New Nonprofit Takes on Private Defender System

BY KAT HINSON, AUSTIN BAR ASSOCIATION

Travis County has become the first Texas urban county to create and implement a managed assigned-counsel program to handle representation of indigent defendants in the criminal courts. The newly-formed Capital Area Private Defender Service — a collaboration of the Austin Criminal Defense Lawyers Association and the Austin Bar Association, with guidance from the Travis County criminal judiciary — will be responsible for not only assigning attorneys to defendants, but also developing quality standards and setting attorney fees.

CAPDS is the culmination of decades of uneven attempts throughout the state at establishing a fair and economical system of providing representation to those unable to afford it. Prior to 2001, Texas had no coordinated system for indigent defense. Every court — even within the same county — had different

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President’s Column

Judge Elisabeth Earle, County Court of Law #7

Truly Thankful!

This time of year, we look back on what we are thankful for: our family, our friends, our colleagues, our health, and so much more.

I am incredibly thankful for the Austin Bar members who give of their time volunteering with our Austin Bar legal clinics and with Volunteer Legal Services of Central Texas. VLS helps low-income individuals access the civil justice system by providing qualified attorneys who donate their legal advice and representation. Just last year, VLS attorney volunteers and staff provided nearly 5,000 individuals with over 17,250 hours of free legal services. The beneficiaries of these hours of service are thankful for our volunteers, and I am as well. Their work exemplifies the serving nature of our profession and our Bar’s commitment to this community.

The Capital Area Private Defender Service (CAPDS) is another example of how our Austin legal community is innovating to provide needed services in an efficient and effective manner.

Because of the Austin Bar’s reputation for helping those in need access justice, the Austin Bar Association was approached to assist in a joint effort with the Austin Criminal Defense Lawyers Association. For the past two years, the Travis County criminal judges, the Austin Bar Association, and the Austin Criminal Defense Lawyers Association have worked collaboratively to create and implement a managed assigned-counsel program to efficiently administer indigent defense representation. With the approval of the Commissioners Court, Travis County received a grant award in June 2014 from the Texas Indigent Defense Commission in the amount of $717,516 to create a managed assigned-counsel office. In accordance with the grant application and with the approval of a majority of the Travis County Criminal Court judges, the Austin Bar Association and the Austin Criminal Defense Lawyers Association created the nonprofit entity entitled Capital Area Private Defender Service. (See p. 1)

The CAPDS program is another example of how our Austin legal community is innovating to provide needed services in an efficient and effective manner. This could not have been done without tireless efforts of several key volunteers. I would like to thank Alan Bennett, Betty Blackwell, Sara Casey, Alexandra Gauthier, David Gonzalez, Debra Hale, Bradley Hargis, Kasey Hoke, Past Austin Bar President Chris Oddo, David Sheppard, and Austin Bar Executive Director DeLaine Ward. Each of these individuals took time away from their practices, offices, and families to help ensure that the Capital Area Private Defender Service was considered and created to meet the indigent defense needs of Travis County’s criminal justice system.

Since being founded in 1893, your Austin Bar Association has promoted professionalism and camaraderie within the legal community, aiding in the administration of justice, enhancing the delivery of and access to quality legal services, educating the public about the legal system, and actively participating in the success of the community at large.

You are the Austin Bar, and I am thankful for you. • AL
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procedures. The Fair Defense Act, authored by Texas Senator Rodney Ellis in 2001, attempted to standardize and improve indigent defense. It required all Texas counties to adopt formal procedures for all criminal courts for appointing attorneys to represent low-income defendants.

The Managed Assigned Counsel program represents an innovative way to protect defendants’ Sixth Amendment right to counsel.

– SENATOR RODNEY ELLIS

As a result of the Act, Travis County set up a system that was administered by the criminal court judges. They were responsible for assigning attorneys to defendants and approving expenditures for each case. While attorney assignments were made based on a rotating system, judges still had the ability to assign attorneys outside the rotation. No standards were available to guide judges in what could be spent on each case.

As Travis County has grown over the past decade, the indigent defense system has, of course, expanded as well. The county now spends $8.5 million annually on this item. It is too large and unwieldy for the judges to effectively and efficiently maintain the system.

According to the American Bar Association’s “Ten Principles of a Public Defense Delivery System,” the “public defense function, including the selection, funding, and payment of defense counsel, is independent.” It further advises that “the public defense function should be … subject to judicial supervision only in the same manner and to the same extent as retained counsel.”

For nearly two years, the Austin Bar, the Austin Criminal Defense Lawyers Association, and the Travis County criminal courts have worked to develop a plan that would establish an independent organization, meet ABA standards, and ensure fairness for those defendants who are accused of a crime, but cannot afford an attorney.

Retired Judge Mike Lynch drafted the original proposal shortly before leaving office, with input from other judges. In addition, Senator Ellis passed legislation in 2011 that authorized counties to form managed assigned-counsel programs.

It would cost Travis County nearly $1 million to launch the program. The Texas Indigent Defense Commission — established by the Fair Defense Act — provides grant funds “to encourage innovation and to remedy non-compliance with the Fair Defense Act.” To support the creation of CAPDS, the commission provided $717,500.

Since those funds were secured, movement has been quick. A board of directors has been formed and the first few staff members have been hired. The board was crafted to ensure a diverse and comprehensive approach to indigent defense service delivery. The board consists of seven voting members: two appointed by Austin Bar, two appointed by ACDLA, two members of the community selected by the board, and one retired judge selected by the oversight committee. In addition, three non-voting members will advise the board, but continue to represent indigent clients. The oversight committee consists of a combination of Travis County judges, officials, and staff. The current chair is Judge Julie Kocurek of the 390th District Court.

The inaugural CAPDS board includes:
- Betty Blackwell, Law Office of Betty Blackwell, President
- Alan Bennett, Gunter, Bennett & Anthes, Secretary
- David Gonzalez, Sumpter & Gonzalez
- Chris Oddo, McGinnis Lochridge
- Judge Mike Lynch, retired
- LaVerne Parker, public member

Non-voting members include:
- Alexandra Gauthier, Gauthier & Salzer
- Kellie Bailey, Law Office of Kellie Bailey

Ira Davis has already begun as executive director, with Bradley Hargis and Trudy Strassburger serving as deputy directors.

One of the first tasks will be to establish standards for attorneys to meet to join and stay on the rotation. Also, a mentoring program will be established for those attorneys who may need assistance.

“The Managed Assigned Counsel program represents an innovative way to protect defendants’ Sixth Amendment right to counsel. It’s a step in the right direction over a system where the judge — who’s supposed to be a neutral arbiter — chooses a defendant’s attorney and determines how much the lawyer gets paid. Folks like me who care about indigent defense are watching closely to see how the program works. We certainly have high hopes,” said Senator Rodney Ellis.

The judges will still be peripherally involved with the system through the oversight committee, which will meet quarterly with the board. Cases will start being assigned in January. • AL
Giving to VLS: Annual Phone-a-Thon

Volunteer Legal Services of Central Texas held its annual Phone-a-Thon Oct. 6-10. The VLS Lawyers Change Lives Phone-a-Thon is designed to raise money to support the VLS mission of making sure that everyone, regardless of income, has access to legal representation.

Each year, 2,000 or more low-income Central Texans come to Volunteer Legal Services for legal representation. The organization has countless success stories, including a woman named Bernice, whose physically abusive husband had a quick temper. After 15 years, Bernice, 76, decided she was tired of living in fear, but could not afford legal services. Thanks to VLS, Bernice was able to find a pro bono attorney and was later freed from the violent relationship and awarded the family home.

To continue providing critical legal services to low-income Central Texans, donations are needed and can be made at vlsoct.org/help-us. • AL

I give to VLS because Woody Guthrie was right: ‘Some will rob you with a six gun, and some with a fountain pen.’ Without VLS, our poorest neighbors are way too vulnerable to fountain pen bandits.

— James E. Cousar, Thompson & Knight

I give because there are few things that speak worse of our profession than injustices large and small that we could have helped but opted instead to look the other way. Success measured in dollars rather than in the number of those helped is no more than a fleeting and undistinguished accomplishment.

— Patrick Cantilo, Cantilo & Bennett

I give my time and money to VLS because I believe that I have a moral and ethical obligation to the legal profession and our system of justice to help ensure that the courts are open to everyone, no matter their economic station.

— Catherine A. Mauzy, Mauzy & Tucker

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Teens Participate in Dating Violence Mock Trial

By Judge Orlinda Naranjo, 419th Judicial District Court

Does evidence of stalking, harassment, and a torn blouse indicate dating violence? Does whether or not a victim calls the police affect credibility? The results of a recent mock trial for dating violence might surprise you. Approximately 60 middle school students from AISD's Ann Richards School for Young Women Leaders and Kealing Middle School participated in the event. The group came together in May with Judge Orlinda Naranjo of the 419th District Court presiding over the mock trial.

The students were divided into two groups of 12 jurors to see if this would affect the verdict. One group was all female, and the other was mixed gender. However, both sets of jurors found that dating violence did not occur. They made the ruling based on evidence of stalking (at home, school, and work), harassment recorded on phone messages, a torn blouse, and testimony from the victim and the former boyfriend. The teenage couple in the trial had recently broken up, and one of the parties was requesting a protective order.

The ruling made by the teen jury is not all that uncommon. In fact, of the eight dating violence mock trials held by Judge Naranjo, only one jury found the defendant guilty of assault and dating violence.

After the trial, Judge Naranjo and Randi Randolph, manager for the Expect Respect Program of Safeplace, led the students in a discussion about dating violence. They discussed the evidence presented and the importance of learning to recognize teen dating violence. According to SafePlace, there’s a misconception that family/dating violence requires severe physical contact and that victims always call the police. That is not the case — so the group talked about how to prevent violence and what to do if a friend or family member is being abused.

This was the 12th mock trial held by Judge Naranjo for teens to talk about controversial topics, including dating violence and drunk driving. Judge Naranjo has presented mock trials to over 400 students at eight different schools, including Norman and Zavala Elementary, and St. Andrews, Martin, Bedichek, Kealing, and Ann Richards Middle Schools. In 2013 and 2014, Judge Naranjo’s program was replicated in Hays County by the Hays-Caldwell Women’s Center and Judge Brenda Smith.

Special thanks to attorney Aurora Martinez Jones, a solo practitioner, who played the role of prosecutor, and Julio de la Llata, family law attorney with Evans Family Law Group, who played the role of defense counsel. Ronnie Mitchell, a senior at Hendrickson High School, played the role of the boyfriend, and Sumati Jain, Research Assistant for the Expect Respect Program, played the role of the victim.

Organizers would also like to thank the volunteers and sponsors who made the event a success, including the law firm of Ewbank and Harris, who paid for pizza and drinks, and Papa John’s Pizza on MLK Blvd. Thanks to Mel Waxler, Chief of Staff for AISD and Tiffany Taylor, Community Liaison with the Travis County Sheriff’s Office, who spoke to the students. This was an excellent opportunity for these students to be exposed to role models, attorneys, and judges, while learning more about our legal system through meaningful discussions on very pertinent social issues.
How to Write an Email Memo

By Wayne Schiess, University of Texas School of Law

By tradition, when lawyers write a legal analysis for internal use or as a decision-making tool, they write a memo. Today, many memos are email messages. When you ask for an email memo or when you write one, what guidelines do you follow? I propose some here, but it’s important to know your audience. Reject any of these guidelines if your boss prefers something else.

Keep the length down — if you can.

No one likes to read long email messages. Try following the “no scrolling” or “one screen” rule: Readers get everything they need without scrolling past the opening screen. Sometimes a longer message is necessary, and it can still be efficient and effective if you front-load key information. More about front-loading below.

Of course, you could write a short message and attach the longer memo, but before you do, check with the assigning lawyer. Some lawyers dislike attachments, and attachments sometimes don’t display well on tablets or phones.

Use the subject line to give key information.

For a short, single-issue email memo, I recommend writing a condensed, specific subject line that states the answer. You save the reader time and effort, and besides, legal readers appreciate knowing the answer before they get into the analysis. This suggestion just takes the idea a little further.

It’s not always possible or practical to put the answer in the subject line. Maybe it would be too easy for others to see; maybe your boss doesn’t like it; maybe you’ve been asked three questions. If your work environment or your boss dictates that you don’t put the answer in the subject line, then just write something specific — think summary, not merely topic.

Restate the question.

The first line of the body text should restate the question. In fact, I like the opening phrase “You asked … “ Provide enough detail — facts and law — to accurately frame the question, and avoid abstraction. If there are multiple questions, number them.

An email memo that assumes the reader knows what was asked and that skips right to the answer has two drawbacks: It’s frustrating for secondary readers, who’ll have to scroll through the thread to find what was asked, and it’s frustrating for the assigning lawyer who’s reading the email days or weeks later.

Give the answer with reasons in one paragraph.

Write a thorough answer with reasons, thus ensuring that the body text is complete, easily understood if isolated from the other parts of the message, and easily copied and pasted into other documents. It also serves as critical front-loading in a longer message. You can write a single, short paragraph — three or four lines of text — or you can write the answer and give the reasons in bullet points. If there were numbered questions, use parallel numbering for the answers.

State the governing legal rule but skip the explanations.

A traditional memo states the legal rule that governs the question, and an email memo should too. Be accurate and concise: name important statutes (“Under Insurance Code § 22.001 … “), refer to important cases by shorthand (“According to Lone Pine Mfg. … “), and mention the jurisdiction (“In Texas … “). But don’t clutter the text with formal, full-form citations.

A traditional memo also explains the cases that have construed and applied the legal rule — illustrations that give readers a concrete understanding of the legal rules at issue. But there’s usually no space for that in an email memo, so leave it out.

Yet writing explanations is excellent practice for new lawyers and ensures a better understanding of the law. If you’re a new lawyer, go ahead and write careful, clear, concise explanations. Just don’t put them in the email memo. Write them and save them somewhere. They’ll often come in handy later.

Analyze as needed.

Support your answer by explaining why the legal rule leads to a particular result in your case. Expand on the reasons you gave above, but be succinct and concise. Get quickly to the core concepts and eliminate background and build-up. Keep the analysis to just a few paragraphs if you can.

Other guidelines

If the body text is long, divide it and insert headings to enable skimming. Consider including, at the end, full citations for the relevant authorities, and even summaries, if your boss wants them.

Ultimately, treat email memos as serious pieces of legal analysis that deserve thorough research, clear writing, and careful editing. Remember that your email can (and will) be forwarded to clients, to other lawyers, and to the hiring committee. Edit and revise the email memo just as you would a printed memo, and follow the conventions of professional legal writing. •
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The following are summaries of selected Third Court of Appeals’ civil opinions issued during August 2014. The summaries are intended as an overview; counsel are cautioned to review the complete opinion. Subsequent histories are current as of September 26, 2014.

Whistleblower: District judge not appropriate law enforcement authority for county probation office. Hunter County Cnty. Supervision & Corrections Dep’t v. Gaston, No. 03-13-00189-CV (Tex. App.—Austin Aug. 6, 2014, no pet. h.). Gaston reported to a district judge that her boss had allowed probationers to satisfy community service hours by monetary donations. She alleged that this action violated Code of Criminal Procedure article 42.12, which prohibits judges from ordering defendants to make payments as a term of community service. The trial court denied the county’s plea to the jurisdiction in Gaston’s whistleblower suit. The court of appeals concluded the judge was not appropriate law enforcement authority for Gaston’s whistleblower suit.

Public Information Act: Voluntary compliance with request deprived district court of jurisdiction. City of El Paso v. Abbott, No. 03-13-00820-CV (Tex. App.—Austin Aug. 29, 2014, no pet. h.). Citizen requested communications between city leaders that were contained in their personal email accounts. The attorney general determined that the location of public information does not affect its status as public information and concluded that the information must be disclosed. City filed suit, but later voluntarily released the information and sought dismissal of its suit. The district court denied City’s plea to the jurisdiction and allowed citizen’s claim to proceed. The court of appeals concluded City’s voluntary disclosure of information deprived the district court of jurisdiction. Immunity is waived only if governmental entity is unwilling to provide public information. Citizen failed to raise a fact issue on whether City was refusing to provide information. The court reversed and dismissed.

Patent law: Res judicata bars state-court business torts. Xitronix Corp. v. KLA-Tencor Corp., No. 03-12-00265-CV (Tex. App.—Austin Aug. 8, 2014, pet. filed) (mem. op.). City filed suit, but later voluntarily released the information and sought dismissal of its suit. The district court denied City’s plea to the jurisdiction and allowed citizen’s claim to proceed. The court of appeals concluded City’s voluntary disclosure of information deprived the district court of jurisdiction. Immunity is waived only if governmental entity is unwilling to provide public information. Citizen failed to raise a fact issue on whether City was refusing to provide information. The court reversed and dismissed.

Texas Tort Claims Act: Immunity not waived in professor’s trip and fall lawsuit. University of Texas v. Sampson, No. 03-12-00265-CV (Tex. App.—Austin Aug. 8, 2014, pet. filed) (mem. op.). Sampson sued UT for injuries he sustained when he tripped over an electrical cord strung across a walkway outside the law school during a tailgate party. UT filed a plea to the jurisdiction contending Sampson’s claims were not within TTCA’s limited waiver of immunity. The trial court denied plea. According to the court of appeals, Sampson’s negligence claim relies on a premise defect for which immunity is not waived. The court also determined that the condition was not sufficiently related to a road or street to be a special defect. Finally, as to the premise defect, the court concluded UT did not have actual knowledge of the condition. The court reversed and dismissed. The dissent disagreed with the majority’s standard of review and concluded Sampson presented more than scintilla of evidence of UT’s actual knowledge of the condition. • AL
Stuffed Animal Drive Needs Your Help
Donations Accepted Now for Upcoming Adoption Day

The Austin Bar Association is collecting teddy bears and other stuffed animals for dozens of children who will join their new “forever families” on Austin Adoption Day, Nov. 6.

Each year, the judicial daises are covered with stuffed animals. Not only do they serve to make the courtrooms friendlier, but each child being adopted chooses a stuffed animal to take home.

All of the children being adopted at Austin Adoption Day were removed from their biological families due to abuse or neglect. Many have been in the custody of the state for years. Choosing a new teddy bear that will always be theirs is one illustration of how their lives are finally stabilizing.

The Adoption Day Committee welcomes medium to large new stuffed animals. The children being adopted range in age from infants to 17 years old, so a range of animals are welcome. Donations can be dropped off at the Austin Bar Association office at 816 Congress Ave., Suite 700 by Oct. 24.

Monetary donations can be dropped off at the Austin Bar, mailed to the Austin Bar at the above address, or made online at austinbar.webconnex.com/adoptionday2014. • AL

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Awards

- Richard Pena, a past president of the Austin Bar Association and the State Bar of Texas, received the Distinguished Member of the Bar Award from the Workers’ Compensation Section of the State Bar of Texas. The award was presented in conjunction with the 10th anniversary of the section. Referred to as the “Barb Wire Award,” this is the first time the award has been presented.

New to the Office

- J.B. Lajzer has joined Austin-based construction law firm Allensworth & Porter. Prior to joining Allensworth & Porter, Lajzer was an associate in the Dallas office of Godwin Lewis, where he worked as a member of the Halliburton team and worked on litigation involving BP’s Macondo well blowout in the Gulf of Mexico.
- Gardere recently welcomed Arcie Jordan as a corporate partner in the firm’s Austin office. She has 20 years of experience in counseling a broad spectrum of companies who have expanded internationally to and from the United States.
- Ashley D. Thomas has joined Lloyd Gosselink Rochelle & Townsend as an associate. Her practice focuses on water quality, environmental permitting and enforcement, and litigation.
- Mark E. Nogalski and Joseph C. Walsh have joined Selman Munson & Lerner. The firm focuses on securities law (venture capital financing, private offerings, and strategic funding), mergers and acquisitions, and complex corporate partnership transactions.
- Weisbart Spring Hayes announced the addition of attorney Nicole LeFave to the firm. A 2012 graduate of the University of Texas School of Law, LeFave clerked for U.S. District Judge Gregg Costa and for U.S. Magistrate Mark Lane. Weisbart Spring Hayes represents both plaintiffs and defendants, focusing on high-stakes business, technology, employment, and aviation litigation matters in Texas and across the nation.

If you are an Austin Bar member and you’ve moved, been promoted, hired an associate, taken on a partner, or received a promotion or award, we’d like to hear from you. Notices are printed at no cost, must be submitted in writing, and are subject to editing. Items are printed as space is available. Information on lawyers who are not Austin Bar members will not be printed.

Announcements for briefs should include all pertinent information including firm name, address, and contact numbers. Send submissions to Communications Assistant Britni Rachal at britni@austinbar.org.
AYLA President’s Column

A Big “Howdy” to AYLA Award Recipients

ou know the lady in Police Academy who tries to quiet everyone down by whispering “excuse me … um … if everyone can quiet down … um … hello …”? Well, I’m not that lady. No offense to my dear Longhorns, but the Aggies taught me that if you need folks to listen to you, you need to shout the word “Howdy” at people. Eventually, they respond back with “Howdy” as well. It’s nicer than screaming “PAY ATTENTION TO ME.”

I discovered recently that shouting “HOWDY” to a group of lawyers and judges works just as well as it does for Aggies. The Austin Young Lawyers Association had the pleasure of presenting two awards at the Judicial Reception on Sept. 16, 2014. The two awards were “AYLA Outstanding Alumnus” and “AYLA Outstanding Mentor”.

The AYLA Outstanding Alumnus award went to our friend and Past Past Past President Adam Schramek. For those of you who don’t know Adam personally, you are missing out. Adam graduated from the AYLA board three years ago. However, even though he wasn’t officially a board member any more, he was the driving force behind getting the state and nationally recognized “AYLA Reentry Video” accomplished. It was a project AYLA had worked on for several years, in many evolutions, moving from a brochure in English to a brochure in Spanish and finally, under Adam’s leadership, into a video. Adam also has been one of the most influential forces behind the Bar & Grill show, the annual musical presented by AYLA. Want to celebrate Adam? I think he could think of no greater reward than you coming to our upcoming Bar & Grill show, “Young Trialstein,” at the State Theater at 8 p.m. on Saturday, Nov. 1.

The AYLA Outstanding Mentor Award was given to Larry York posthumously and presented to his family at the Judicial Reception. Jordan Mullins and Nick Laurent each shared some “Larry-isms” with the crowd about what it was like to work with and for such an important member of the legal community. AYLA was happy to honor Larry with our award, and the Austin Bar has created an additional way for us to honor Larry.

At the 2015 Foundation Gala, the Austin Bar will be presenting the inaugural Larry F. York Mentoring Award. This award will be given to a local lawyer or judge who has demonstrated exceptional skill and generosity in mentoring younger members of the bar. This award was created to pay tribute to Larry York, who encouraged many young lawyers in Travis County to achieve professional and personal excellence, with integrity, grace, and humor. Nominees must have practiced at least ten years and have served as role models and counsellors to other lawyers, distinguishing themselves as leaders of their profession while fully embracing life’s experiences.

Congratulations to Adam and Larry, and thank you for all you’ve done to support young lawyers.

And, to everyone, don’t forget to shout “Howdy” the next time you need someone’s attention! • AL
AYLA Members Serving the Community on City Commissions

Have You Considered Joining a City of Austin Commission?

By Edward Garris, Eccles & McIntosh

With the upcoming transition to “10-1” representation, the city of Austin will likely expand its boards and commissions and will therefore need new commissioners. To find out how some members of the Austin Young Lawyers Association serve the community through commission work, Austin Lawyer talked to a few of Austin’s current commissioners.

Rick Cofer, an assistant district attorney for Travis County, is chair of the Zero Waste Advisory Commission, which advises the Austin City Council regarding recycling, composting, trash collection, and Austin’s zero waste mission. Through this position, Cofer has led efforts on the bag ban and the Universal Recycling Ordinance, which ensures that everyone in Austin can recycle no matter where they live or work.

Austin Kaplan, a plaintiff’s employment attorney at the Cook Law Firm, is chair of the Ethics Review Commission, which hears sworn complaints alleging violations of city ethics, lobbying, conflict of interest, and campaign finance rules. Kaplan successfully advocated for enlarging the Ethics Review Commission’s jurisdiction and is working to expand citywide conflicts-of-interest training and increase transparency in required financial disclosures.

James Nortey is an associate in the public law section at Andrews Kurth and serves on the Planning Commission, which reviews zoning changes and recommends adoption or implementation of municipal policy to the Austin City Council. Through this commission, Nortey has championed new urbanist policies that add density to the city’s core and promote sustainability, walkability, transportation relief, and affordability.

J. Michael Ohueri, an assistant county attorney for Travis County, serves on the Water and Wastewater Commission, which reviews the Austin water utility’s expenditures and budget. Through his advocacy involving restructuring a proposed pricing program, Ohueri reduced the cost of water for the most economically disadvantaged members of the Austin community by up to 35 percent.

Cynthia “Cindy” Tom is an assistant city attorney for the city of Austin. Although not a commissioner, Tom provides critical advice to the commissions and is legal counsel and staff liaison to the Ethics Commission. Last year, she successfully guided the Ethics Re3view Commission through its first final hearing on a conflict-of-interest complaint in over 20 years.

All lawyers who are residents of the city of Austin should consider joining a commission. Although these are unpaid positions, serving on a commission can help young lawyers develop and sharpen skills such as analysis, research, listening, and persuasion, which are useful in practicing law.

Serving on a commission can help young lawyers develop and sharpen skills such as analysis, research, listening, and persuasion, which are useful in practicing law.
Two Austin Inns of Court Reach Highest Honor

For the second consecutive year, two of Austin’s American Inns of Court — the Robert W. Calvert American Inn of Court and the Austin Intellectual Property American Inn of Court — have received the Achieving Excellence “Platinum” designation, the highest level attainable with the American Inns of Court.

The Achieving Excellence program is achievement based and recognizes activities in which Inns are involved in and builds on the Inn’s successes. Each level recognizes an Inn’s progress toward mastering effective practices in each of the five core competencies of Inn management: administration, communications, programs, mentoring, and community outreach.

Recognized for the 2013-2014 Inn year, the President for the Robert W. Calvert Inn was Judge Orlinda Naranjo of the 419th District Court in Travis County. The President at the Austin Intellectual Property American Inn of Court was Judge Lee Yeakel, United States district judge for the Western District of Texas. The Administrator for both Inns is Darla Thomas, a legal assistant in Wilson Sonsini Goodrich and Rosati’s Austin office.

“This is a great achievement for both of the Inns” said Judge Naranjo. “It reflects the great commitment of our founders, our former and current members, and especially our Inns’ administrator, Darla Thomas, for promoting professionalism and ethics in the practice of law, and the importance of mentoring.”

“This award is a tribute to the members of the Austin IP Inn. Their enthusiasm, dedication, and hard work has taken the Inn to this highest designation two years in a row — a significant accomplishment for a young Inn” says Judge Yeakel.

The American Inns of Court is composed of more than 30,000 members. Currently, more than 350 Inns operate throughout the United States, each dedicated to enhancing ethics, professionalism, and civility within the legal profession through monthly meetings and team CLE presentations. Members include law students, lawyers, and judges with varying degrees of legal experience and practice. For more information on the Robert W. Calvert American Inn, visit innsofcourt.org/inns/calvert. For more information on the Austin Intellectual Property Inn, visit innsofcourt.org/inns/austinipinn. • Al.
Joyful Practice

When I started practicing law, I was anxious, petrified, depressed, terrified, you name it. After a couple of years, I decided I needed some help, so I sought out a business coach. She taught me to improve my performance, but more than that she taught me to eat right, exercise, meditate, and take care of myself for the long haul of a career. I plunged back into law practice, working on eating better, losing weight, exercising, and meditating, and somehow, I managed to survive it. After a couple more years, the work really started to click. Issues began to be more familiar, cases became more routine. I didn’t have to think so hard for each document or appearance.

It was the pain and fear I felt from law practice that opened me up to a path of self-care. This, in turn, opened me up to other benefits. I have more energy and more focus than ever before, and I am more present in my life than I was previously. In work, this manifests in networking, mentoring younger lawyers, giving presentations, taking on pro bono work, and it gives me the perspective to provide my clients guidance and wisdom. In life, I am happier, fitter, a better family member, a more helpful person, and I can better appreciate the wonder of the world.

In sports or music or meditation, you practice and make mistakes before you go out and perform. Law practice is not supposed to be that way: you need to start out at a level that meets your ethical obligations. But it is not possible to know everything when you start. The first time you step into court or draft a client document, you are going to make mistakes. The key is to accept this, to learn from your mistakes. That is how you improve. As you improve, your worry lessens, and a path opens up to joyful practice. We hear so much about how draining and deadening law practice is, but I have found just the opposite: that it can be a source of energy and awakening.

If you or someone you know is experiencing depression, related illnesses, or substance abuse issues, please contact the Texas Lawyer Assistance Program at 1-800-343-8527. TLAP is a 24-hour confidential crisis counseling and referral program to help lawyers, law students, and judges with substance abuse and mental health issues. • AL
OCTOBER

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Austin Heart Walk

Last year the Austin Bar dedicated their participation in the Austin Heart Walk to the memory of Ross Ehlinger and to support his family. Your efforts and generosity made the Austin Bar a top fundraiser. Please join the Fit Bar for the 2014 Austin Heart Walk and continue the fight against heart disease and stroke!

**Time:** Festivities begin at 8:00 a.m.; Walk begins at 9:00 a.m.
**Location:** The Long Center, 701 W. Riverside Dr.

Provide a donation or register to walk: bit.ly/2014AustinBarHeartWalk.

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22nd Annual Austin Land Development Seminar

**Time:** 8:00 a.m. to 4:30 p.m.
**Location:** Austin Bar, 816 Congress Ave., Suite 700
**CLE:** 7 hours, including 1 hour ethics

Register on the Austin Bar website at austinbar.org. Hosted by the Austin Bar Real Estate Law Section.

NOVEMBER

21-22

2014 Criminal Law Retreat

**(Registration Deadline Oct. 17)**

**Date:** Nov. 21-22

**Location:** T-Bar-M
2549 Highway 46 West, New Braunfels, TX 78132

**CLE:** 8 hours, including 1 hour ethics credit

**Registration deadline:** Oct. 17

RSVP to Amber Vazquez-Bode at amberv@lawyers.com.

Hosted by Austin Criminal Defense Lawyers Association & Austin Bar Association

SAVE THE DATE

Receptions for Retiring Judges

Please join the Austin legal community in thanking the following retiring judges for their commitment to the rule of law and the integrity of the justice system.

**Honoring Judge David Phillips**

Wednesday, Nov. 19
5:30 p.m.
Westwood Country Club
3808 W. 35th St.

**Honoring Judge John Deitz**

Thursday, Dec. 4
5:30 p.m.
Four Seasons Hotel Austin
98 San Jacinto Blvd.

**Honoring Chief Justice Woodie Jones**

Thursday, Dec. 11
5:30 p.m.
Headliners Club
221 W. 6th St., 21st Floor

Swearing-in Ceremony

Please join the Austin Bar Association in welcoming newly-elected Judges Todd Wong and Karin Crump to the bench and attorney Velva Price to the office of Travis County District Clerk.

Friday, Jan. 2
10:30 a.m.
Location to be determined
Can you think of FOUR reasons why advertisers turn to AUSTIN LAWYER?

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Office Space

**Downtown Attorney Office**
Available on Congress Avenue. Sublease includes office furnishing, high-speed internet, law library, reception area and services, shared conference room and kitchen/break room. Month-to-month sublease also available. Call (512) 476-5757 for more information.

**Sublease at Mo-Pac and Sixth Street in late fall 2014:**
Space in shared suite with two law firms — this includes three window offices and four interior offices. Shared amenities: conference room, receptionist, phone/internet, three-in-one copier, and kitchen. ~1,200 feet of private space and 2,500 feet of common space. Can be broken into smaller units. Contact Kathleen@andraelaw.com for more information.

**Real Estate**


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**SAM GRAHAM**
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Or, visit our website and give us a few details about your client/case: willsuttonlaw.com/referrals

Will Sutton
What is good? It’s knowing that everything we do has the potential of making someone else’s ideas come true. With strength, a commitment to our communities, and a passion for the places we call home, at Broadway Bank we think doing good is what matters most.