefully that also encourages their participate in the local bar.” – Page 5

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PRESIDENT'S PAGE

By: Liberty Lay

My three children come from a long line of Texas educators on my husband's side. They have witnessed their father and their grandparents settle into their grading chairs and work late into the night, red pen in one hand and a stack of student essays in the other, usually with a can of lukewarm Diet Coke nearby.

Despite his knowledge that teachers invest a great deal of time and effort in their work, last year my middle child became convinced that one of his teachers "never read anything" that he or his classmates submitted. He heard a tale that a fellow student had turned in an essay in which he simply typed the word "watermelon" over and over, and that the paper earned a solid B. I doubted the truth of the story and told my son that it sounded like an urban legend. But he, with a burning desire to prove his claim (and/or with a burning desire to dodge his homework), suggested that he would employ the watermelon tactic at the next opportunity, in the name of scientific research. Now, I may not recognize every teachable moment that comes along, but I recognized this one. Frank and I made clear to our son why such an essay would never come to fruition, neatly turning the conversation to one about dad jokes.

A few months later, I found myself tasked with writing this monthly column for AMA-LAW. I was tempted to type watermelon watermelon watermelon. As it turns out, my son's ultimate question ("Does anyone read this?") is a good one. I'm not asking for anyone to grade my paper here, but I do welcome your feedback. We don't have to do things like we've always done things. Share your ideas—for bar luncheons, CLE, social events, etc.—with us. And in conclusion, watermelon.

AMA-LAW

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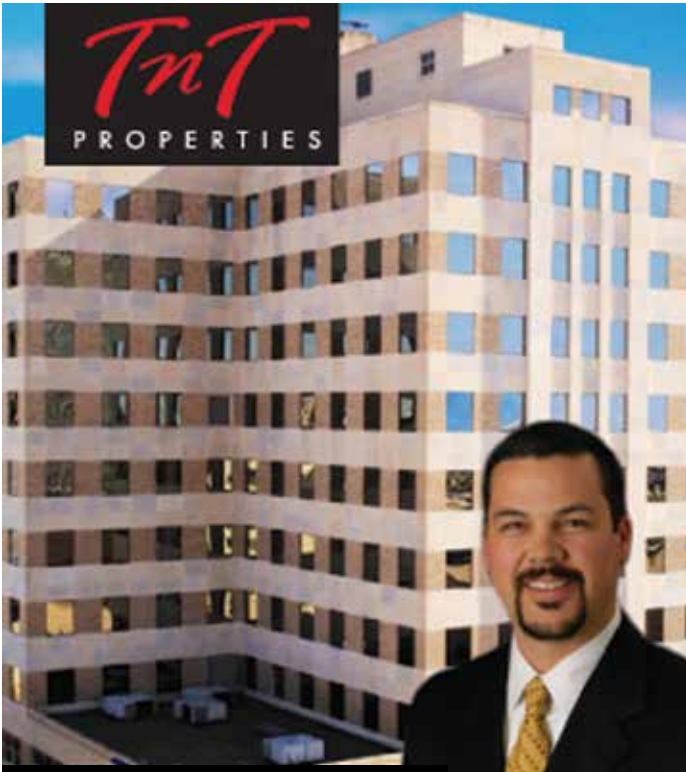
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For more information about your local area bar association or for address changes, contact Janet Byars, Executive Director, at:

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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

“Aaaaaaall aboard! . . . Ha, ha, ha, ha! . . . Ay, ay, ay, ay!” I couldn’t help it with the new guy scrambling on to this Crazy Train. Full berths and locked doors . . . we now clatter ahead.

First stop: Arbitration Station, Texas. Before arriving, Bell tried to derail the train by arguing that the trial court lacked jurisdiction to compel it. The parties had signed a written arbitration agreement. But, it obligated the parties to present their complaints before someone in New Mexico. So, according to Bell, without one specifying resolution in Texas, a Texas court could not compel it to occur here. True enough, statute provides that jurisdiction to compel arbitration arises from a written agreement authorizing it in Texas. We acknowledged as much in *Bell v. Harrell*, No. 07-21-00243-CV, 2022 Tex. App. LEXIS 4047 (Tex. App.—Amarillo June 14, 2022, no pet. h.) (mem. op.), but could not ignore the truism about the ability of people to agree to things in many ways. In *Bell*, for instance, the attorneys approved the form of an order compelling arbitration after Bell represented in open court that it should take place in Austin. He later reiterated to the judge that he and Harrell had “agreed” to that order. The effect of those circumstances were determinative. They evinced the intent and written agreement needed, and the train arrived on track.

We all know that bad things can happen at a train depot. Heck, even a scale could fall on you—how many remember that one from law school? We encountered no *Palsgraf* situation in *Denny v. Reinemund*, No. 07-21-00098-CV, 2022 Tex. App. LEXIS 4970 (Tex. App.—Amarillo July 19, 2022, no

pet.) (mem. op.). Instead, Denny tripped on a broken concrete sidewalk about which she knew. I mention this opinion not so much for its application of the law on premises liability but, rather, the jurisdictional question neither party raised. Though the trial court awarded Reinemund summary judgment, it failed to address claims against another party, namely Denny’s mother. That normally prevents the order from being final and appealable. But little is normal on the Crazy Train. It just so happened that Denny never served her mother with citation. Nor did Mom file an answer. Of course, why would she? Anyway, we interpreted the circumstance as Denny’s intent to discontinue or abandon that portion of the suit. That made the summary judgment final, so the appeal could roll on.

“Crazy, but that’s how it goes.” And, with Yarbrough making up a full crew and a little help from Ozzy, maybe we can keep the train from going off the rails. “Ha, ha, ha, ha! . . . Ay, ay, ay, ay”





AAYLA UPDATE

By Alysia Córdova

If you're reading this, fall and football are upon us, and the AAYLA board has met and approved my antics. Consequently, that means we are back to the regularly scheduled program, and I will no longer be pulling at your heartstrings.

This summer, I had the privilege of representing AAYLA at the Local Bar Leaders Conference in Houston. This conference is packed with tips and events to help grow any local bar association and is an opportunity that I highly recommend to any lawyer. For example, one presenter encouraged us to host events that serve the audience you are trying to engage.

Accordingly, to attract and serve a population often underrepresented on our youthful board, this year, AAYLA will be introducing two exciting new initiatives. First, AAYLA will host Golden Hour: a happy hour featuring networking opportunities and free professional headshots. Stay tuned for details!

Additionally, we have plans to establish a free library for local attorneys to obtain used practice aids such as O'Connor's. As the new editions come in, I am asking all firms to donate old or unused practice aids that we will make accessible to all local attorneys, legal assistants, paralegals, and students for free. If you're sensing

a theme here, you're correct; my goal is to serve lawyers (both young and old) in the small firm, solo practitioners, and government sectors and hopefully that also encourages their participate in the local bar.

But, as tradition would have it, our most pressing business is to initiate the latest additions to our community! As such, please help me in gathering the names and contact information for new attorneys to the area who would be interested in attending our New Lawyer Orientation and, later, Swearing-In Ceremony. Please email me all inquiries regarding our new initiatives and the names of new additions to our legal community at acordova@mhba.com. And, of course, after that the most recent Tech wins, my superstitions won't let me end this any other way: Wreck 'em Tech!

Attention Prosecutors and Criminal Defense Attorneys:

You are invited to participate in a voluntary research study assessing attorney knowledge of eyewitness identification procedures and plea-bargain decision-making. The study, which is being conducted by researchers at Texas State University, involves a short online survey. Participation is expected to take approximately 15 minutes. For more information, contact Janet Byars in the AABA office.

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YOUNG LAWYER OF THE MONTH: JAKE WARE



Jake Ware

Jake Ware is a proud, fourth generation “Wheelerite,” hailing from the big city of Wheeler, Texas (population 1,350). In 1949, his family started a small Chevrolet dealership in Wheeler and has called the place home ever since. Growing up, he spent much of his time playing football, basketball, and running track for the Mustangs. He also played (and still does play) guitar with his brother, Levi, in the “Ware Bros. Band,” around the Panhandle area. While on the topic of music, Jake wanted to address any commentary about his guitar playing/singing skills by mentioning that “any requests for autographs, or to play Freebird at our sold-out shows (generally 10 to 15 half-asleep people in attendance) will be strictly denied.”

On a more serious note, Ware developed an interest in the law as a kid. This interest sparked from the many lessons he learned from the wonderful people in Wheeler, Texas and from his late grandfather, Jack Bailey of Pampa, Texas. Jake remembers having a “sick

day” as a kid and watching John Wayne films with his grandad. It was at this young age, that his grandad, while watching “the Duke” on TV, explained the importance of being a good guy, doing the right thing, and helping others. The people of Wheeler also embody this philosophy, which he refers to as “the Cowboy Way,” which means to never cut corners and to always look out for one another. Ware hopes to embody this philosophy in his practice.

To date, Ware’s proudest accomplishment in life has been getting engaged to his fiancé, Piper Hampton. They met studying law together at the University of Oklahoma. After graduating, Jake took a job with the Underwood Law Firm as a litigation associate. Jake is thrilled to be in Amarillo and would like to thank the Amarillo Area Young Lawyers Association for allowing him the opportunity to appear in this column.

AMARILLO TO OBSERVE ELEVENTH RED MASS

All judges of the Texas Panhandle will be the guests of honor at the Eleventh Red Mass on Tuesday, October 18, 2022, at 6:30 p.m. at St. Mary’s Cathedral, 1200 S. Washington in Amarillo. We invite, and encourage, all attorneys to attend. Sponsored by the Roman Catholic Diocese of Amarillo, the Red Mass is a centuries-old tradition that marks the official opening of the judicial year. The service promotes the unity of the judiciary and the legal profession and invokes the blessing of the Holy Spirit upon the judicial system, the judiciary and those whose duty it is to judge, teach and resolve legal matters in the pursuit of justice. Because red is the color traditionally symbolic of the Holy Spirit, the liturgy has become known as “the Red Mass.”

A Red Mass is held each October in Washington, D.C., to mark the opening of the term of the United States Supreme Court. Many dioceses in the country, therefore, celebrate their Red Mass in October as well. The Red Mass is open to all judges, lawyers, public officials, law enforcement and anyone in the community with a concern for justice, regardless of religious background. We welcome everyone into the church for this very special Mass celebration.

Bishop Patrick J. Zurek of Amarillo will serve as

principal celebrant, and the Mass will be followed by a keynote address from Patricia Roberts, the Charles E. Cantu Distinguished Professor of Law and tenth dean of the St. Mary’s University School of Law. Dean Roberts has been a nationwide leader in legal efforts to aid veterans. She was the inaugural president of the board of the National Law School Veterans Clinic Consortium and created Military Mondays, which provides advice and counsel to veterans in Starbucks across the country. It is the pleasure of the Amarillo Area Bar Association and the Diocese of Amarillo to welcome Dean Patricia Roberts to Amarillo!

A reception with heavy hors d’oeuvres, beer and wine will follow the Mass and keynote address. There is also a Teen Corner, where teenagers and children can enjoy Chick-Fil-A. Dress attire for the Red Mass is business attire, and everyone is encouraged to wear red accents.

A committee of members from the Amarillo Area Bar Association has been working with Bishop Zurek to plan this event. For additional information, please contact Brad Howard at 345-6310 or bhoward@bf-law.com.



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YOUR BAR EVENTS - OCTOBER 2022

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