

HEADNOTES

April 2016 | Volume 41 | Number 4

Focus Criminal Law/Trial Skills



Creekview High School, of Carrollton, won the State High School Mock Trial Championship. Dallas Bar Association members presided over and served as “jurors” for the final competition on March 5. From left to right are: Tasha James, Hon. Lana Myers, John Hilliard, Rocio Cristina García, Emmanuel Obi, Justin Gobert, Sarah Flournoy, DBA President Jerry Alexander, James L. Young, Steve Gwinn, and Tom Goranson.

Miranda: More Than Words

Keynote Speaker Hon. Catharina Haynes

BY DAN KLEIN

This year marks the 50th anniversary of perhaps the nation’s best-known U.S. Supreme Court case, *Miranda v. Arizona*. In *Miranda*, the court held that law enforcement personnel must advise a suspect of his or her rights in order to use statements made during a custodial interrogation in a later criminal proceeding. As a result of this case, police developed the Miranda warning, which lets people questioned by police know of their constitutional rights to refrain from speaking to police and to consult an attorney.

Every year since 1958, the nation has marked Law Day on May 1. This year’s Law Day theme—*Miranda: More than Words*—will explore the procedural protections afforded to all of us by the Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty.

This Law Day, let us reflect on the importance of our constitutional rights, promote public awareness and understanding of those rights, and commit ourselves to the work that remains to be done in ensuring that we have a criminal-justice system that is fair for all Americans.

The Dallas Bar Association will continue its tradition of celebrating Law Day with a luncheon honoring the judiciary, featuring keynote speaker the **Honorable Catharina Haynes**, Circuit Judge, United States Court of Appeals for the Fifth Circuit.

Judge Haynes graduated with highest honors from the Florida Institute of Technology with a B.S. in Psychology. Judge Haynes received a J.D. with distinction from the Emory University School of Law, where she was a Notes and Comments Editor of the *Emory Law Journal* and a member of Order of the Coif. She was honored as an Outstanding Woman Law Graduate by the National Association of Women Lawyers.

Judge Haynes was appointed by President George W. Bush and sworn in as a Circuit Judge of the United States Court of Appeals for the Fifth Circuit in 2008. Prior to taking the federal bench, she served

eight years as a state district judge in Dallas. Before taking the bench, she was a partner in the trial section of Baker Botts, L.L.P.’s Dallas office.

Judge Haynes has been actively involved in the legal community for many years. From 2003 through 2006, she served as Chair of the Texas Court Reporters Certification Board. She currently serves on the Alumni Advisory Board of the Emory University School of Law and as Chair-Elect of the Appellate Judges Conference of the American Bar Association’s Judicial Division. She chaired the 2014 Appellate Judges Education Institute Summit in Dallas. She previously served 11 years as a member of the Council of the State Bar of Texas Insurance Section and one year as an At-Large Director of the Dallas Bar Association. She is a Fellow in the Dallas Bar Foundation, a Founding Fellow of the DAYL Foundation, and a Life Fellow in the American Bar Foundation.



Hon. Catharina Haynes

Judge Haynes has received numerous awards for her achievements in the legal profession and service to the community. Judge Haynes received the 2016 Honorary Alumna Award from the SMU Dedman School of Law and the 2014 Florida Tech Award of Distinction. She is a two-time recipient of the Dallas Bar Association’s Jo Anna Moreland Outstanding Committee Chair Award. She has also received the Outstanding Board Member Award and the Louise B. Raggio Award from the Dallas Women Lawyers Association, the Award of Excellence from the DAYL Foundation, and the Outstanding Achievement Award from the Florida Tech Alumni Association.

The event begins at noon Friday, April 29, at the Belo Mansion. Doors open at 11:45 a.m. Tickets for the luncheon are \$40 per person or \$400 per table. For tickets or more information, contact Mary Ellen Johnson at mjohnson@dallasbar.org or (214) 220-7474. Reservations are available online at www.dallasbar.org.

HN

Dan Klein is an associate at Kane Russell Coleman & Logan PC and can be reached at dklein@krcl.com

Focus Criminal Law/Trial Skills

An Update on Sealing Orders, Non-Disclosures, & Expunctions

BY STEPHANIE LUCE OLA

Around one-third of Americans have a criminal record. Background searches are commonly performed during the application process for jobs, housing, licensing, and education, creating challenges for people with a “record.” In some cases, it does not have to be that way. Many people with adult or juvenile records are eligible for some kind of relief to limit the disclosure of their record.

Sealing Juvenile Records

In the juvenile system, most records are eligible to be sealed. Once a record is sealed, a person whose record is sealed can deny the occurrence of the case. All records of the case in the possession of public agencies, private agencies, law enforcement, and the court are compiled and precluded from disclosure. The entities must then deny the record exists if it is ever requested. Any sealed case is treated as though it never occurred, except in a subsequent capital prosecution.

Expunction and Non-Disclosure Orders for Adults

In the adult system, an expunction is the best possible outcome. Expunged records are com-

pletely destroyed and cannot be used or retained by law enforcement or any other agency or institution. A person whose record is expunged can deny that the arrest and charge ever occurred. Eligibility for expunction is limited to cases that resulted in acquittals, dismissals, certain class C misdemeanors, time-barred prosecutions, or findings of mistake or no probable cause in the charging instrument. Essentially, expunctions are for people whose cases are resolved without determination of guilt.

If your client doesn’t qualify for an expunction, obtaining a non-disclosure order is the next best thing. “Sealing” is a term used by the criminal law community, but the procedure is codified as a non-disclosure order. Typically, records can be sealed if a person has successfully completed a term of deferred adjudication for an eligible offense and has not been adjudicated for another offense during the term and any applicable waiting period. When a case is sealed, law enforcement and government agencies retain their records, but those records cannot be accessed by the general public or by private database companies, like Publicdata.com. As with expunctions, a person whose case is sealed can deny the occurrence of the case. While this is helpful for job and housing applications, government and licensing agencies will still have the records.

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Calendar April Events

Visit www.dallasbar.org for updates on Friday Clinics and other CLEs.

FRIDAY CLINICS

APRIL 1-BELO

Noon "Downstream Effects of Falling Oil Prices," David Elrod and Sam Stricklin. (MCLE 1.00)* RSVP to kzack@dallasbar.org.

APRIL 8-NORTH DALLAS**

Noon "The Ethics of Internet Advertising: You are Doing It, So Learn to Do It Right," Jeanne Huey. (Ethics 1.00)* At Two Lincoln Centre, 5420 Lyndon B. Johnson Frwy., Ste. 240, Dallas, TX 75240. Parking is available in the Visitor's Lot located in front of the entrance to Two and Three Lincoln Centre. There are several delis within the building. Food is allowed inside the Conference Center. Thank you to our sponsor Fox Rothschild LLP. RSVP to kzack@dallasbar.org.

APRIL 15-BELO

Noon "Defending Trade Secrets Cases: The Civil and Criminal Perspective," Joey Mongaras and Dave Wishnew. (MCLE 1.00)* RSVP to kzack@dallasbar.org.

FRIDAY, APRIL 1

Noon **Friday Clinic-Belo**
"Downstream Effects of Falling Oil Prices," David Elrod and Sam Stricklin. (MCLE 1.00)* RSVP to kzack@dallasbar.org.

MONDAY, APRIL 4

Noon **Tax Law Section**
Micro-Captives: The Insurance Company You Keep," Cindy L. Grossman. (MCLE 1.00)*

Transition to Law Practice CLE
"Building Your Professional Network," Laura Benitez Geisler, Bill Gardner and Mey Ly. (MCLE 1.00)*

TUESDAY, APRIL 5

Noon **Corporate Counsel Section**
"Foreign Corrupt Practices Act Basics," Mark Jenkins, Chris Meadors and Sarah Q. Wirsky. (MCLE 1.00)*

Tort & Insurance Practice Section
"Texas Trial Legends," Hon. Anne Ashby, moderator. (MCLE 1.50)*

DAYL PAC Event

DWLA Board of Directors Meeting

5:30 p.m. Bar None Auditions at Belo

6:00 p.m. DAYL Board of Directors Meeting

WEDNESDAY, APRIL 6

Noon **Employee Benefits & Executive Compensation Section**
"Taxation of Partnership/LLC Equity Compensation," E. Philip Bush. (MCLE 1.00)*

Solo & Small Firm Section
Topic Not Yet Available

Juvenile Justice Committee

Public Forum Committee

DAYL Judiciary Committee

DAYL Lunch & Learn CLE

5:30 p.m. **Bankruptcy & Commercial Law Section**
Topic Not Yet Available

THURSDAY, APRIL 7

Noon **Construction Law Section**
"O/C CIP Coverage & Claim Administration v. Traditional Insurance: An Insider's Perspective as Counsel for Major University Systems," Michael A. Miller. (MCLE 1.00)*

Judiciary Committee
"Getting to Know Your Magistrate Judges," Hon. David Horan, Hon. Christine Nowak, Hon. Paul Stickney, and Danny Tobey, moderator. (MCLE 1.00)*

DVAP Pro Bono CLE
"The OAG Is Involved in My Divorce Case, What Do I Do Now," Stefani Williams and Karen E. Young. (MCLE 1.00)*

Family Law Section Board Meeting

St. Thomas More Society

FRIDAY, APRIL 8

8:45 a.m. **Dallas Minority Attorney Program**
Keynote speaker Justice Eva Guzman. Learn more about business development and practice management for the solo, small firm and minority attorney. RSVP to ahernandez@dallasbar.org. (MCLE 7.00)*

Noon **Friday Clinic—North Dallas****
"The Ethics of Internet Advertising: You are Doing It, So Learn to Do It Right," Jeanne Huey. (Ethics 1.00)* At Two Lincoln Centre, 5420 Lyndon B. Johnson Frwy., Ste. 240, Dallas, TX 75240. Parking is available in the Visitor's Lot located in front of the entrance to Two and Three Lincoln Centre. There are several delis within the building. Food is allowed inside the Conference Center. Thank you to our sponsor Fox Rothschild LLP. RSVP to kzack@dallasbar.org.

Trial Skills Section
"The Internet of Things: How Your World Creates Evidence," John Ansbach. (MCLE 1.00)*

DAYL Freedom Run Committee

MONDAY, APRIL 11

Noon **Alternative Dispute Resolution Section**
"Mediation Killers and Cures," Cecilia Morgan, Esq. (MCLE 1.00, Ethics 0.25)*

Immigration Law Study Group
"Non-Immigrant Investor/Trader Options (E1/E2)," Michelle Alonzo. (MCLE 1.00)*

Real Property Law Section
"Texas Property Tax Issues," Jason C. Marshall. (MCLE 1.00)*

Peer Assistance Committee

TUESDAY, APRIL 12

Noon **Business Litigation Section**
"How Using a Mock Trial and Shadow Jury Turned a Losing Case into a Winner—a True Story," Robert H. Hoffman. (MCLE 1.00)*

Mergers & Acquisitions Section
"Taking the Stress Out of Distressed Sales: A Primer on the Basics of Distressed Sales," Eli Columbus and Mike Freeman. (MCLE 1.00)*

Legal Ethics Committee

DAYL Business & Career Development Committee

6:00 p.m. Home Project Committee

WEDNESDAY, APRIL 13

7:45 a.m. Dallas Area Real Estate Lawyers Discussion Group

11:30 a.m. House Committee Walk Through

Noon **Family Law Section**
"Family Violence and Firearms: Consequences and Changes," Hon. Roberto Cañas. (MCLE 1.00, Ethics 0.25)*

Bench Bar Conference Committee

Summer Law Intern Program Committee

DAYL Assisting Lawyers in Transition

5:15 p.m. Legalline. Volunteers welcome. Second floor Belo.

THURSDAY, APRIL 14

Noon **Government Law Section**
Topic Not Yet Available

CLE Committee

Publications Committee

Christian Lawyers Fellowship

6:00 p.m. J.L. Turner Legal Association

FRIDAY, APRIL 15

Noon **Friday Clinic—Belo**
"Defending Trade Secrets Cases: The Civil and Criminal Perspective," Joey Mongaras and Dave Wishnew. (MCLE 1.00)* RSVP to kzack@dallasbar.org.

MONDAY, APRIL 18

Noon **Labor & Employment Law Section**
"Arbitration Agreements & Class Action Waivers: The Latest Developments & Drafting Tips," Ron Chapman, Jr. (MCLE 1.00)*

TUESDAY, APRIL 19

9:00 a.m. 2015 Jeff Coen Family Law Nuts & Bolts Video CLE (MCLE 6.00; Ethics 2.00)* To register contact reed-brownc@lanwt.org.

Noon **Franchise & Distribution Law Section**
"Hacking Through Data Breaches & Insurance Coverage — A Franchise Guide," Jes Alexander. (MCLE 1.00)*

International Law Section
"Practical Approaches to Identifying Ethics and Corruption Risks in Cross-Border Mergers and Acquisitions," Wes Loegering and Holly Tucker. (Ethics 1.00)*

Entertainment Committee
"Art Law Reboot: A Discussion on Art Law Topics Related to Video Games and New Media Art," Andrea Perez and other panelists TBD. (MCLE 1.00)* Co-sponsored by DBA Art Law Study Group.

DAYL Elder Law Committee

DAYL Mental Health CLE

6:00 p.m. Dallas Hispanic Bar Association

WEDNESDAY, APRIL 20

Noon **Energy Law Section**
"Services Agreements in the Oil Patch," Patrick M. Knapp. (MCLE 1.00)*

Health Law Section
"Legal Issues for Accountable Care Organizations and Clinically Integrated Networks," Joi-lee Beachler. (MCLE 1.00)*

Law Day Committee

Pro Bono Activities Committee

Non-Profit Law Study Group

5:15 p.m. Legalline. Volunteers welcome. Second floor Belo.

THURSDAY, APRIL 21

9:00 a.m. **DVAP Ad litem Certification**
"Family Law Ad Litem & Amicus Attorney Training," (MCLE 7.00, Ethics 1.50)* Sponsored by DVAP and the Family Law Section. To register, email reed-brownc@lanwt.org.

Noon **Appellate Law Section**
"A Conversation with Justices of the Dallas Court of Appeals," Hon. Elizabeth Lang-Miers, Hon. Lana Myers, Hon. David Schenck and Greg Lensing, moderator. (MCLE 1.00)*

Minority Participation Committee

Christian Legal Society

DAYL Animal Welfare Committee

Dallas Gay & Lesbian Bar Association

3:30 p.m. DBA Board of Directors Meeting

6:00 p.m. **Intellectual Property Law Section**
"IP Trivia Night Hosted by the New Lawyers Committee," Michael Henry. At Sambuca (2120 McKinney Ave., Dallas). (MCLE 1.00)*

FRIDAY, APRIL 22

Noon **Intellectual Property Law Section**
"Management of an IP Portfolio: In-House Counsel's Perspectives," Rus Holloway, Paul Schrier and Betty Ungerman. (MCLE 1.00)*

MONDAY, APRIL 25

Noon **Computer Law Section**
"Grand Theft Source Code: Dallas," William Cramer. (MCLE 1.00)*

Securities Section
"Recent Cases and Regulatory Matters Impacting SEC Disclosure Obligations," Jessica Pulliam. (MCLE 1.00)*

Golf Tournament Committee

Law in the Schools & Community Committee

DAYL Solo & Small Firm Committee

TUESDAY, APRIL 26

Noon **Probate, Trusts & Estates Section**
"2015-2016 Case Law Update," Prof. Gerry W. Beyer. (MCLE 1.00)*

Professionalism Committee CLE
"Local Counsel Professionalism and Duties," Frank Carroll and Robert Tobey. (Ethics 1.00)*

DAYL Lawyers Promoting Diversity Committee

American Immigration Lawyers Association

WEDNESDAY, APRIL 27

Noon **Sports & Entertainment Law Section**
"Lights, Camera, Action: Legal Issues Relating to Film Festivals," Barak Epstein, James Faust, David Small and Brent Turman. (MCLE 1.00)*

DAYL Equal Access to Justice Committee

DAYL Foundation Board Meeting

DVAP New Lawyers Luncheon. For more information, contact reed-brownc@lanwt.org.

Municipal Justice Bar Association

THURSDAY, APRIL 28

Noon **Collaborative Law Section**
"A Rose by Any Other Name? Introducing Collaborative Techniques in non-Collaborative Cases," Panel discussion. (MCLE 1.00)*

Criminal Law Section
"Nuts and Bolts of Occupational Driver's Licenses," Buck Johnson. (MCLE 1.00)*

Environmental Law Section
"The Paris Agreement on Climate Change: America's International Obligations' to Address Global Warming," Prof. Jeffrey M. Gaba. (MCLE 1.00)*

DAYL CLE Committee

1:00 p.m. DBA Pro Bono Golf Tournament at Brookhaven Country Club, Dallas

FRIDAY, APRIL 29

11:45 a.m. **Annual Law Day Luncheon**
Keynote speaker: Hon. Catharina Haynes, U.S. Court of Appeals for the Fifth Circuit. To purchase tickets, visit www.dallasbar.org, or contact mjohnson@dallasbar.org.

MOTHER'S DAY BRUNCH

Sunday, May 8, 2016, Belo Mansion

Join us for a culinary tour at the beautiful Pavilion at the Belo Mansion as you celebrate Mother's Day. Dine in the ballroom or on the exquisite terrace overlooking the Arts District and enjoy complimentary champagne and mimosas. A bountiful selection of fresh fruit, breakfast breads, chilled seafood station, carved prime rib, omelets and freshly made pancakes and waffles, a variety of pies, cakes and sweets and the ever-popular children's buffet.

Serving hours from 10:30 a.m. to 2:30 p.m. | Adults: \$39.95; Children 6-12: \$13.75
Garage parking available (from Olive Street.) Taxes, gratuities and parking not included

Reservations Required by May 4. Credit Card to hold reservation. No-shows will be billed.

Call: (214) 220-7404 or email culinairesales@dallasbar.org. Limited seating. Sponsored by the DBA Entertainment Committee.

Law Day 2016 LAW DAY LUNCHEON

~ Honoring our State & Local Judiciary ~

Friday, April 29, Noon at Belo

Keynote Speaker: Judge Catharina Haynes
Fifth Circuit U.S. Court of Appeals

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Focus | Criminal Law/Trial Skills

Impeachment in Five Simple Steps

BY BRITTA STANTON

Impeaching a witness effectively is the best real life equivalent to your own Perry Mason or “You can’t handle the truth” moment for a trial lawyer. It kills the witness’s credibility and bolsters your own. But, if you do it wrong, it kills your credibility. So, how do you do it right?

1. Take a good deposition.

First, you have to get a clean admission on the record. If you get a witness to testify he “thinks” he was going “about” 50 miles per hour, you are probably not going to be able to impeach him on his speed. Hone in on a clear statement of fact to set up later trial impeachment. “So, as best you can remember, you were going at least 45 miles per hour?” “Yes.” Spend some time on it during the deposition, because the record never looks as clear as you think it will.

2. Know the rules and your judge.

Texas Rule of Evidence 613(a) covers examining witness about prior inconsistent statements. Read it. Also, know your judge. Not all judges are sticklers about impeachment. Some are. Some judges hate video impeachment. Others will just let you start playing a clip.

3. Set him up.

“How fast were you going, Mr. Witness?” “Maybe 30 miles per hour.” He is committed to his testimony. Now you can impeach him. Before you get too excited, know your deposition citation, check it,

and make sure you have a clean impeachment. I usually have impeachable points quoted out as footnotes in my examination outlines so I know exactly what I need the witness to say to contradict his prior testimony. Once you are sure, grab your copy of the deposition and turn to the right page. Have the witness repeat his testimony at trial if you are not sure that you have a clean inconsistency, or if you are not sure that the jury heard it.

Now, lay the foundation. Ask, “Do you recall giving a deposition in this case? I was there. You were there. Your lawyer was there. And you swore to tell the truth. Just like you raised your right hand and swore here today to tell the truth.” Now, you have told the witness where and to whom he made the statement. You have also explained to the jury how he should *not* have lied at his deposition. For the first impeachment of the trial, lay it on thick. Keep questioning about how he tried to tell the truth during his deposition, how he had the opportunity to review it, how he signed it, and so forth.

4. Impeach!

Ask, “Do you recall in your sworn deposition testimony telling me you were going at least 45 miles per hour?” If he says no, you can impeach him. This step is not optional, but it is often missed.

Now, impeach him. “Let me read your sworn deposition testimony, Mr. Witness. Counsel: page 128, line 5.” Ask to approach, and point to the deposition testimony while you read. You might say “Follow along, as I read from your

sworn testimony.” Then, “I asked you, ‘So, as best you can remember, you were going at least 45 miles per hour?’ And you answered ‘Yes.’” Do not let him read it—he will start to equivocate and read other parts of the deposition. Do not let him answer the question “What was your response?” He will just start to explain it and the jury will not hear it. Remember, you are in the driver’s seat. Do not cede control to a lying witness.

5. Stop.

You did it! Great job. If you did it right, you took a serious chunk out of the

witness’s credibility. And you did not lose any of your own credibility. Now, stop speaking. Why? Now is not the time to say “Why did you tell us 35 miles per hour and before you said 45 miles per hour?” The witness will come up with some explanation. Do not let him. Do not ask one question too many. Just let his lying sit with the jury. He can explain himself on redirect. There is nothing more for you to do than bask in the glory of your own Perry Mason moment. **HN**

Britta Stanton is a partner at Lynn Pinker Cox & Hurst, LLP and the chair of the DBA’s Trial Skills section. She can be reached at bstanton@lynnllp.com.

2016 Conference of the Professions
Friday, April 22, 2016,
9:00 a.m. - Noon at Meadows Museum, Dallas
Keynote Speaker: Dr. Elspeth Ritchie
 forensic psychiatrist with expertise in military and veterans’ issues
 Register online at:
www.smu.edu/Provost/Ethics/Events/COP/PastCOP/2016



Paula Bennett

‘I always try to do what’s right by the child.’

Before Paula Bennett was a lawyer, she was a mother. In fact, she didn’t become a lawyer until her children were in their teens and she had already spent the first chapter of her professional life in another career. Paula believes that maturity has served her well in her practice.

But the fact that she has experienced divorce herself has profoundly informed how she approaches her work.

“I know what it’s like to be in their shoes and to have real fear about your family’s future,” says Paula, one of 16 family lawyers at Orsinger, Nelson, Downing & Anderson. “Being able to help people through those doubts and fears is what I love most about my work. Most days I’m at my desk by 6:45 in the morning and don’t leave until 7:30 at night.”

Although her business experience comes in handy while handling the property aspects of her clients’ divorces, she finds custody cases the most rewarding.

“To me, there’s nothing like making a difference in a child’s life,” she says. “I always want to win, but I always try to do what’s right by the child.”

Paula accepts referrals for family law matters.

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President's Column

Celebrating the DBA's Diversity

BY JERRY C. ALEXANDER

In my Inaugural address I promised this year "To celebrate our diversity while emphasizing what we have in common. We do not all have to be the same, but we do have to be together."

The impetus for celebrating the DBA's great diversity came from going to two "required" ABA conferences for incoming local bar presidents and listening to the presentations about how important diversity is and what programs could be enacted to encourage participation by diverse or affinity groups. I would listen intently, but really did not have any questions because the DBA was already light years ahead of where the other local bar associations seem to be on encouraging diversity, not only in general participation, but also in its governance and leadership.

For example, the Dallas Bar Association gives facilities support, staff support, and an automatic voting board seat and an ex-officio non-voting board seat to African American, Hispanic, Asian and Young Lawyers groups.

We can take pride in the fact that overall, the Dallas Bar Association appears to be the most supportive of all local bar associations in these endeavors.

In 1990, when **Al Ellis** was President of the Dallas Bar Association, the Board of Directors unanimously gave the J.L. Turner Legal Association (African American) and the Mexican-American Bar Association (now known as the Dallas Hispanic Bar Association) a voting seat for each to help jump start their members participation in DBA leadership and as a means to address the historic under representation these associations' members had on the Dallas Bar Association Board. The Dallas Association of Young Lawyers was also granted a board seat since young lawyers under the age of 40 had also historically had difficulty getting a board seat in the general elections. Finally, the Dallas Asian American Bar Association was given a seat in 1999, but with a caveat from the Board of Directors that there was deep concern over the grant of future board seats and potential dilution of the representation of directors elected by the DBA membership.

What has resulted is a Board of Directors of the Dallas Bar Association that is not only diverse but has fostered an environment where many people who had difficulties being elected to the board in previous times can not only get elected, but can excel in their work once elected and advance in Dallas Bar Association leadership. Perfect yet? No. Still working at it? Yes! The DBA and J.L. Turner, through its President **Emmanuel Obi**, will have a joint drive later this year to reach African American attorneys who have never been members of either organization, and the DBA will explore other efforts in these general areas.

Light years ahead of all other local bar associations? Absolutely!

This is not just "puffing" from the DBA to officers from other associations. There is hard, empirical evidence that demonstrates this. There are 25 voting seats on the Dallas Bar Association representing a little over 11,000 members (approximately one director for every 440 DBA members). All of the voting seats have "at-large" responsibilities so no director represents any particular group or any particular 440 members. Each Director, whether elected generally or occupying one of the granted seats has the same duty to each and every Dallas Bar Association member through their fiduciary duty to the Association itself.

Here are the numbers:

Affinity Bar	# of DBA Members	% of overall DBA Membership	Number of Directors	% of Board
African American (JLTLA)	200	1.9%	4	16%
Asian (DAABA)	226	2.1%	2	8%
Hispanic (DHBA)	202	1.9%	3	12%
40 Years of Age or Younger (DAYL age cut off is age 36)	3,234	35%	8	32%

Clearly the Dallas Bar Association Board is benefitting greatly by the diversity achieved by the hard working DBA members who are also in these affinity groups.

Women have been, and continue to be, elected to and serve on, the Board of Directors with spectacular results for the Dallas Bar Association. Here are the numbers for the last seven years, looking back in time from this year (2016):

Year	DBA Membership	DBA Board of Directors (25 voting)
2016		
Female	3,638 (34%)	12 (48%)
Male	7,185 (67%)	13 (52%)
2015		
Female	3,456 (33%)	11 (44%)
Male	6,992 (67%)	14 (56%)
2014		
Female	3,420 (33%)	11 (44%)
Male	6,921 (67%)	14 (56%)
2013		
Female	3,477 (33%)	12 (48%)
Male	7,078 (67%)	13 (52%)
2012		
Female	3,561 (33%)	10 (40%)
Male	7,242 (67%)	15 (60%)
2011		
Female	Unavailable	11 (44%)
Male	Unavailable	14 (56%)
2010		
Female	Unavailable	14 (56%)
Male	Unavailable	11 (44%)

Moreover, one third of the Presidents of the Dallas Bar Association over the last 10 years have been women. The age make up overall of both the Dallas Bar Association and the Board has changed dramatically over the last 20 years and these numbers have moved in opposite directions. Presently, almost a third of the Dallas Bar Associations members are now over 60 (30%), while only one member of the Board of Directors is over 60 (4%).

All the demographics of the Dallas Bar Association membership have, and continue to change, and these changes will accelerate into the immediately foreseeable future. I also said in my Inaugural Speech, "I look forward to the day when everyone continually recognizes that we are all first and foremost attorneys at law and have much more in common than not. We can be different, but we have to be together when it comes to our profession, because we are its keepers."

Are we there yet? No. But we are well on our way.

Next month, we will look at how much as professionals we have in common with our predecessors.

See you at the Belo! -Jerry

HEADNOTES

Published by:
DALLAS BAR ASSOCIATION

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Established 1873

The DBA's purpose is to serve and support the legal profession in Dallas and to promote good relations among lawyers, the judiciary, and the community.

OFFICERS

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President-Elect: Rob D. Crain
First Vice President: Michael K. Hurst
Second Vice President: Laura Benitez Geisler
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Immediate Past President: Bradley C. Weber

Directors: A. Shonn Brown, Hon. Rob Cañas, Jonathan Childers, Dawn Estes, Rocio Cristina Garcia (President, Dallas Hispanic Bar Association), Stephanie Gause (President, Dallas Association of Young Lawyers), Hon. Martin Hoffman, Krisi Kastl, Bill Mateja, Karen McCloud, Kate Morris, Cheryl Camin Murray, Emmanuel Obi (President, J.L. Turner Legal Association), Monika Sanford (President, Dallas Asian American Bar Association), Diane M. Sumoski, Robert L. Tobey (Chair), Aaron Tobin (Vice Chair) and Victor D. Vital

Advisory Directors: Christopher Kang (President-Elect, Dallas Asian American Bar Association), Angelina LaPenotiere (President-Elect, Dallas Hispanic Bar Association), Tramaine Scott (President-Elect, J.L. Turner Legal Association), and Paul Simon (President-Elect, Dallas Association of Young Lawyers)

Delegates, American Bar Association: Rhonda Hunter, Hon. Liz Lang-Miers

Directors, State Bar of Texas: Wm. Frank Carroll, Leon Carter, John Jansonius, Florentino A. Ramirez and Scott Stolley

HEADNOTES

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HN

Focus | Criminal Law/Trial Skills

Top 6 Fundamentals of Voir Dire

BY QUENTIN BROGDON AND ROB CRAIN

You get to hear from jurors only once during the course of a jury trial—during voir dire. In an age when relatively few cases go to trial, these tips are designed to help you refocus on the basics of voir dire.

To succeed during voir dire, you must accomplish two key goals:

- A. You must obtain valuable feedback from the jurors to enable you to make intelligent challenges and strikes, and
- B. You must begin to establish your credibility.

Here are six tips to help you accomplish those goals:

1. Above all, a trial is a race to credibility that starts at voir dire. Be yourself and be honest. Jurors can easily sense when somebody is trying to be somebody they are not. Jurors want to get to the truth—they will more likely believe your proffer of evidence if they believe you are genuine. Do not stretch the facts or make any misrepresentations. It sounds obvious, but once a lawyer is held accountable for a material misstatement in front of the jury, the other side is in the driver's seat. If opposing counsel makes a material misstatement, make sure to obtain a copy of the voir dire from the court reporter. You can remind the jury of the false statement once the discrediting evidence is admitted.
2. Encourage the jurors to talk during voir dire, and listen carefully to what they say. Your primary challenge is to get jurors to open up about their feelings on a particular subject. Many jurors are not enthusiastic about speaking in public, especially about their personal lives. Make them comfortable by first sharing something personal about yourself. Ask open-ended questions, do not cut the jurors off, and use conversational language. "Loop" the jurors' answers, by taking one answer and using it as a starting point for further questions and discussion: "Who else agrees with Mr. Smith that...; Yes, Ms. Jones, what about Mr. Smith's answer do you agree with?" Looping jurors' answers is particularly effective when you want to challenge for cause as many jurors who share a particular viewpoint—for example, those jurors who would require Plaintiffs in a civil

suit to prove their case *beyond* a "preponderance of the evidence." To facilitate discussions, important definitions from the expected Jury Charge should be on poster boards or video screens for the jury to read during questioning on those subjects.

3. Accept your jurors' viewpoints and use them to your advantage. The purpose of voir dire is to learn your potential jurors' viewpoints, not to convince them of your viewpoint. You are not going to argue anybody out of a firmly held personal belief, especially in front of a group of strangers. You will only anger the juror with whom you argue, and the other jurors may be offended by your argumentative approach.
4. Adopt the attitude that nothing the jurors say can hurt you. Information, especially damaging information, can only help you make informed choices. If a juror espouses a strong bias against your case, repeat the bias for all to hear and then loop that bias into a

question to the other jurors. This will allow you to commit other like-minded jurors to a biased position and potentially have them challenged for cause. Those jurors who do not share this bias are unlikely to change their belief system because of such statement. When a juror makes a negative statement about your case, give the juror genuine and positive feedback for their honesty; this is exactly the information you need.

5. Make a list of your case's weaknesses and cover them during voir dire. You and your client may suffer a loss of credibility if the jurors hear about your weaknesses for the first time from opposing counsel. It is also crucial that you learn how the jurors are going to react to your weaknesses so you can strike those who are unfavorable. The discussion will also be helpful in how you handle these issues during the evidence portion of trial. If a weakness can be mitigated by educating the

jury, voir dire is the time to do it. For example, if your Plaintiff was under the influence of marijuana at the time of the car accident, but there is little or no evidence he was at fault, educate the jurors on the definition of "Proximate Cause."

6. In advance, research your particular judge's rules on voir dire: time limits, seating of the jurors (make a chart), use of technology (PowerPoint, etc.), use of evidence, and history of granting challenges. Most courts encourage you to visit the courtroom in advance to become familiar with the available technology; this is a must.

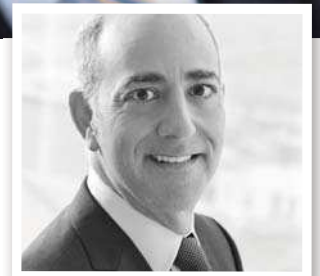
During voir dire, you have a limited amount of time to accomplish crucial, outcome-determinative goals. Applying these six tips will help maximize your chance of accomplishing those goals. **HN**

Quentin Brogdon and Rob Crain are attorneys with Crain Lewis Brogdon, LLP. They can be reached at qbrogdon@crainlewis.com and rcrain@crainlewis.com respectively.

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The Morton Act's Use in Civil Discovery Disputes

BY DUSTIN GAINES

Chances are, you've heard about the Netflix documentary "Making a Murderer," which chronicles the ongoing story of Steven Avery. This well-made documentary—which primarily uses footage from depositions, recorded phone calls, and live courtroom action—tells the story of a Wisconsin man who was wrongfully convicted of a crime, exonerated after serving 18 years in prison, and then later charged for a different crime.

Similar to Avery, Texas's own Michael Morton made national news when he was exonerated for the 1986 murder of his wife. To prevent and reduce wrongful convictions, the legislature enacted the Michael Morton Act, which amended Tex. Code Crim. Proc. art. 39.14. Despite being codified in the Code of Criminal Procedure, the Morton Act can be a valu-

able tool that civil trial lawyers can use to resolve certain discovery disputes.

The Michael Morton Act. Prior to the 2014 amendments, Texas law did not require prosecutors to have open-file policies. In efforts to reform the criminal discovery process and reduce the number of wrongful convictions, the Act made open-file discovery a statewide requirement.

Subsection (e) of the Act statutorily bars criminal defendants and their attorneys from disclosing "any documents, evidence, materials, or witness statements received from the state" to any third-party unless a court orders disclosure upon a showing of good cause or the information has been publicly disclosed.

Subsection (f) allows the defendant to only view—but not possess or control—any of the state produced materials, except a copy of the defendant's

own statement. These disclosure limitations were added to balance the needs of the criminal defendant with the privacy rights of witnesses and victims who should remain protected during their participation in the criminal justice system.

Morton Act's Applicability to Civil Cases. The Morton Act is applicable to a civil defendant who is being sued for an incident for which the defendant is also being criminally charged. In other words, it may be available to your civil proceeding that is parallel to a litigant's related criminal proceeding.

In a recent case with this issue, our client hit a bicyclist with his truck while intoxicated. The plaintiff sued for injuries incurred from the accident. Our client was arrested at the scene, charged with intoxication assault, and retained separate criminal counsel.

The Discovery Request. Through discovery in the civil case, savvy and extremely competent plaintiff's lawyers requested production of "all documents" from the State's pending parallel criminal matter. Plaintiff's counsel knew that the state had a very elaborate accident reconstruction investigation report and sought the report through this civil discovery request.

Our civil defendant did not have any of these materials. But his criminal defense lawyer had all of them in the client file. Among other objections, we objected to opposing counsel's request by contending that our client did not have any of these documents in his possession or control. Plaintiff's counsel countered and asserted that our client couldn't claim that he did not have materials in his possession or control when his hired

criminal defense attorney had them.

Resolving the Civil Discovery Dispute with the Morton Act. In response to opposing counsel's objection, we asserted (1) that the Morton Act bars our client from possessing or controlling any state provided file or material, except for a copy of his own witness statement, and (2) that he is further statutorily barred from disclosing any state provided materials to a third party. At the hearing on the plaintiff's motion to compel, it was difficult to convince the judge—who only hears civil cases under Dallas County's court structure—of the Morton Act's applicability in the civil courtroom. After taking the time to closely read subsections (e) and (f), the judge denied the plaintiff's motion to compel.

Practical Use. Adding these Morton Act provisions to your arsenal of discovery objections will help you avoid needless trips to the courthouse to argue about the production of state provided materials from a parallel criminal proceeding. Another valid objection may be to assert that the rules of civil procedure limit discovery methods if it is determined that the discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. In this instance, opposing counsel could take a shot at requesting the materials directly from the state. Attorneys facing this issue should know that the Morton Act can be an effective discovery objection that should be included in the initial discovery response. **HN**

Dustin Gaines is an attorney at Touchstone, Bernays, Johnston, Beall, Smith, & Stollenwerck and can be reached at dustin.gaines@tjbs.com.

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DVAP'S Finest



Chrissy Williford

Chrissy Williford is a corporate/securities associate at Andrews Kurth LLP and has been actively involved with DVAP since shortly after she relocated to Texas and joined the firm in April 2011. Over the years, DVAP has provided her with the ability to take a wide variety of cases, including several divorces, a non-disclosure, an expunction, and a will drafting matter. She appreciates that DVAP provides the support needed to handle those cases. She also assists with intake at the East Dallas Legal Clinic a few times each year. Chrissy has been actively involved in her community since she was quite young and is grateful for the opportunities that DVAP provides and the support of Andrews Kurth, which allow her to utilize her law license to help those who need it most. Thank you for all you do, Chrissy!

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- Christine P. Leatherberry
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- Aubrey M. Connatser
- Abby Gregory

Aubrey Connatser was selected to the Top 100: Texas Super Lawyers and Top 50: Women Texas Super Lawyers lists (2014-15).

Mike DeBruin was selected to the Texas Super Lawyers list (2003-2015).

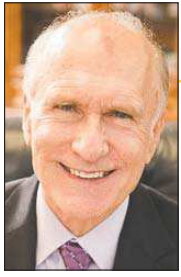
Christine Leatherberry was selected to the Texas Rising Stars list (2014-15).

All lists by Thomson Reuters.

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DBA Athletic Director

Women Lawyers “Walking the Walk”—Through Hundreds of Pounds!

BY KENNETH G. RAGGIO

I am happy to report that two Dallas women lawyers, **Rachel Khirallah** and **Michelle O’Neil**, have lost a combined 225 pounds from their heaviest weight—and both have kept it off.

When Michelle O’Neil married in 2006, both she and her husband were overweight and each desired better “outcomes” and bodies for themselves and for each other. Michelle had lap band surgery in December 2006 and lost some weight, but she later stalled in her weight loss. She also had some issues with the lap band and had it removed in January 2014. This procedure was followed by a gastric sleeve in April 2014. As she began to feel better after the procedures, she started exercising.

She also read the book *Younger Next Year* around this time, which she reports changed her life and gave her the desire to do much better. She and her husband started going to a trainer in January 2015

to increase strength. (The book says we have to do *both* aerobic and strength training.)

She started running for the first time in her life—saying she had never even run as much as a quarter mile before—and the pounds began to just “fall off” as she exercised. Feeling better and achieving weight loss results beyond the previous plateau she had experienced, Michelle set a goal of running a half marathon. Many people were shocked by her choosing such a lofty goal, but she persevered, trained, and ran a half marathon in Ft. Worth with her husband last fall.

Oh, by the way, she lost 145 pounds along the way.

Rachel Khirallah got tired of feeling lousy and always being tired, and on January 7, 2013, she decided to do something about it. She first went on the paleo diet

(no carbs, no dairy, no sugar, eating only whole foods) and also started the self-paced Couch-to-5K program. By summer 2013 she joined the Luke’s Locker half marathon running program, and she competed in a half marathon in October 2013 in Napa Valley. Since that time she has run seven more half marathons, one full marathon, and a sprint triathlon.

Oh, by the way, she lost 80 pounds along the way.

For those of you who do not know, Luke’s Locker is a leading fitness/running store with several locations in the area. They regularly sponsor fitness programs for all levels of runners, from those who are just getting started running, to those who want to complete their first 5K, to those who wish to train for half or full marathons, and even those who wish to do “speed” work. The speed work is best

store is RunOn.

One reason to get your athletic shoes at a professional running shop like Luke’s or RunOn is to get a proper fit. Fitters at these stores are knowledgeable about issues such as pronation, heel striker, and low arch. A well-fitting shoe makes any kind of exercise program easier and more enjoyable.

Rachel now runs most every day, averaging 22-27 miles a week, running on the Katy Trail near her downtown residence or around White Rock Lake. Sure, she has had training and injury issues, but with occasional chiropractic and physical therapy help, she has been able to keep her fitness level high, and the exercise increases in her mental energy. She also does some weight training.

As shown in the graphs to the left, from the book *Younger Next Year*, both Rachel and Michelle have gotten themselves off of the slippery slope of continual physical decline as we age (Graph 1) by



Rachel Before



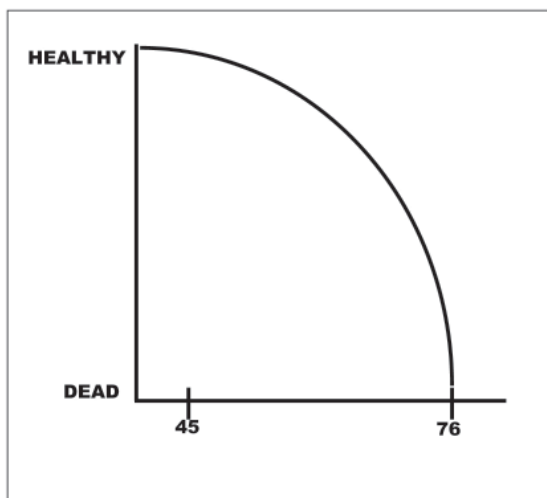
Rachel After



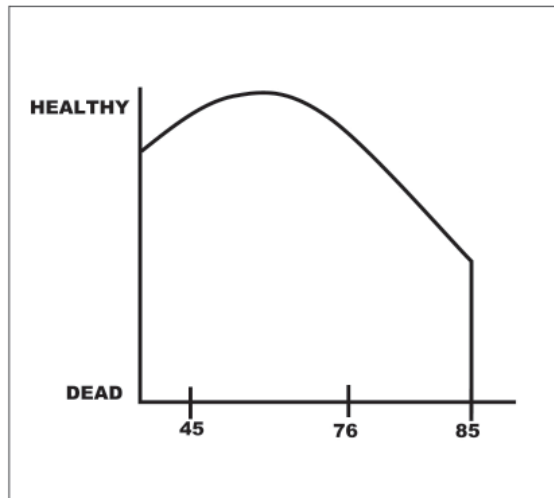
Michelle Before



Michelle After



Graph 1



Graph 2

exemplified by the All-Comers track meets hosted by Luke’s each May and June at the SMU track. There one can find themselves in a race heat with runners aging from young kids to seniors, with emphasis on comparable time for the event heats, not age or gender. (Incidentally, the founder of Luke’s, **Don Lucas**, also a DBA member, practiced as a lawyer before starting the business.) Another good running

taking an active most-days-of-the-week-is-a-day-to-exercise way of life. They are taking the reasonable steps now to keep them off the diabetes and obesity descent into continual doctor visits and hospital stays in their future. They have transformed their lives from the first graph to the second graph.

Don’t you want to be on the second graph instead of the first graph?

Way to go ladies! And please suggest other DBA members to feature who will inspire us like Michelle and Rachel have. **HN**

Kenneth G. Raggio is a partner at Raggio & Raggio, P.L.L.C. and can be reached at kenneth@raggiolaw.com.

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Summer Vacation in the Caribbean – Not So Fast

BY JOSH O. UNGERMAN

Was the Grinch in Congress last winter? The FAST Act, 2015 Fixing America's Surface Transportation Act, did much more than fix our nation's highways when enacted on December 5, 2015. The FAST Act eliminated previous prohibitions that prevented the IRS from sharing information with the State Department. It did so in order to allow the State Department to punish U.S. taxpayers who owe money to the IRS by revoking their existing passports or refusing to issue or renew what would otherwise be a valid passport.

The threshold for outstanding tax, penalty, and interest is incredibly low at just \$50,000 in light of such a serious restriction to the rights of a U.S. citizen. The IRS will certify that a taxpayer has a "seriously

delinquent debt" at a \$50,000 threshold and ask the Secretary of State to take action with respect to denial, revocation, or limitation of the taxpayer's passport. In addition to the amount of the delinquency requirement, the IRS must have also already filed a tax lien or a notice of levy on the delinquency. Thus, the IRS may be encouraged to move forward with liens and levy notices sooner in the collection process, which in turn would decrease the effectiveness of the IRS' ability to negotiate with wealthy taxpayers capable of raising funds through alternative sources not subject to lien or levy such as loans from family members, friends, or banks. This type of negotiation is much more effective prior to the IRS filing a lien or levy notice.

All hope is not lost, as there are ways to postpone and hopefully avoid the dreaded

certification. First, enter into an installment agreement with the IRS. Second, enter into an offer in compromise with the IRS. Third, obtain spousal relief from the IRS. Finally, fourth, exercise your rights to a Collection Due Process hearing. Interestingly, these are all alternatives that can bring about a resolution of a taxpayer's dispute with the IRS regardless. If all else fails, expect a creative taxpayer to find a way to keep the debt below the \$50,000 threshold (indexed for inflation).

Based on the ability of a Collection Due Process Hearing to forestall a certification that may lead to a passport revocation or refusal to issue or renew, practitioners and taxpayer should pay close attention to the Collection Due Process procedures. In light of many taxpayers failing to fully participate in the collection due process pro-

cedure, the IRS has been actively rejecting hearing requests that it deems have been filed for purposes of taking advantage of the IRS collection stay during the collection due process procedure. Accordingly, the provision of all requested information in advance of the collection due process hearing is a must, as well as the provision of collection alternatives.

Finally, if there is a certification and the tax is subsequently paid, there are provisions to have the certification removed. Do not forget to address this while working to obtain an IRS tax lien release and separate withdrawal.

HN

Josh O. Ungerman JD, CPA is a partner at Meadows, Collier, Reed, Cousins, Crouch & Ungerman, L.L.P. and can be reached at jungerman@meadowscollier.com.

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The Best Trial Lawyer Can Be You

BY C. JEFFREY PRICE

Last year, **Mark Lanier**, who was named the 2015 Trial Lawyer of the Year by The National Trial Lawyers, gave several presentations to the Dallas Bar Association on effective advocacy. During his December presentation, “Tools that Make Good Judges and Lawyers,” Mr. Lanier declared, “Hard work trumps talent.” He illustrated the point by sharing that the best trial lawyer he ever met had no natural talent for it. He said that, in his opinion, the late Texas lawyer and legend John O’Quinn was the best because of hard work and dedication to self-improvement.

With Mr. O’Quinn and hard work serving as inspiration, this article gives attorneys a list of free and inexpensive self-improvement resources, such as books, webcasts, smartphone apps, and websites, to better their courtroom skills.

presentations in court. It is the book on the fundamentals. It smartly explains adrenaline and how you can use it to your advantage. It discusses the three essential aspects of good oral advocacy: your body, your brain, and your voice. The new 2016 edition contains updated sections on how to effectively practice and apply its lessons in a courtroom setting. Although at times it may seem overly simplistic, it presents the material in a way that is both scientifically engaging and practical and easy to apply.

Another basic reference is “Model Witness Examinations” by Paul Sanders and James Archibald. This is a useful handbook with about 70 model examinations that show how to deal effectively with practical evidentiary issues. It is one thing to know the applicable evidence rules, but it is another to know how to effortlessly incorporate them into a series of questions. This handbook does that for you.

son advocacy programs that are worth the high price of admission. NITA also offers on-demand webinars, the majority of which are absolutely free of charge. For example, NITA has dozens of hour-long videos on basic trial and advocacy skills, including programs entitled “Drama and Storytelling in the Opening,” “Evidentiary Foundations,” “Expert Examination for Your Expert Witness,” and “Demystifying the Dynamic Closing Argument,” among many more.

If you cannot commit to an hour, or simply prefer something that is about 10 minutes long, the Texas Young Lawyer Association’s aptly named “Ten Minute Mentor” is the resource for you. It offers over a hundred videos and podcasts prepared by Texas judges and experienced lawyers on many topics. Titles on trial skills include, “Perspectives from the Bench,” “Top 10 List: What to Do in the Courtroom,” “Preparing and Attending Hearings,” “Top Ten Evidence Issues at Trial,” and “Tips for Your First Day of a Jury Trial,” among many, many others.

is offered through LexisNexis’s Q&A Series, which requires an in-app purchase of the Evidence subject matter for about \$20. Although its targeted audience is primarily law students who are preparing for exams, the app is great for practicing attorneys looking for a more in-depth, interactive review. It is well-organized by evidence topics, and it has hundreds of multiple choice questions based on situations that you would likely face in the courtroom.

Blogs and Websites

There are many blogs out there that purport to cover trial skills. One that has been around for some time and continues to provide current content is “Plaintiff Trial Lawyer Tips” by Paul N. Luvera. Despite its name, it has plenty of practical advice to make it worth a visit by all trial lawyers. And the fact that its posts often use examples from recent trials makes return visits worthwhile.

Finally, a website that is simply fun to explore is “Famous Trials,” which is hosted by the University of Missouri-Kansas City School of Law. It has content on famous trials going back to Socrates. But most are recent and include transcripts of opening statements, witness examinations, and closing arguments that can be both informative and entertaining to read.

Mr. Lanier’s pronouncement that hard work trumps talent gives all attorneys who will enter a courtroom reason to expect to win. But if you want to be the best trial attorney—whether the best that day or the best ever—you must constantly and tirelessly work at it. **HN**

C. Jeffrey Price is an attorney at Lackey Hershman, LLP, and can be reached at cjp@lhlaw.net.

Print Materials

Every trial skills library should include “The Articulate Advocate” by Brian K. Johnson and Marsha Hunter. It covers the nuts and bolts of making effective oral pre-

Webinars and Podcasts

One of the best kept secrets of the internet is NITA’s free Studio71 Webcasts. NITA, or National Institute for Trial Advocacy, is known for its quality in-per-

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Focus | Criminal Law/Trial Skills

Making the Most Effective Case to the Court in the Era of Time Limits

BY KEVIN SEGLER

Many judges institute strict time limitations on hearings and trials in an effort to run their overcrowded dockets more efficiently. As a result, attorneys must determine how to effectively present their client's case when they have hours of information to convey but only minutes to do so. Obviously, if you have a big case and the option to get more time then you should do so. If not, you must make the most effective case possible in the limited time provided. While time restrictions may prevent you from making the best case possible, you can still make an effective case in the time allotted by following some basic guidelines.

Preparation. Prepare early. Prepare thoroughly. Thorough and advance preparation is crucial for success in making the most effective presentation to the court in a limited amount of time. Familiarize yourself with all of the facts as early as possible. Prepare all of your witness testimony, exhibits, and legal arguments initially as if you had no time restrictions. These preparations allow you to understand the most important aspects of the case. You will then be able to intelligently whittle your arguments down to fit within the time restrictions. Without a full understanding of the case, you may unknowingly shave critical information.

Inform Clients and Witnesses of Time Restrictions. You must inform your client(s) and witnesses of the time restrictions imposed and prepare them accordingly. Inform your client that there will not be sufficient time for everything they want to say. Let your

client know what the most important or legally relevant facts are that you absolutely must convey to the judge in order to get a positive result and that their testimony will be limited to those items. Underscore the importance of concise answers and warn them that off-topic, lengthy responses only consume valuable time and may result in running out of time before you can address all the important issues. Do the same with each of your witnesses.

Scrutinizing Your Case/Evidence—Most Important Points. Once you have your case fully prepared, go through and chop it down to fit into the time you have while still proving up the critical elements of the case. This can be a difficult process but it has to be done. Start by identifying each issue for your hearing, the elements you need to prove, and the evidence you have for each. Select the most precise questions to ask and only the most probative exhibits on each issue. This is your skeleton case—add meat to the bones to the extent you have time. The idea is that you have, at minimum, covered every important issue and there is evidence on the record for each issue to allow the court to rule in your favor. If that is all you have time for, at least you have covered every issue. Also, prioritize any additional information you have. Then, if you have any extra time or the court awards you more time, you can bring in the next highest priority information as time permits.

Know Your Judge's Time Limit Rules. Try to figure out exactly how much time you will have in advance. At minimum, figure out what the judge's customary time limits are for your particular type of hearing or trial. Find out if your par-

ticular judge is a strict timekeeper or uses time limits as more of a rough guideline. Find out if your judge includes opening statements, closing statements, and objections as part of your time. Adjust your preparation accordingly.

Plan Your Time Precisely. Plan exactly how much time you will use for each part of your case including opening statement, closing statement, direct examination for each witness, cross-examination, and objections. Do not forget that you will need time for cross-examination and objections. Try to stick to your self-imposed time restrictions for each part of your case as much as possible.

Audience: The Judge. In a hearing or trial before the court, spare the flavorful theatrics and lengthy emotional, but legally irrelevant, tirades. You do not have the time, and it is rarely effective.

Ultimately, squeezing your case into an almost oppressively small amount of time is never easy. It requires difficult judgment calls and extra preparation. But, with the right preparation and forethought, you can still make the most effective case possible in the time you have.

HN

Kevin Segler is an attorney at Holmes, Diggs & Eames, PLLC. He can be reached at ksegler@texfamlaw.com.

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Column | Writing on Writing

Crafting Snappy Captions

BY SCOTT P. STOLLEY

Lawyers routinely botch the opportunity to help the court with useful, readable captions in motions and briefs. Here are some tips for crafting captions that will propel the court toward your conclusion.

1. Main Captions. For main captions, such as Statement of the Case, center them in the page and make them bold-face and larger (I like 16-point font). This leaves no doubt that you are moving to a new section. Do not use “all caps” for main captions (or anywhere else in your document), since “all caps” text is hard to read. Letter recognition is easier if the letters vary in height. (*Compare STATEMENT OF THE CASE with Statement of the Case.*)

You can use “large-and-small caps” for main captions (e.g., STATEMENT OF THE CASE), which adds some variability while lending some dignity to each new section. Or instead, you can use initial caps with lower-case letters for the rest of the caption (e.g., Statement of the Case). Also, some experts suggest sans-serif font for captions (see, e.g., Statement of the Case, which is in Tahoma). Caution, however—do not use exotic fonts that are distracting (see, e.g., Statement of the Case, which is in Freestyle Script).

2. Issue Captions. Do not overlook the benefit of giving each issue statement a short descriptive caption. For example, in a case with three issues, you could describe them like this: (1) Statute of Limitations; (2) Negligent Entrustment; and (3) Damages. These descriptive cap-

tions give you and the court a short-hand way to refer to each issue. And you can then repeat these captions in the Summary of Arguments, thus keeping your issues and summaries parallel.

3. Factual Captions. Stories flow better when you signal that you are entering a new part of the story. So use subcaptions within the Statement of Facts to set apart different topics. You could, for example, use short descriptive captions, such as: (1) The Parties; (2) The Contract; (3) The Breach; (4) The Aftermath; and (5) The Trial. Or you could use full-sentence captions, such as: “(5) The jury finds a breach and awards \$1 million in damages.”

4. Argument Captions. For argument captions, always use regular letters—no “all caps” or “large-and-small caps.” Also shun initial caps, which makes your writing look stilted (e.g., The Jury’s Negligence Finding Is Not Supported by Legally Sufficient Evidence.). Another thing to shun is underscoring the caption, which detracts from readability.

An argument caption should always be a full sentence, but it should be short and snappy. My rule of thumb: Try to keep each caption to one or two lines. If your caption is any longer, you risk the court skipping over it. Each caption should be punchy, capture one idea (or maybe two), and imply a benefit if the court keeps reading. An appealing caption will launch the court into your text.

5. Levels of Captions. I like Bryan Garner’s convention for levels of captions, slightly modified:

1. First Level: Uses Arabic numbers, in bold-face, with slightly larger font.

A. Second Level: Uses capital letters, in bold-face, with the same font size as the text.

(1)Third Level: Uses Arabic numbers in parentheses, with bold-face italics and the same font size as the text.

(a) Fourth Level: Uses small letters in parentheses, with italics and the same font size as the text.

Actually, you should rarely need the fourth level. And if you need more than four levels, you should rethink the structure of your argument. Notice also that this convention avoids Roman numerals, which are less readable and a little stuffy.

Argument captions should be single-spaced, but be sure to set up the second line as a hanging indent, as shown above.

6. White Space. You can use captions to add white space, which enhances readability. For example, although I like to justify the right-hand margin of the text, I do not justify the right-hand margin of captions. In fact, I like to indent the

right side of the caption, to shorten the line length and add white space, both of which increase readability and eliminate unsightly gaps in the caption line.

I also like to start a new main caption at the top of a new page, and add an extra space at the end of each argument section. These techniques help to signal your transition to a new section or topic.

7. Table of Contents. Crafting good captions will also improve your Table of Contents. Many judges review the Table of Contents first, to get an overview of the brief. The better your captions, the better the initial impression your brief will create. There are also some tricks to formatting your Table of Contents effectively, but that is beyond the scope of this article.

Conclusion. Captions in motions and briefs provide signposts for the court. Well-crafted captions supply important cues that amplify your arguments. **HN**

Scott P. Stolley is a partner at Cherry Petersen Landry Albert LLP and can be reached at ssolley@cplalaw.com

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An Update on Sealing Orders, Non-Disclosures, & Expunctions

continued from page 1

2015 Texas Legislature

The concept of restricting juvenile delinquency and adult criminal records is not new, but recent changes in the laws have simplified the process and expanded eligibility for this type of relief. In 2015, the Texas Legislature and Governor acknowledged the unfair difficulties faced by people whose minor criminal records create barriers to their redemption and participation in society, but they differed on how far to expand the law when multiple charges, and possible felonies, were involved.

Automatic Sealing of Juvenile Records

Prior to the enactment of this law, juveniles who wanted to seal their records had to petition the court, often after a waiting period. When introducing this bill to require the automatic sealing of juvenile records, it was noted that “fewer than one percent of eligible juveniles [seal their records].” According to this new law, juvenile records shall be sealed automatically two years after the date of judgment as long as there are no pending cases and as long as the case did not involve a felony or determinate sentence.

Automatic Non-Disclosure

If a person receives deferred adjudication on a first offense that is a misdemeanor, then the court must, with lim-

ited exceptions, issue a non-disclosure order immediately upon discharge from probation. Offenses included under this law are drug possession, theft, trespass, and criminal mischief.

Non-Disclosure of Convictions

In this ground-breaking measure, a person who has been convicted of a first offense that is a misdemeanor and receives a jail sentence may petition for an order of non-disclosure after a two year waiting period. If the person received probation, not jail, eligibility will be immediate, with limited exceptions. This is the first time any type of conviction has been eligible for such relief.

Expunction Law Vetoed

A recent court decision interpreted eligibility for expunction in the following way: a person facing multiple charges out of the same incident may not expunge any of the charges unless all the related charges are eligible for expunction. The Texas Legislature sought to clarify the law which, it said, “should be construed liberally in favor of the unjustly accused.” This bill was vetoed because it went “too far... allowing courts to expunge... serious felony charges... even when the defendant was convicted of... related charges.” **HN**

Stephanie Luce Ola is a lawyer with Sorrels Udashen & Anton and past chair of the Criminal Law Section. She can be reached at stephanie@sualaw.com.

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EXECUTIVE DIRECTOR DALLAS BAR ASSOCIATION

The Dallas Bar Association (DBA) is now accepting applications for the position of Executive Director to succeed Cathy Maher who is retiring at the end of 2016 after 38 years of exemplary service to the DBA.

The DBA is a voluntary membership organization with over 11,000 attorney members and its headquarters are located in the Belo Mansion. The Executive Director is the chief operating officer and managing executive of the DBA. The Executive Director reports to the DBA Board of Directors, President and Executive Committee. The Executive Director supervises a staff of 24 employees and oversees combined budgets of \$4.3 million.

The Executive Director is responsible for implementing policies, strategies, and programs approved by the Board, and all priorities and goals that the President sets for the Executive Director and staff. The Executive Director works to maintain the rich history and tradition of the DBA.

The Executive Director oversees the finances of the DBA and the DBA Community Service Fund, all fundraising activities and overall management of the Belo Mansion, Pavilion, grounds and parking garage.

The Executive Director is also responsible for overseeing all activities and operations of the Dallas Bar Association Community Service Fund, a non-profit 501 (c) 3 pro bono organization which is governed by a separate Board of Directors.

The successful candidate must have at least 10 years' professional experience, preferably in the non-profit or law-related sector, outstanding academic credentials with a minimum of a college degree, a very strong work ethic, exceptional interpersonal and communication skills, the ability to build and maintain relationships within a diverse community, strong written and oral skills and proven leadership skills in hiring and managing staff. The complete job description and information about the DBA can be found at www.dallasbar.org.

The Search Committee is chaired by former DBA Board member, Kim J. Askew of K&L Gates LLP.

Please direct inquires, statements of interest, and resumes/CVs by May 1, 2016 to:

Kim J. Askew
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1717 Main Street, Suite 2800
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Column | State Bar of Texas President

Doing Our Part to Protect the Public

BY ALLAN K. DUBOIS

One of the many rewards of serving as State Bar president is having a platform to call attention to worthy causes. One such cause is the Texas Supreme Court's Unauthorized Practice of Law Committee (UPLC), which is looking for dedicated volunteers.

The State Bar of Texas funds the operations of the UPLC, which, along with its local subcommittees, is charged with investigating and eliminating the unauthorized practice of law across the state. Attorneys and public members generously volunteer their time to conduct investigations and pursue litigation to ensure that valid claims of unauthorized practice are ferreted out and that the conduct ceases. This work is necessary because persons engaged in the unauthorized practice of law can rob

people of money and property and destroy their faith in the justice system.

Committee Chairman **Leland C. de la Garza**, who practices law in Dallas with Hallett & Perrin, P.C., says the group's greatest challenges are making sure the public knows about the committee and obtaining volunteers to perform this important work, protecting the public.

The UPLC's local subcommittees meet monthly to discuss pending investigations, and the state committee meets quarterly to receive reports from its local subcommittee chairpersons and votes whether to authorize civil court lawsuits to enjoin the unauthorized practice of law. If a suit is authorized, volunteer attorneys will prosecute it



Allan DuBois

on behalf of the UPLC.

De la Garza reports that his long service on the UPLC has been very rewarding, giving him the opportunity to meet many fine lawyers and non-lawyers who are all working on the common goal of protecting the public from unscrupulous scam artists trying to profit from UPL schemes. Recently, those efforts were effective in shutting down unlicensed "notarios" who were victimizing undocumented immigrants.

Lawyers can volunteer to help address similar worthy causes. While the Texas Supreme Court appoints members to the UPLC's state committee, appointments to the local subcommittees are made by de la Garza, as the UPLC's chairman. Anyone

interested in helping at a local level with investigations and litigation may contact Zara Stanfield at zara.stanfield@texasbar.com or (512) 427-1341.

Volunteers or not, we all can help alert the public about the dangers of the unauthorized practice of law, including when speaking to potential clients. Also, we can write or carry the message before civic groups, educating them about this illegal practice. Let Texans know that complaints about such scams can be made online at txuplc.org, or by calling (512) 427-1341.

Thank you to the Dallas Bar for providing me with this forum. I hope to see you all June 16-17 in Fort Worth for our 2016 Annual Meeting!

HN

Allan K. DuBois is 2015-2016 president of the State Bar of Texas and the owner of the Law Office of Allan K. DuBois in San Antonio, where he handles civil litigation and appeals, mediation, and arbitration.



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DBA/Dallas Habitat – More Than Houses

Strengthening Families and Building Neighborhoods

BY AL ELLIS

For 25 years, the DBA has been partnering with Dallas Area Habitat for Humanity building homes, strengthening Dallas families, and revitalizing Dallas neighborhoods. In 1990, the DBA decided it was time to become more involved in our community. At that time, the majority of lawyer community involvement was done by the DAYL. The DBA had a “Civic Affairs Committee” whose primary role was to provide speakers to community organizations. The leadership of the DBA changed the name of the committee to the “Community Involvement Committee,” broadened its mission to include organizing and supporting community activities, and began the search for projects with which DBA members could become involved.

The idea of partnering with Dallas Habitat for Humanity was generated by the Community Involvement Committee in 1990, but the first actual foray into fundraising and home building began under the leadership of **Rex Spivey** and **Dolly Kyle** in 1991. At that time, the DBA raised approximately \$15,000 to partially fund the construction of its first Habitat home in an East Dallas neighborhood. Thus, the seed was planted for a partnership that has continued to grow ever since.

The success of this partnership has, to coin a phrase, been “mind boggling.” The DBA and other members of the legal profession are about to start their 25th “DBA Home Project home.” In addition, as reported in the last month’s *Head-*

notes, President **Jerry Alexander** persuaded AT&T General Counsel **David McAtee** to have AT&T fund a second home. Furthermore, three memorial homes have been built under the leadership of the DBA to honor **John Howie**, deceased (2004); **Fred Baron**, deceased (2009); and **Judge Merrill Hartman**, deceased (2011). Lastly, \$100,000 was raised and a legal profession sponsored home was built during the Jimmy Carter Work Project in 2014. With the construction of two homes this year, this great partnership will have completed a total of 30 homes since 1991! Thirty Habitat homes is a lot, but the enormity of this successful project can be better understood by looking at the raw numbers. Assuming an average of \$70,000 raised for each home, the DBA and the legal profession have contributed over

\$2.1 million to the partnership. Conservatively, assuming each of the 30 homes was built with an average of 15 lawyers on each home and with an average of 10 build days for each home, the DBA and members of the legal profession have spent 4,500 lawyer days building homes in partnership with Habitat for Humanity. Each build day is about seven hours, for a total of 31,500 lawyer hours spent building homes. Using a below market attorneys’ fee of \$150 per hour, the value of the time spent by the DBA in partnership with Dallas Habitat is \$4,725,000! As our friends at DVAP love to say, “Billable hours for the soul.”

However, the story does not stop there. Many members of the DBA have contracted that incurable disease known as “Habitatitis.” Several lawyers have become active on Dallas Habitat com-

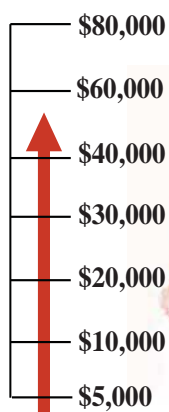
mittees, on the Habitat Board of Directors, in local fundraising and in building homes with Habitat for Humanity International in Mexico, Africa, Haiti, and Vietnam. DBA members have also assumed leadership roles with Dallas Habitat. **Rex Spivey**, the individual who was most responsible for the DBA’s active involvement with Dallas Habitat, has served as Chair of the Dallas Habitat Board of Directors, two tours of duty as Executive Director for Dallas Habitat, and was recently named Outstanding National Volunteer by Habitat for Humanity International. Past DBA President **Mark Shank** has also served as Chair of the Dallas Habitat Board. **Mike Gruber** has served as Chair of the Dream Dallas Advisory Council. **Greg McAllister** led his DAYL Leadership Class in organizing the annual DAYL Charity Gala which has raised \$95,000 for Dallas Habitat. The complete list of DBA and DAYL members who have been actively involved with Dallas Habitat for Humanity is too numerous to mention. To quote another cliché, the longstanding partnership between the Dallas Bar Association and Dallas Habitat for Humanity is a “match made in heaven” and one that will continue to grow and prosper for a long time in the future.

THANK YOU DBA, DAYL, AND ALL MEMBERS OF THE LEGAL PROFESSION. **HN**

Al Ellis is past president of the DBA and is Of Counsel at Sommerman, McCaffity & Quesada, L.L.P. He can be reached at al@textrial.com.



Habitat House



Support the DBA Home Project

Help us reach our goal of \$80,000 to build our 25th house for Habitat for Humanity.

For more information, log on to www.facebook.com/DBAHomeProject or contact Co-Chairs David Fisk (dfisk@krcl.com) or Ethan Minshull (eminshull@wickphillips.com).

Make checks payable to Dallas Area Habitat for Humanity and mail donations: c/o Yedenia Hinojos, Dallas Bar Association, 2101 Ross Avenue, Dallas, TX 75201



LAST CALL!

UPDATE YOUR INFORMATION

The DBA is preparing to publish the 2016 Membership Directory. To ensure your information is up-to-date, review your profile online by **April 15**.

Update your information at www.dallasbar.org.



Focus | Criminal Law/Trial Skills

Injunctive Relief in Federal and State Courts

BY JULIE PETTIT, ESQ.

Injunctive relief has its roots in the courts of equity but today has made its way into statutes. Although it remains an equitable remedy, in Texas injunctive relief is specifically authorized in Chapter 65 of the Civil Practice and Remedies Code, and Texas Rule of Civil Procedure 65 governs the mechanics for obtaining such relief. In federal court, it is made available by Federal Rule of Civil Procedure 65. At its heart, injunctive relief is designed to preserve the status quo. And because of that, it is important for the practitioner to understand its inherent limitations. Injunctive relief does not right a wrong; it is used to prevent a harm or to curtail an ongoing harm.

There are two vehicles for injunctive relief. The first is the Temporary Restraining Order (TRO), which is commonly used in employment situations as well as in real estate law. Evidence supporting a TRO is presented in the form of an affidavit. The key to obtaining a TRO is to ensure your application and the accompanying affidavit sufficiently detail imminent harm. Typically, the harm in question is occurring in a matter of days, if not hours. The onus is on the practitioner to show that the harm cannot be remedied after the fact. Frequently, such harm will be loss of real property or dissemination of harmful information, but it may take many other forms. If the harm

or injury would be irreparable or result in a loss that money damages would not adequately compensate, then such a situation will necessitate injunctive relief. When such harm is imminent, a TRO is the goal.

Where to begin? As with most things, begin by carefully reading the local rules. In Dallas state court, for example, the party requesting the TRO is required to provide the opposing party with a copy of the petition, application for TRO, and proposed TRO at least two hours before presenting it to the court. Proceed with caution, though, because the interpretation of the local rules may vary between judges. Some judges interpret the rules to mean the two-hour clock starts as soon as you provide notice, even if suit has not yet been filed. Others interpret the notice to mean two hours after your case has been assigned to a particular court. Be sure to follow any other local rules for the court you are in that pertain to injunctive relief, whether you are in state or federal court. TROs are relatively rare in federal court, so call the clerk of the judge and ask for their procedures to supplement the guidance of FRCP 65.

The second form of injunctive relief is an injunction. In this case, you are attempting to get either a temporary or a permanent injunction to prevent the other party from pursuing some threatened or continuing harmful action. After filing an appropriate application in state or federal

court, you will have an evidentiary hearing to prove the elements of your claims.

Below is a summary of tips for obtaining a TRO in state court:

1. Know the local rules! Failure to know and follow the local rules (especially notice provisions) is a sure-fire way for your application to be denied.
2. Be sure to show why the harm is imminent—be as specific as possible on why the harm is going to happen right now unless the TRO is signed.
3. Your TRO must be drafted perfectly. A poorly drafted TRO might not actually prevent what you are trying to prevent.

4. If the judge to whom you were assigned is not available, it is no longer acceptable to “shop” your TRO to find a judge who will sign it. Ask your assigned judge’s clerk for the correct procedure if the judge is not available.

5. Make sure your TRO is actually in place. After the judge signs the TRO, your TRO is not valid until (1) the bond is paid; and (2) the TRO is served. Do not forget these steps! **HN**

Julie Pettit is a partner at The Pettit Law Firm. She can be reached at jpettit@pettifirm.com.

Annual Evening Ethics Fest Thursday, May 5, at the Belo Mansion

Check-In and Dinner begins at 4:45 p.m.
Program begins at 5:30 p.m. (3.00 Ethics)

DBA members: \$65 early registration | \$95 late registration
Non-members: \$135 early registration | \$155 late registration

To register, log on to www.dallasbar.org.

For more information contact Alicia Hernandez at (214) 220-7499 or ahernandez@dallasbar.org.

Sponsored by the DBA Legal Ethics Committee

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It's No Fad: Progressing to Online Payments

BY TRACEY GAVIN

According to an industry-wide study conducted by LexisNexis, 9 out of 10 lawyers say they are operating at a time of unprecedented change. In addition, 6 in 10 agree that retaining clients has become a daunting challenge compared to years past. The fact of the matter is that the legal industry itself is not the only thing changing face. **The modern legal client has updated expectations when it comes to the legal representation they think they deserve in our digital age.**

We are seeing online commoditization emerge in the legal domain, completely revolutionizing how we think of the industry. One trend, however, could be the legal professional's saving grace—technology. To all of the late adopters out there, it's now or never to welcome legal software into your firm. Contem-

porary business solutions like practice management and communication tools are the modern law firm's way of differentiating itself. However, the more prevalent variable that most firms struggle with is collections—technology has provided a solution for that as well. **Today, many current and prospective clients prefer the option of paying with credit or debit cards as opposed to checks.** Has your firm considered this payment alternative?

According to the Aite Group, we will see a dramatic increase in online or mobile bill payments in the next few years. **By as early as next year, 55 percent of all bills will be paid online or by smartphone. Payments delivered by mail are also expected to change drastically, decreasing from 21 percent of all bills to only 15 percent—paper checks will be nearly nonexistent.** Another trend to consider is online banking,

which has taken our country by storm and shows no signs of slowing down. In fact, **4 out of 5 households with internet access choose to bank online**, according to a survey conducted by Fiserv Inc. A surprise to some, these numbers represent a diverse group of users not just restricted to tech-savvy Millennials; it is estimated that **more than 70 percent of the online or mobile bill payers are 35 years of age or older.**

For the legal industry, credit, debit, and online payments may seem like a fad but they are quickly becoming a practice standard. Credit card payments are allowing a rapidly growing number of law firms to benefit from immediate cash flow, eliminating the well-known “the check is in the mail” response. Clients need the ability to pay by credit card—for some it is the only option. Chasing down clients and their checkbook has become an outdated task. It's not your

firm's responsibility to extend credit to clients, and that is exactly what happens every time an invoice goes unpaid. Let MasterCard, Visa, Discover, and Amex manage your clients' credit lines, while you save your time and energy for operating, managing, and growing your firm's practice.

LawPay is leading this progression online by being the preferred payment solution for attorneys. Designed specifically for the legal industry, LawPay offers a user-friendly tool for receiving credit card payments—the fastest way to get paid. Our secure solution is quick and simple, allowing clients to make payments anytime, anywhere.

For more information, visit our website at <https://lawpay.com/dallasbar> or give us a call at (866) 376-0950. **HN**

Tracy Gavin is the Marketing Director for LawPay. She can be reached at tgavin@affinipay.com.

In the News

April

FROM DAIS

Audrey Moorehead, of the Law Offices of Audrey Moorehead, PLLC, presented at the State Bar 2016 Updates for Solo Practitioners and Small Firms on Data Security and Client Confidentiality.

KUDOS

Michael B. Allen, **Ryan S. Foster**, and **Jason T. Rodriguez**, of Higier Allen & Lautin, P.C., have been elected shareholders.

Jennifer N. Lewis, of Farrow-Gillespie & Heath LLP, has become a Partner.

Matt Acosta and **Sara Borrelli**, of Jackson Walker LLP, have been elected as Partners.

Audrey Moorehead, of the Law Offices of Audrey Moorehead, PLLC, was named to the Dallas CASA Children's Council Advisory Board.

William D. Hayward, of Hiersche, Hayward, Drakeley & Urbach, P.C., has been elected president of the firm and **R. Scott Seifert** as President-Elect.

Melissa M. Winchester, of TransFirst, has been promoted to Senior Vice President, General Counsel and Secretary.

Yvette Ostolaza, of Sidley Austin LLP, has been named among four in the nation to receive the Girls Inc. “Women of Achievement” honor for 2016.

Nathan Myers, of Hamilton & Squibb, LLP, has earned his board certification in Oil, Gas and Mineral law by the Texas Board of Legal Specialization.

Paula Bennett, of Orsinger, Nelson, Downing & Anderson, LLP, has been promoted to Partner.

Tracey R. Wallace, of Schiff Hardin

LLP, has been named National Co-Chair of Lambda Legal.

ON THE MOVE

Sarah Wilson has joined Higier Allen & Lautin, P.C. as Associate.

William P. Badcock has joined Scheef & Stone, L.L.P. as Associate.

Jessica Dunne and **Mary L. O'Connor** have joined Farrow-Gillespie & Heath LLP as Associate and Partner, respectively.

David W. Black has joined Carrington, Coleman, Sloman & Blumenthal, LLP as Partner.

Sean McCaffity has joined Sommerman, McCaffity & Quesada as a Named Partner.

Aubrey Boswell, **Rick Ledesma** and **William Murchison** have joined Winstead as Associates.

William B. Mateja has joined Polsinelli as Equity Shareholder.

Paul Genender has joined Weil, Gotshal & Manges LLP as Partner.

Michael Ramirez has joined Gordon & Rees as Partner.

Brian J. Hall has joined Shannon, Gracey, Ratliff & Miller, LLP as Partner.

Alison Boren and **William Howell** have joined Sidley Austin LLP as Partners.

Jeremy Camp has joined Gardner Haas PLLC as Partner.

News items regarding current members of the Dallas Bar Association are included in Headnotes as space permits. Please send your announcements to [Judi Smalling](mailto:judismalling@dallasbar.org) at judismalling@dallasbar.org

Family Law Ad Litem & Amicus Attorney Training

Thursday, April 21, 9:00 a.m. at Belo

MCLE 7.00 | 1.50 Ethics

Sponsored by the DBA Family Law Section and DVAP

To register, contact Chris Reed-Brown at reed-brownc@lanwt.org.

When You Cannot Help a Prospective Client, Remember ... The DBA Lawyer Referral Service!

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Economic Damages Experts - Thomas Roney has more than twenty five years' experience providing economic consulting services, expert reports and expert testimony in court, deposition and arbitration. His firm specializes in the calculation of economic damages in personal injury, wrongful death, employment, commercial litigation, IP, business valuation, credit damage and divorce matters. Mr. Roney and his experienced team of economic, accounting and finance experts can help you with a variety of litigation services. Thomas Roney LLC serves attorneys across Texas with offices in Dallas, Fort Worth and Houston. Contact Thomas Roney in Dallas/Fort Worth (214) 665-9458 or Houston (713) 513-7113. troney@thomasroneyllc.com. "We Count."

Economic Damages Experts – HSNO is the Forensics Firm. The Dallas office of HSNO has five CPA testifying experts who specialize in the calculation of economic damages in areas such as commercial lost profits, personal lost earnings, business valuations, property damage, insurance litigation, intellectual properties, commercial litigation, contract disputes, bankruptcy, and fraud. HSNO is qualified in most industries including, but not limited to, energy (offshore and onshore), manufacturing, hospitality, service, insurance, transportation, entertainment, product liability, construction and construction. HSNO has 17 U.S. offices and offices in London and Mexico. Contact Peter Hagen or Karl Weisheit at (972) 980-5060 or HSNO.com.

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Uptown - Lemmon & Carlisle. Transactional law firm of 5 attorneys in Uptown (Lemmon & Carlisle) has 4 extra window offices for sublease to one or more attorneys. Preference is for real estate, cor-

porate, tax or estate planning practices. Rent is negotiable, depending on tenant needs. This beautiful space includes several furnished offices (as needed), underground parking, 2 conference rooms, lobby and kitchen. To apply please reply to kkoons@koonstorealestatelaw.com.

Excellent Oak Lawn location, 2501 Oak Lawn, 3rd floor. 2 offices available for rent. Interior; 15' x 11' 2" and exterior; 15' x 9' 8". Interior \$1,000.00 a month. Exterior window office \$1,250.00 a month. Rent includes, phones, Internet, copies, secure underground parking, access to a conference room and kitchen. Email charles@waterburylawpc.com or call (214) 630-4554.

Uptown Office Space – corner of Central Exp. and Lee. Included with office – Receptionist, Reception area, Copier, Fax, Updated fiber optics, Free Parking, Conference Room, Break Room and use of 2 Kitchens, 24 Hour Access and Security System. Up to 4 offices available immediately – Call Rosa at (214) 696-9253 for information and appointments. Referral Arrangements with 15 Attorneys in the building.

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Uptown Dallas. 1200 square foot four office suite with conference room and reception area in well maintained small office building one block from Crescent with high ceilings, wood floors, large windows and other amenities. Contact Owner @ (214) 855-0127 or jackcirwin@earthlink.net.

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Downtown Dallas Rolex building single office with desk & chair available with shared furnished conference & break room. Copier, fax, DSL, phone, and garage parking for fee if needed. No long term commitment. \$1,200/month. Email Cassie at cevans@apogeefund.com.

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area – Large furnished office w/floor to ceiling windows. Share reception/kitchen. Amenities: Large desk; Conference Table; Internet; VOIP Phone w/private number; Voice Mail to Email; 24/7 access. \$1,500/mo. Contact Chris at cape74d@gmail.com.

Addison A/V Rated law firm with great location at Belt Line and Dallas North Tollway has two, adjacent offices and secretary bay for lease. One office is partner-size, and one is partner/associate size. Offices come with telephone service and receptionist, use of conference rooms and kitchen area, work/copy room, some additional storage, covered parking and Wi-Fi. Kelly@crb-law.com.

Turtle Creek Blvd-Upscale law firm has class A office space available with high-end decor. Located at 3811 Turtle Creek, high floor, Office is 240 sq. ft., and rents for \$1600.00 a month. Garage Parking, gym, and access to conference room available. Please inquire to Heather at hwoodard@baronandblue.com.

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Legal Aid of NorthWest Texas ("LANWT") currently has various openings throughout its firm at various locations. We are a Section 501(c)(3) nonprofit Texas Corporation. LANWT provides free civil legal services to eligible low-income residents in 114 Texas Counties. If you are interested in joining a great team that offers you the opportunity to rapidly develop litigation skills in court, a generous health benefits package, and the ability to be of service to others, we encourage you to visit LANWT's career site at www.lanwt.org.

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Mental Health Assoc.....	(214) 828-4192
Crisis Hotline.....	1-800-SUICIDE
Suicide Crisis Ctr SMU.....	(214) 828-1000
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