



# The College Bulletin

News for Members of the Texas Bar College • Summer 2015

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## Lawyers Helping Lawyers

**T**HIS YEAR, TEXAS BAR COLLEGE provided a significant grant to the Sheeran Crowley Memorial Trust Fund of the Texas Lawyers Assistance Program. We see the Trust as a “lifesaver” for lawyers suffering from substance abuse or mental health problems and lacking the means to afford the services they need. We want these lawyers—and all Texas lawyers—to be able to attain the highest standards in ethics and training.

As attorneys, we pride ourselves on being problem solvers. We are viewed by our clients, families, friends, and people in general as the “go-to group.” We can explain that we don’t practice in certain areas of the law or even in other states. But these explanations rarely prevent others from seeking our advice or assistance. We may be at a party, at a family function, or spending a quiet evening at home. There aren’t many times when we will not be asked to answer a “quick question” or provide our opinion on certain matters.

Being “on” all of the time is stressful. We chose this profession and we have coping mechanisms. We may unwind by running, biking, walking, gardening, or even shopping. But where do we turn, and what do we do, when the usual coping mechanisms are not enough?

The most challenging step may be for us to admit that we need help. As lawyers, we help others. Asking for help takes us out of our comfort zone. We have been trained not to show our weaknesses. But really, asking for help when we need it does not display weakness. It takes wisdom and courage to say: “I need help.” Friends or family members may serve as our “psychological first aid kit.” But if that doesn’t work it is time to seek professional help.

Some of us are fortunate enough to have employee assistance plans or insurance policies that will cover at least some of the costs of therapy. Perhaps you feel that you just need someone to talk to and you cannot afford a therapist. In either case, contact the State Bar of Texas. Help is available.

### From the Chair



Veronica Jacobs

Texas Lawyers Assistance Program (TLAP) provides confidential help for lawyers, law students, and judges who have problems with mental health issues or substance abuse. Assistance is available 24 hours a day at 1-800-343-8527. The staff is available by phone or email. Confidential support, referrals to mental health professionals, recovery treatment programs, support groups, etc. are made available.

Perhaps you have observed actions by a fellow attorney suggesting the need for assistance. If you are not comfortable referring them to TLAP directly, contact TLAP and let the experienced and professional staff provide guidance in getting help for that individual. Don't just ignore the issue.

On a personal level, I can tell that the result could be devastating. I had a close friend who suffered from

crippling depression. When I asked how she was doing, she would always say "fine." I knew better and she knew better. Her life was falling apart. She lost her practice, her family (four children including two toddlers), some friends, and eventually her life. If she had sought assistance from TLAP, she might be here today. If I had reached out to TLAP for guidance in helping her, she might be here today. She suffered, and her family, friends, colleagues, and the profession suffered as well because someone we cared about left us too soon.

Don't wait. Don't wonder if you're making the right move. Just call. Please call TLAP to get help for yourself or for someone else. It is simply a matter of lawyers helping lawyers. That is what lawyers do—we help. ■

## *College Offers Financial Assistance to Help Impaired Texas Lawyers*

At the spring board meeting in March, the Texas Bar College was proud to pledge \$30,000 to the Texas Lawyers' Assistance Program and the Patrick Sheeran & Michael J. Crowley Memorial Trust to provide critical assistance to Texas lawyers who cannot otherwise afford much-needed services.

The Trust is an independent entity that will work with TLAP in helping Texas attorneys beset by alcoholism, drug addiction, depression, or mental illness. The proposed State Bar budget includes \$250,000 to support the Trust, and President-Elect Allan K. Dubois has made raising funds for the Trust one of his major initiatives for 2015–16.

We wish to extend our thanks to the Texas Bar Blog for their excellent write-up on this cause: <http://blog.texasbar.com/2015/04/articles/news/bar-college-offers-financial-assistance-to-help-texas-lawyers> ■



State Bar of Texas Executive Director Michelle Hunter accepts a \$30,000 grant for the benefit of the Sheeran-Crowley Memorial Trust from Texas Bar College Board Chair Veronica Jacobs.

## **Out with the Old, In with the New!**

*The College  
of the  
STATE BAR OF TEXAS*  
**Texas Bar  
College**

As part of our continuing efforts to update, modernize, and better serve our members, the Texas Bar College Board of Directors unanimously approved changing the College's name late last year from its original adopted over 30 years ago—the somewhat cumbersome and confusing, "The College of the State Bar of Texas"—to the moniker it has been known by informally for many years now—the "Texas Bar College."

In February we were very excited to learn that the Texas Supreme Court, which created the College in December 1981, approved the proposed name change! Henceforth, the College will be known simply as the "Texas Bar College," and our branding and marketing efforts will reflect the change as well. ■

# TEXAS BAR COLLEGE 17th Annual Summer School



**LIVE Galveston Island** | July 16-18, 2015 | Moody Gardens Hotel

Register by July 2nd and **save \$50!** Special Discount for **College Members**

## LIVE Galveston Island

July 16-18, 2015  
Moody Gardens Hotel

Register by July 2nd  
and **save \$50!**

Special Discount  
for **College Members**

 Tweet about this course!  
**#TBCLE**

### MCLE CREDIT

**19 HOURS (3.5 ETHICS)**  
**MCLE COURSE NO: 901307664**

Applies to the Texas Bar College  
and the Texas Board of Legal  
Specialization in the following areas  
and amounts:

|                                   |       |
|-----------------------------------|-------|
| Administrative.....               | 8.5   |
| Bankruptcy.....                   | 15.25 |
| Civil Appellate.....              | 17.5  |
| Civil Trial Law .....             | 16.75 |
| Consumer and Commercial.....      | 15.75 |
| Criminal Law.....                 | 7.75  |
| Criminal Appellate.....           | 7.75  |
| Estate Planning and Probate.....  | 12.25 |
| Family Law.....                   | 17.5  |
| Health.....                       | 7     |
| Immigration and Nationality Law.. | 12.75 |
| Juvenile Law.....                 | 11.75 |
| Labor and Employment Law.....     | 10.5  |
| Oil, Gas and Mineral Law.....     | 11.75 |
| Personal Injury Trial Law.....    | 9.50  |
| Real Estate Law.....              | 12.75 |
| Tax .....                         | 7.25  |
| Workers' Compensation.....        | 8.50  |

## Thursday

7.5 hours including .75 ethics

- 8:00 **Registration**  
**Coffee & Pastries Provided**
- 8:40 **Welcoming Remarks**  
**Course Director**  
Dylan O. Drummond, *Austin*  
K&L Gates, LLP
- 8:50 **Texas Bar College Update**  
Chad Baruch, *Dallas*  
Vice-Chair, Texas Bar College  
The Law Office of Chad Baruch
- 9:00 **State of the State Bar Address**  
.25 hr  
Allan K. DuBois, *San Antonio*  
Law Office of Allan K. DuBois, PC  
President-Elect, State Bar of Texas

## UPDATES

- 9:15 **U.S. Supreme Court Update** .5 hr  
Daniel L. Geysler, *Dallas*  
McKool Smith
- 9:45 **Texas Supreme Court Update** .5 hr  
Hon. Jeffrey S. Boyd, *Austin*  
Justice, Supreme Court of Texas
- 10:15 **Break**
- 10:30 **Texas Legislative Update** .5 hr  
Jesse Ancira, Jr., *Taylor*  
Chief of Staff, Office of the Speaker  
Texas House of Representatives
- 11:00 **Texas Criminal Law Legislative  
and Case Law Update**  
1 hr (.25 ethics)  
Hon. Elsa R. Alcala, *Austin*  
Judge, Court of Criminal Appeals,  
Place 8  
Hon. David Newell, *Austin*  
Judge, Court of Criminal Appeals,  
Place 9
- 12:00 **Break - Lunch Provided**

## GENERAL PRACTICE

- 12:15 **Luncheon Presentation: Social  
Media and Its Impact Today**  
.75 hr (.25 ethics)  
• Privacy  
• Confidential information  
• Use of apps  
• Permissions (licenses)  
John G. Browning, *Dallas*  
Passman & Jones
- 1:00 **Break**
- 1:15 **Preservation of Error** .5 hr  
Christina Crozier, *Houston*  
Haynes and Boone, LLP
- 1:45 **How Do You Win an  
Arbitration?** .75 hr  
Dawn Estes, *Dallas*  
Estes Okon Thorne & Carr  
Roland Johnson, *Fort Worth*  
Harris Finley and Bogle  
Robert L. Tobey, *Dallas*  
Johnston/Tobey

## CONSUMER

- 2:30 **Consumer Law Update** .5 hr  
Steven C. James, *El Paso*  
Attorney at Law

3:00 **Break**

## IMMIGRATION

- 3:15 **Immigration Basics: Who's an  
Alien?** .5 hr  
Patsy Yung Micale, *Dallas*  
Dept. of Homeland Security, USCIS
- 3:45 **Five Things Every Practitioner  
Should Know About  
Immigration Law and How It  
May Affect Your Practice** .5 hr  
Alfonso Cabanas, *San Antonio*  
Cabanas Law Firm

## EMPLOYMENT

- 4:15 **Employment Law Update and Hot Topics/ADAA Update** .5 hr  
Kim J. Askew, *Dallas*  
K&L Gates, LLP
- 4:45 **Hiring, Firing and Discrimination**  
.75 hr (.25 ethics)  
Katrina Grider, *Cypress*  
Katrina Grider & Associates
- 5:30 **Adjourn**
- 7:00 – 9:00 **Party By the Pool!**  
Bring your family for food and refreshments



## Friday

8 hours including 2.5 ethics

- 7:00 **Coffee & Pastries Provided**
- 7:55 **Morning Announcements**
- LITIGATION**
- 8:00 **Minority Owner Fiduciary Duty Litigation: What's Left After Ritchie vs. Rupe?** .5 hr  
Elizabeth S. Miller, *Waco*  
Professor of Law  
Baylor Law School
- 8:30 **Anti-SLAPP Law** .5 hr  
Mark C. Walker, *El Paso*  
Cox Smith Matthews Incorporated

- 9:00 **Evidence Update** .5 hr  
George (Tex) Quesada, *Dallas*  
Sommerman & Quesada
- 9:30 **Break**
- 9:45 **Discovery Update** .5 hr  
Hon. John K. Dietz, *Austin*  
Judge, 250th District Court
- 10:15 **Expedited Actions/Dismissal Rules** .5 hr (.25 ethics)  
Marisa Secco, *Austin*  
Vinson & Elkins

## CRIMINAL

- 10:45 **Prosecutorial Misconduct: Selective and Vindictive Prosecution, Due Process, and Other Grounds** .75 hr (.5 ethics)  
Joshua Abrams, *Dallas*  
Dallas County District Attorney's Office  
Chad Baruch, *Dallas*  
The Law Office of Chad Baruch

## ETHICS

- 11:30 **Fiduciary Duty and Malpractice Avoidance** .75 hr ethics  
Claude E. Ducloux, *Austin*  
Hill Ducloux Carnes & De La Garza  
Charlie M. Wilson III, *Dallas*  
Goranson Bain
- 12:15 **Break - Lunch Provided**
- 12:30 **Luncheon Presentation: Closing the Law Practice for You or Someone Else** .75 hr ethics  
Claude E. Ducloux, *Austin*  
Hill Ducloux Carnes & De La Garza

- 1:15 **Break**
- 1:30 **State Bar College Awards**

## REAL ESTATE

- 1:45 **Oil and Gas for the General Practitioner** .5 hr  
Donato D. Ramos, Jr., *Laredo*  
Law Offices of Donato D. Ramos
- 2:15 **Eviction Proceedings in JP Court and Appeals, with Forms** .5 hr  
David Fritsche, *San Antonio*  
Law Offices of R. David Fritsche
- 2:45 **Drafting Considerations: Conveyances and Correction Instruments** .5 hr  
G. Roland Love, *Dallas*  
Winstead PC
- 3:15 **Break**

## ESTATE PLANNING AND PROBATE

- 3:30 **Perils and Pitfalls of Probate** .5 hr  
Laura Upchurch, *Brenham*  
Moorman Tate Haley Upchurch & Yates
- 4:00 **The ABC's of SNT's: Introducing Special Needs Trusts** .5 hr  
Randy Drewett, *Beaumont*  
Randy Drewett, PC
- 4:30 **Who's Handling Mama's Money?** .75 hr (.25 ethics)
  - Guardianship
  - Powers of attorney
  - Management trustsDarlene Payne Smith, *Houston*  
Crain Caton James
- 5:15 **Adjourn**

## Saturday

3.5 hours including .25 ethics

- 7:30 **Coffee & Pastries Provided**
- 8:25 **Morning Announcements**

## FAMILY LAW

- 8:30 **Family Legislative and Case Update** .5 hr  
Sallee S. Smyth, *Richmond*  
Sallee S. Smyth, Attorney at Law
- 9:00 **Inter-Spousal Torts** .5 hr  
John F. Nichols, *Houston*  
Nichols Law PLLC
- 9:30 **Child Support Enforcement and Possession** .5 hr (.25 ethics)  
Stephen J. Naylor, *Fort Worth*  
Law Office of Stephen J Naylor
- 10:00 **Break**
- 10:15 **Paternity Fraud Statute** .5 hr  
Hon. Meca L. Walker, *Houston*  
Associate Judge, 311th District Court
- 10:45 **Property Division** .5 hr  
Susan McLerran, *Houston*  
Fullenweider Wilhite
- 11:15 **3rd Party Standing** .5 hr
  - Grandparents
  - Same sex parents
  - Surrogacy and reproductive rights (sperm donors)Hon. Scott A. Beauchamp, *Dallas*  
Associate Judge, 255th District Court
- 11:45 **Everything You Need to Know About Family Law Appeals so That You Don't Get Burned** .5 hr  
Georganna L. Simpson, *Dallas*  
Georganna L. Simpson, PC
- 12:15 **Adjourn**

“The TBCLE Summer School Seminar is my favorite course of the year to attend!”



Claude Ducloux, *Austin*  
Hill, Ducloux, Carnes & de la Garza

# Summer School

## GALVESTON ISLAND ATTRACTIONS

### Ghost Tours of Galveston Island

Founded in 1999, Ghost Tours of Galveston is Galveston Island's first, foremost, and original haunted historical walking tour. The #1 ghost tour in Texas and the #2 most popular ghost tour in America! This unique two-hour tour combines history, mystery, ghost stories and legends taking you on a journey into Galveston's richly unknown past. Come view the Island as you have never before. Even if you don't believe in spirits, you may change your mind after walking the bricklined streets of The Strand.

### Historic Pleasure Pier - It's back!

For decades, the historic Pleasure Pier served as a catalyst for stimulating tourism to Galveston's Seawall Boulevard and Gulf beaches. Originally built in the late 1940s as a recreational facility for the military, the Pier was turned over to the city after World War II and named Pleasure Pier.

### Moody Gardens

This tropical destination is ideal for families and groups alike. Experience Rainforest Pyramid®, featuring exotic and endangered plants and animals from the rainforests of the world. Explore the Aquarium Pyramid® and meet a real penguin! Tour travelling exhibits at the Discovery Museum and immerse yourself at the MG3D, 4D and Ridefilm theaters. Enjoy beautiful Galveston Bay on the Colonel Paddlewheel Boat and a little summer fun on the new lazy river at beautiful Palm Beach. Finally, take a swing at the Moody Gardens Golf Course and escape to the four-diamond Moody Gardens Hotel, Spa & Convention Center.

### MOODY MANSION TOUR



### PLEASURE PIER



### Reserve Your Hotel Room by June 23

A block of rooms at Moody Gardens Hotel is available at special rates on a space available basis. Tell the Moody Gardens Hotel that you will be attending this State Bar of Texas course.

### GALVESTON ISLAND

Moody Gardens Hotel,  
Spa and Convention Center  
Seven Hope Boulevard  
Galveston Island, TX 77554  
888-388-8484



\$168 for a single/double  
Deadline: June 23, 2015  
The reserved block of rooms may fill up early. Act now!

### Visit [TexasBarCLE.com](http://TexasBarCLE.com) to view the course brochure or register!

Click on **Live Courses / Video Replays**, then search for the keywords "summer school." Or call TexasBarCLE M-F 8a-5p at 512-427-1574.

**T**HE ENDOWMENT FUND FOR PROFESSIONALISM has been established by the College to underwrite projects and services that contribute to higher standards of education and performance among lawyers. For example, some proceeds for the fund will be used to establish free access for all College members to the State Bar of Texas' Online Library, which provides immediate, word-searchable access to more than 20,000 CLE articles written by experienced members of the bar. Many lawyers find that beginning their research in the Online Library gets them the practical information and analysis they need more quickly and more thoroughly.

Membership in the Fund is by invitation of the Texas Bar College. After five continuous years of College membership, a lawyer becomes eligible to join the Fund. Levels of membership vary according to the lawyer's financial commitment. Choose your membership level:

- **Endowment Fund Scholar**  
The Scholar commits to at least a \$1,000 contribution which may be paid out at \$200 per year.
- **Honored Endowment Fund Scholar**  
The Scholar has reached the \$1,000 contribution level.
- **Sustaining Endowment Fund Scholar**  
The Honored Scholar continues to make annual contributions of at least \$200 per year.
- **Friends of the Endowment Fund for Professionalism**  
Non-qualifying Texas Bar College members or non-College members may contribute to the Fund.

Members of the Fund and Friends of the Endowment Fund will be acknowledged by the College. Remember, the Fund will achieve its goals with your commitment. Consider joining the Fund today!



## The Endowment Fund for Professionalism

Texas Bar College P. O. Box 12487 Austin, Texas 78711-2487

**A**s a member of the Texas Bar College for five consecutive years, I hereby accept my invitation to join The Endowment Fund for Professionalism. Enclosed is my contribution of \$1,000 to fulfill my commitment as an Honored Endowment Fund Scholar or my minimum initial contribution of \$200 as an Endowment Fund Scholar (exact amount indicated below). I recognize that my gift supports professionalism of lawyers through education and contributes to the betterment of the legal profession in Texas.

Please make my tax deductible contribution in  honor of or  memory of \_\_\_\_\_.

Amount of contribution:  \$1,000  \$200  Other \$ \_\_\_\_\_

Payment by enclosed  check payable to The Endowment Fund for Professionalism of the Texas Bar College.

Please charge my credit card  \$1,000  \$200 now, and annually \$200 for the next four years  Other \$ \_\_\_\_\_

Credit Card No. \_\_\_\_\_  American Express  Visa  MasterCard  Discover

Signature Authorizing Payment \_\_\_\_\_ Date \_\_\_\_\_

If paying by credit card, you may fax this form to 512-463-1498 or scan and email it to mgaston@texasbar.com, or you may pay online at www.texasbarcollege.com.

Member Name: \_\_\_\_\_ Bar Card Number: \_\_\_\_\_

Firm: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_

Office Phone: (\_\_\_\_\_) \_\_\_\_\_ Office Fax: (\_\_\_\_\_) \_\_\_\_\_

College Members who wish to contribute or pledge less than \$1,000 or who have not achieved five consecutive years of College membership and non-College members may make tax deductible contributions and become a Friend of the Endowment Fund for Professionalism by completing and returning this form.