



AAYLA-LAW

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A PUBLICATION OF THE AMARILLO AREA BAR ASSOCIATION

SEPTEMBER SPEAKER: ERICA GRIGG

“Though I have left Amarillo and returned, and even moved firms, I’ve always felt at home. And “home” is working with this illustrious group of lawyers.”

– Page 5



Erica Grigg

Please join us at the Amarillo Club for our next luncheon on September 8 for a presentation on “Wellness and the Practice of Law,” brought to us by Erica Grigg. Erica is the Director at the Texas Lawyers’ Assistance Program (“TLAP”) where she helps judges, lawyers, and law students get connected to the resources they need to recover from mental health challenges and substance abuse. Her presentation will cover common mental health struggles for attorneys, as well as tips and strategies to improve well-being.

Erica received her JD from The University of Texas School of Law and her law license in 2001, and has since gained work experience as a criminal prosecutor; general counsel in the Texas Legislature; Special Assistant to the Chancellor of Texas Tech University; and as a personal injury, civil rights, and wrongful death litigator at Spivey & Grigg, LLP. She has appeared on HLN and CNN for commentary regarding her involvement in high-profile civil rights cases. Erica is presently pursuing a master’s in Clinical Mental Health, expected in 2022. Erica attended the 2018 Academy Awards for her role as plaintiff’s counsel in an Oscar nominated HBO short documentary, Traffic Stop.

TLAP provides confidential support and resources for law students, lawyers, judges and legal employees who are struggling with stress, anxiety, depression, substance abuse, cognitive decline, and other issues. Through TLAP, lawyers can get connected with a licensed professional counselor 24/7, and can also get connected with local and group resources and peer support through attorney volunteers. You can reach TLAP by calling 1-800-343-TLAP (8527) and find resources online at tlaphelps.org.

CONTENTS

President’s Page	2
Seventh Court of Appeals	4
AAYLA Update	5
AAYLA Young Lawyer of the Year	7



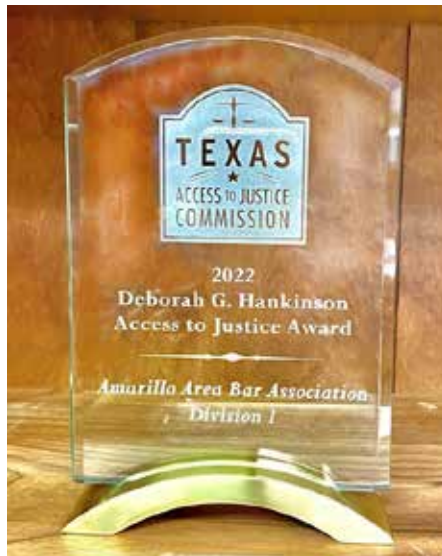
PRESIDENT'S PAGE

By: Liberty Lay

Welcome to the new bar year! I am honored to serve as your AABA president for 2022–2023.

Before we embark on this new season, I'd like to thank our past president, **Matt Sherwood**, for his hard work on our board. Not only did Matt navigate our organization through tricky post-pandemic waters, but he also formed the Lawyers Concerned for Lawyers Committee to provide peer assistance to attorneys who are struggling with substance abuse. This committee offers a vital service to our members. Thanks is also due to our outgoing directors, **Diana Hathaway, Christopher Jones, and Alex Yarbrough**, and to the outgoing AAYLA president, **Brittany Hinton**, all of whom helped make our 2021–2022 bar year a success. We welcome Alex to the board as vice president, along with **Tim Williams** as secretary/treasurer and **Ed Dowdy, Stephanie James, and Cho Sherwood** as new directors.

To attest to the tradition of excellent leadership in the AABA, this summer our organization received the Deborah G. Hankinson Award. The award "honors local bar associations and young lawyer affiliates that demonstrate a commitment to access to justice in their communities and to raising financial support for legal service providers on a local and statewide basis." Our association was recognized for our Beef with the Bench event, which was hosted by the AABA, AAYLA, and AABF. Beef with the Bench raised funds and recruited volunteers for Legal Aid of Northwest Texas. Congratulations to all who helped with this event.



Finally, I encourage you to renew your AABA membership and to make plans to join us at our first bar luncheon on September 8. If you have suggestions for how the AABA can better serve our members and our community, please reach out to me or another board member. We are here to serve you.



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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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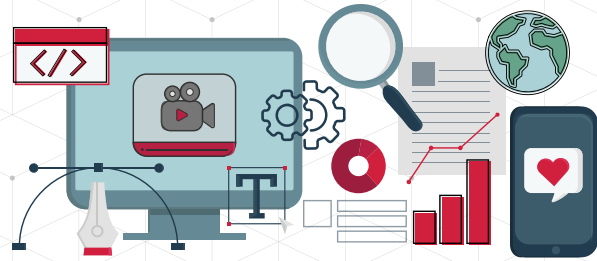
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7TH COURT OF APPEALS UPDATE

By Chief Justice Brian Quinn

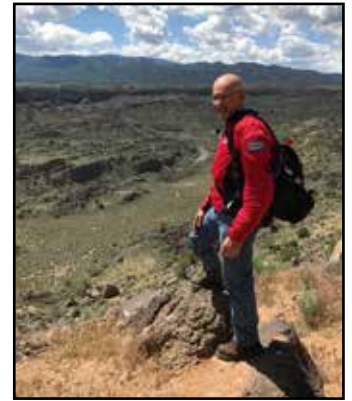
Well, I didn't win the big one. Not even close. So, here I am, another Fall moments away, "taking what I'm given cause I'm working for a livin'". Move on over Huey cause that's the News for most of us.

And workin' we did, only to have it boomerang back in *Mitschke v. Borrromeo*, No. 21-0326, 2022 Tex. LEXIS 400 (Tex. May 13, 2022). The case originally came to us as a transfer from the Austin Court of Appeals. So, the appellate rules of procedure obligated us to follow its precedent, and that court twice wrote on the particular issue before us. No problem, right? Wrong. Problem was that the two opinions contradicted each other. Fifty-fifty chance to get it right? Better odds than the lottery, right? Well, we applied the most recent opinion of the 3rd Court. Wrong; the Supreme Court smacked our hands with horizontal stare decisis. Under it, the oldest panel opinion controls until the court changes its mind through an en banc sitting. Admittedly, the concept is not new; Federal Courts have applied it for years. Now, it is the law in Texas, and not just in transfer cases. But, I guess it really doesn't apply in Texarkana, Tyler, El Paso, Waco, and Eastland Courts of Appeal. They only have three judges on their respective courts. Ok ... think about it.

We wrote in *In re D.N.A. 07-22-00077-CV*, 2022 Tex. App. LEXIS 4724 (Tex. App.—Amarillo July 11, 2022) that "... words and phrases have meaning and paint pictures. Sometimes certain words are used to paint clear pictures; sometimes they are selected to paint vague ones." This comment served to illustrate one reason why we rejected a parent's attack on the denial of her motion for new trial. She sought to use that vehicle to nullify a post answer default judgment. Mother failed to appear at the final hearing because she purportedly lacked "adequate notice" of it. And, her attorney suggested he could not find an order selecting the particular date. Yet, neither expressly said they lacked actual knowledge or notice of the date. Factual assertions in a motion for new trial are construed from the trial court's perspective. We concluded that the ambiguity or lack of clarity created by the words selected could have led the trial court to forego setting aside the default judgment. So, that tied our hands. They remained tied when we found nothing indicated Mother tried to get a hearing on her motion or bring it to the trial court's attention; that's

needed, too, when the evidence supporting the motion is controverted or unclear.

I agree with Huey and the News; there's wrong with working for a living. "Hey, I'm not complaining 'cause I really need the work." If nothing else, it's a chance to escape the "honey-dos" waiting at the house. And, I am a public servant, after all. Oh, that reminds me...public servants we may be but the public should use originality when reminding us of it. "I'm a taxpayer ... I pay your salary" is so passé that next time it's said by someone arguing with court staff I may just have to put my hand in the penny jar next to the counter, remove one, hand it to the person, and say "here's your money back, got change?" My thanks to Judge J.Q. Warnick for that idea.



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AAYLA UPDATE

By Alysia Córdova

Upon meeting someone new in our tight-knit Amarillo community, the first question is often, “what high school did you graduate from?” While I now respond in a discernable Texas accent, the line of inquiry prompts me to explain my New Mexican roots. After explaining that I grew up in Albuquerque, “what brought you to Amarillo?” often follows. Why I came here is a loaded question, yet the answer, though seemingly tragic, is heartfelt.

Life was different back in 2007 when I first met the Amarillo Area Bar; the American financial system had yet to crash, gas was cheaper, I was buried deep in Tech Law books without a smart phone, and my fiancé, Pete Serrano, had begun his first year working at Sprouse Shrader Smith PLLC. The answer to how I ended up in Amarillo, Texas is easy: Pete Serrano. But the answer to why I stayed after he passed away in a tragic accident, though rarely asked, is equally simple: it's you.

From the outset, the Amarillo Area Bar welcomed me with open arms and, today, it represents my most respected colleagues, dearest friends, and deepest bonds. Though I have left Amarillo and returned, and even moved firms, I've always felt at home. And “home” is working with this illustrious group of lawyers.

I could write a law review comment's worth of pages about my experiences with members of the local bar. There was the time AUSA Josh Frausto saved me when my MacBook died in the middle of Brian Shannon's Contracts exam review 1L year; how I only recently noticed Shane Brooks [who I once officed next to at Sprouse] is in the distant background of the photos of Pete's [and his] swearing in; my lunches with mentors Dee and Oth Miller and their attempts to sway me from the dark side (a/k/a litigation); when John Mozola would comment on my attire in a manner that, though never insulting, prompted a shopping trip and a lot more monograms; when Kimberly Warminski threw my first surprise birthday party before she even knew me; how the lovely Laura Hale and I have managed to chase each other from firm to firm but never ended up at the same place at the same time; the case strategy sessions with Tom Farris that gave me more confidence as a litigator; and how Richard Biggs and Alex Yarbrough fiercely fight my current Panhandlers' lunch hyper-fixation (admittedly, I only win on Mondays).

But let's return to 2007, back when Mark White was

still litigating, and no one knew what a “sod poodle” was. Pete was a promising young attorney, and I was a bright-eyed law student. Through Pete's first mentor, Harper Estes, he immediately found his place with State Bar leadership. In his application to the SBOT program, which now touts an award in his honor, Pete stated: “We each represent a proud Bar, and I would appreciate an opportunity to exemplify our devotion and enthusiasm to serve our community.” Grateful for the opportunity, I begin this year as the AAYLA President with that challenge in mind. I look forward to serving you enthusiastically and, each month, spotlighting all the exciting plans AAYLA has in store.

Finally, I wouldn't do Pete's honor (and my loyalties) justice if I didn't end my inaugural address appropriately: “Wreck 'em, Tech!”

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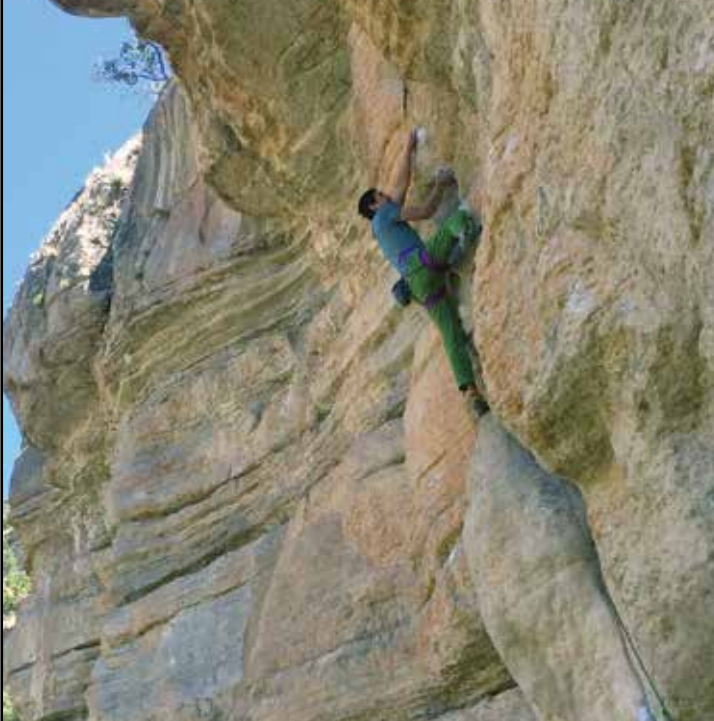
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YOUNG LAWYER OF THE MONTH: CARLYE DOZIER



Carlye Dozier

Carlye Dozier grew up in the thriving metropolis of Franklin, Texas (population 1,585). About two years after her family moved there, Franklin installed its first stop light and eclipsed more than 1,500 people. Growing up, she spent much of her time stock-showing and going head-to-head with McLennan County's livestock judging team.

Her very first mediation attempt involved negotiating with her double-degree Aggie parents (whoop?) on where she would go to college. Her position? Anywhere but Texas A&M. Ultimately a favorable settlement was reached, and she became the loudest and proudest member of West Texas A&M University (GO BUFFS!). Given her agricultural background, everyone assumed she would follow in her mom's footsteps and become a veterinarian. It took one epically failed chemistry exam

for her to realize it was not her calling. Instead, she began to consider law school.

Fast forward a few years and a stint in one tiny Nebraska town as a grain merchandizer, she decided to take the LSAT and apply to law school. The greatest moment of her life thus far, occurred in the butterfly exhibit at the Smithsonian in Washington D.C., when she received her acceptance to Texas Tech University School of Law. Much to the dismay of her Aggie parents, she quickly donned the scarlet and black and became a tried-and-true Red Raider.

After graduating, Carlye took a job with Brown & Fortunato, P.C. as a litigation associate. Now she regularly attends Red Raider games on the weekends and continues to thrive in West Texas.

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YOUR BAR EVENTS - SEPTEMBER 2022

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	AABA Luncheon, Amarillo Club 8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	Trusts, Estates & Guardianship Law Seminar, Happy State Bank Executive Dining Room 23	24
25	26	27	28	29	30	