

MARK YOUR CALENDAR - DECEMBER 2006

S	M	T	W	T	F	S
					1	2
3	4	5	AAYLA Board Meeting 12:00 p.m., Sprouse Law Firm	6 AABA Board Meeting 11:45 a.m., Amarillo Club Advanced Family Law CLE Eagle Center	7	8
10	11	12	13	Bar Luncheon 11:45 a.m., Amarillo Club	14	15
17	18	19	20	21	22	23
24	Merry Christmas	25	26	27	28	29
					29	30



112 West 8th Ave., #615
Amarillo, Texas 79101

A Publication of the Amarillo Area Bar Association

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www.amarillobar.org

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Meet Your Secretary-Treasurer: Wendy A. Humphrey

Wendy A. Humphrey is a partner in the law firm of Lovell, Lovell, Newsom & Isern, L.L.P., and she is currently serving her second term as Secretary-Treasurer of the Amarillo Area Bar Association.

Where did you grow up?

I was born in Lakeland, Florida, and later moved to Carlsbad, New Mexico. Most of my family, including my younger brother and my dad (both named Johnse), live in the Tampa Bay area.

What was your high school mascot in Carlsbad?

Cavemen and Cavegirls. Makes sense in light of the Carlsbad Caverns, which I have visited about 25 times.

So, how did you end up in Amarillo?

I worked for attorney Don Hunt during my entire third year of law school at TTU, and he recommended me to Joe Lovell. I moved to Amarillo two weeks later (on 9/11).

What sparked your interest in law?



Wendy A. Humphrey

My dad in Carlsbad is a lawyer, so I've been around the profession my entire life. Growing up, we would go on vacation with Gerry Spence and his family, and I was always intrigued by him and the law in general.

What do you like about practicing law?

The constant learning. I never thought that I would be able to have conversations about cement, double-flight grain augers, grading food-corn, the stages of dementia, fertilizing golf courses, inserting PEG tubes, etc.

What would you be if you weren't an attorney?

I would go to culinary school, I would become a master sommelier, and I would own an event planning and gift-giving business.

Are you involved in other legal organizations?

Yes. I am Vice-President of AAYLA, and Sec./Treas. of the Panhandle Trial Lawyers Association. I also serve on the TYLA National Trial Competition committee, and the State Moot Court committee. Recently, I started getting more involved in TTLA.

What jobs have you held prior to becoming an attorney?

Seventh-grade history teacher, legal secretary (for Les Hatch, Kent Hale, and others), personnel supervisor at Express Personnel, cheerleading instructor, mystery shopper, pizza delivery person, and Rent-a-Frog (waitress at various country clubs while attending TCU).

What other degrees do you have?

B.A., magna cum laude, in psychology from Westminster College (Fulton, MO); M.Ed., summa cum laude, in Curriculum & Instruction from TTU.

Tell us some of your favorites.

Food: authentic Mexican food, and tiramisu; U.S. vacation spot: Napa Valley; Sport: football (Go Bucs!); TV Shows: *Prison Break* and anything on the Food Network; Color: red.

Where did you go on your last vacation?

I spent three weeks earlier this year in Greece with Mia Moustakis (Potter County ADA). It took us 44 hours to reach our destination—the island of Kefalonia! Next, I'm planning an Eastern Caribbean cruise.

Tell us a couple of things from your past that people might not guess about you.

Hmmm...I was selected for the All-State choir three years during high school (Alto II); I competed in the Miss Teen of America Scholarship Pageant; and I was a Rhodes Scholar Finalist.

Do you have any pets?

A nine-year-old cocker spaniel, Tobin Jay (T.J.). He is my child with fur!

Name one of your mentors.

Don Hunt. It was an honor to recently prepare a brief to the Texas Supreme Court with Coach Hunt. Even better, we won!

Do you have a life motto?

"Do the Unexpected in Life." Whether it is sending a life-long friend a card, baking cookies for someone, or just letting someone know they are appreciated, sometimes it really is the little, unexpected things in life that make a big difference.

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President's Corner

by
Mark D. White

Everyday Trial Lawyers

Much has been written lately about the lack of civil jury trials, the lack of training of young trial lawyers, and the public's supposed lack of confidence in juries. Recently, I had the opportunity to observe various parts of some criminal trials and I was inspired.

Civil lawyers are preoccupied with their own practices. Real estate lawyers are concerned about interest rates. Oil and gas lawyers are concerned about energy prices. Transactional lawyers are concerned about the taxation of business entities. Civil litigators are concerned about tort reform. Civil trial lawyers are concerned about the expanding use of mediation and arbitration. Business lawyers are concerned about the increased use of in-house counsel.

But all of us took courses in criminal law, constitutional law, and criminal procedure in law school. Have we forgotten that prosecutors and criminal defense lawyers are in the court room, in front of juries every single week? Have we forgotten that these lawyers, maybe the real trial lawyers of our time, are picking juries, confronting witnesses, sweating verdicts, consoling victims, and consoling clients on a daily basis?

I am glad to be reminded that we actually are training a young generation of trial lawyers. Young prosecutors and young criminal defense lawyers are impressive. The constant tension between public protection and protection of individual constitutional rights is a stage on which they get to play frequently.

I have only tried one criminal case to a jury. I wish more lawyers could have that experience. If you want to watch some outstanding trial lawyering, drop in at the courthouse and watch a criminal case. I hope it rejuvenates you as it did me.

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Contact Us

For more information about your local area bar association or for address changes, contact Jo Ann Holt, Executive Director, at:

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Phone: 806-371-7226

Also visit our website at www.amarillobar.org for information and links to both local and state-wide legal resources.



Legal Yarns

MY FIRST DAY IN AMARILLO

By Fred Griffin

In 1970, as a recent graduate of the University of Texas, I was eagerly searching out my first job as a lawyer. I grew up in New England, and I had clerked for a City Attorney in my hometown of Portsmouth, New Hampshire, and I liked municipal law. I applied to several City Attorney offices in Texas, as I thought that would be a good start on a legal career.

One of the cities I applied to was the City of Amarillo. Being an out-of-state student at the University of Texas, we did not travel much in Texas, and I had no idea where Amarillo was located. I knew where Houston, San Antonio, Austin, Waco, and Dallas were located, and that was about the extent of my knowledge of Texas geography. When I received a call from the City of Amarillo, I was most excited and they offered to fly me to Amarillo. When I went to the Braniff desk to purchase a ticket, I found out where Amarillo was located, much to my surprise.

When I got to Amarillo, I was picked up by then First Assistant, Larry Brandon, and taken to City Hall. The City Attorney, Mr. Bruce Aycock, was mysteriously unavailable, but it was intended for him to be available at some point to interview me. I vividly remember my first encounter with the most congenial John Stiff, who was then the City Manager. The day continued, and there was something obviously wrong with Mr. Aycock being unavailable.

As the afternoon wore on, bits and pieces of information came to me that Mr. Aycock was in jail. It seems he was trying a case in the 108th District Court, and Judge Mary Lou Robinson had instructed him to turn over photographs which he contended were work product and privileged. Since Mr. Aycock was a person of great principle and possibly rigidly so, he refused to turn over the photographs even after being ordered to do so. Judge Robinson found him in contempt of court for his failure to comply with her order and had remanded him to the Potter County Jail where he might reassess his legal position.

It was finally decided that since I had made the trip to Amarillo, and Mr. Aycock would have the final decision on which assistants would be hired, that I would be taken up to the Potter County Jail to be interviewed. Never having been in a jail, I was somewhat ill at ease going up a rickety elevator to the 6th floor of

the Potter County Courthouse.

When I arrived, there sat a stately man in a central holding area, dressed in a suit, acting ill at ease over the circumstances that brought us both to this encounter. I am not sure how long the interview lasted, but there are probably very few lawyers in the State of Texas who had their first interview for a legal position in a county jail while their prospective employer stood on the other side of the bars. I do not remember a lot of the questioning that took place, but I do recall Mr. Aycock seemed more interested in extricating himself from his uncomfortable situation than really exploring my qualifications and legal skills. I do recall him declaring on several circumstances that "that Judge Robinson in the 108th District Court really means business when she issues an order." I heard that same exclamation by him several times later when I was hired by the City and returned to Amarillo. When I went to the old English Field to fly back to Austin in the late afternoon, the *Amarillo Globe-News* carried the headline, "Amarillo City Attorney sent to jail."

* * *

Share your stories in Legal Yarns by contacting James Wester at James.Wester@uwlaw.com.

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Check out the Amarillo Area Bar Association's website at www.amarillobar.org.



AAYLA UPDATE

By Dusty Stockard

Merry Christmas to all (Wal-Mart says it's OK now)!!! I hope everyone has recovered from the gluttony of food, football, and shopping over the Thanksgiving holiday. Thanksgiving serves as a training period or pre-season to the endless food and bowl games to follow with the Christmas season.

In furtherance of this warm-up, the Amarillo Area Young Lawyers will be hosting a happy hour Tuesday, December 12, at **Fast Eddie's** (see the box for location and time). There is nothing like a Tuesday happy hour to get your midweek started off right. For those of you who did not attend the last happy hour, this is a wonderful location with food, pool, darts, and a plethora (yes, plethora) of television for your viewing pleasure.

The time is drawing near for **CLE in Vegas**. As you may have heard, this year's CLE will be held April 13-14. The CLE will be held at the Monte Carlo on the Vegas Strip. Registration information will follow in next month's AMA-LAW. Give yourself the gift you deserve and go ahead and book your flight for this once-in-a-lifetime (if you have never gone before and all life ends before we do this again next year) event.

On a serious note, please take the time during this season to re-

flect on how blessed each of you are to work in a profession that, although seldom appreciated by those outside the legal field, can and does make a difference. On be-

half of the Amarillo Area Young Lawyers and Andy Little, I wish each of you a Merry Christmas and a wonderful holiday season.

Amarillo Area Young Lawyers Association

HAPPY HOUR

Tuesday, December 12th at 5:30 p.m.

FAST EDDIE'S
(Next to Leal's in Wellington Square)

AABA Receives Grant

The Texas Bar Foundation has approved a grant request from the Amarillo Area Bar Association to implement its project to "Preserve the Historical Records of the Legal Profession in the Texas Panhandle."

The Amarillo Area Bar Association plans to archive approximately 96 years' worth of records. In 1910, the Amarillo Bar Association was organized for the purpose of securing a Court of Civil Appeals in Amarillo. From that time hence, business records of the organization were contained in "pasteboard" boxes which now reside in the newly established (2003) office of the Amarillo Area

Bar Association.

Archival document cases will be purchased to store the records. A search is on for any additional records that are being stored in basements, file cabinets, attics, and storerooms in the community. Anyone wishing to donate additional records, directories, photos, or documents can call the AABA office at 806-371-7226.

Since its inception in 1965, the Texas Bar Foundation has awarded more than \$8.5 million in grants to law-related programs. Supported by members of the State Bar of Texas, the Texas Bar Foundation is the nation's largest charitably-funded bar foundation.



Matt Whitten

Our Young Lawyer of the Month is Matt Whitten of the Underwood Law Firm. Matt hails from Denton, Texas, home of the UNT Mean Green and, according to Matt, "Texas' second-largest garrison of Birkenstockshod poseur hippies," trailing Austin by a mere 850,000 souls. Matt spent his youth waterskiing the aluminum can-festooned waters of Lake Lewisville. Once known as the "Deadliest Lake in Texas," the mortality rate at the lake dropped considerably after Matt left for college. He denies involvement.

Matt did the majority of his undergraduate work at Texas A&M, a school that saw fit to award him a B.B.A. in Finance despite the fact that he blew his savings playing in domino tournaments. Degree in hand, he took a job at a financial planning firm while training to become a commercial pilot. An "incident" involving a Piper Seminole and an angry Barksdale AFB controller convinced him to reconsider his choice of career, and he enrolled at Texas Tech Law School. While at Tech, he served as Vice-President of his class and as Articles Editor for the Law Review. Neither of those undertakings trained him how to deal with insurance adjusters.

Matt's family has a tradition of legal service. His grandfather, Royce Whitten, was a trial lawyer and politi-

Young Lawyer of the Month

cian, and his father, Michael, is a trial lawyer. In addition, his mother, Darlene, has served on the bench of Denton County Court at Law #1 since 1989. Matt says his proudest moment was when Slater Elza sent him back home to North Texas to try his first case. Opposing counsel informed him of how much he admired Matt's paternal forbearers and prevailed upon Matt to garner a similar reputation for himself. Filled with hubris, Matt promptly lost the

trial.

Outside the office, Matt has a lifelong passion for anything with wheels or wings and is an avid reader as well, his favorite works of fiction being "To Kill a Mockingbird" by Harper Lee and "I Want to Tell You" by O.J. Simpson. Matt also enjoys throwing Frisbees to his dog, Ike the Vizsla, an accomplished pointer of anything without feathers.

Legal Briefs



- **The AABA has moved...down the hall.** Thanks to the generosity of the Eagle Center, the Amarillo Area Bar Association office has moved down the hall to Room 615. The new office offers one whole wall of built-in bookcases which will act as the repository for the archived history of the legal profession in the Texas Panhandle. Thanks also to Magic Media, an IT company affiliated with Lovell Lovell Newsom & Isern, for moving our DSL and phone lines. M&L Transfer and Storage moved the office furniture at a reduced rate. Our thanks to everyone who helped with this move. Please make a note of the change of address: 112 West 8th Avenue, #615.
- None of the attorneys whose names were drawn at the November luncheon were present to claim their cash prizes.

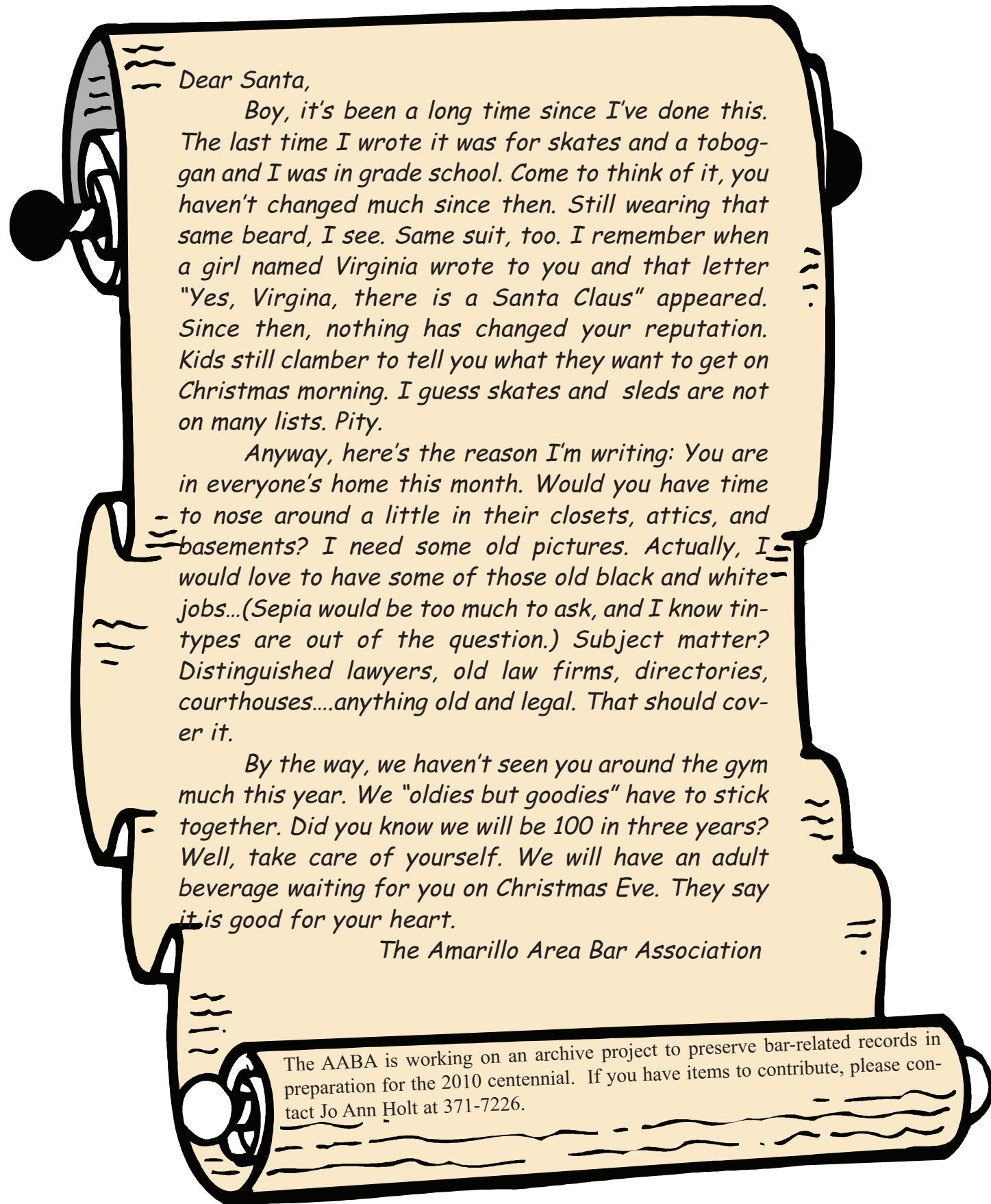
If you have news, we want to hear from you. Send your information to the AABA: email director@amarillobar.org, fax 379-9259, or call 371-7226.

December Bar Luncheon

The speaker for the December 14 bar luncheon will be Geoffrey Bracken of Gardere in Houston. He will discuss "Exculpatory Clauses: Contractual Limitations of Liability." Mr. Bracken is a trial attorney whose practice emphasizes commercial, construction, copy-right infringement, and personal



injury litigation. He has represented individuals and businesses in both personal injury and commercial litigation matters at trial and appellate levels, and in arbitration. He earned his B.A. from Dartmouth College and his J.D. from the University of Houston Law Center.



Dear Santa,

Boy, it's been a long time since I've done this. The last time I wrote it was for skates and a toboggan and I was in grade school. Come to think of it, you haven't changed much since then. Still wearing that same beard, I see. Same suit, too. I remember when a girl named Virginia wrote to you and that letter "Yes, Virginia, there is a Santa Claus" appeared. Since then, nothing has changed your reputation. Kids still clamor to tell you what they want to get on Christmas morning. I guess skates and sleds are not on many lists. Pity.

Anyway, here's the reason I'm writing: You are in everyone's home this month. Would you have time to nose around a little in their closets, attics, and basements? I need some old pictures. Actually, I would love to have some of those old black and white jobs... (Sepia would be too much to ask, and I know tin-types are out of the question.) Subject matter? Distinguished lawyers, old law firms, directories, courthouses... anything old and legal. That should cover it.

By the way, we haven't seen you around the gym much this year. We "oldies but goodies" have to stick together. Did you know we will be 100 in three years? Well, take care of yourself. We will have an adult beverage waiting for you on Christmas Eve. They say it is good for your heart.

The Amarillo Area Bar Association

The AABA is working on an archive project to preserve bar-related records in preparation for the 2010 centennial. If you have items to contribute, please contact Jo Ann Holt at 371-7226.

Congratulations, New Lawyers!



The AAYLA Swearing-In Ceremony and Reception was held on November 8. Six new attorneys were sworn in by the Justices of the Seventh District Court of Appeals. A reception followed at the Amarillo Club. Co-sponsors of the event were Brown & Fortunato, P.C.; Lovell, Lovell, Newsom & Isern, L.L.P.; and Underwood, Wilson, Berry, Stein & Johnson, P.C.

The new attorneys, pictured from left to right, are Greg Freeman (LLNI), Steven Leary (Legal Aid), Joshua Craven (B & F), Heath Hendricks (B & F), Courtney Cook (LLNI), and Thomas Feighny (Underwood).

Job Openings

- Legal Aid of Northwest Texas has an opening for a full-time attorney. This is a temporary position, with the attorney to begin work immediately and work through January 31, 2007. The 40-hour-a-week job will pay \$25 an hour. For more information, contact Luisa Vigil at Legal Aid.

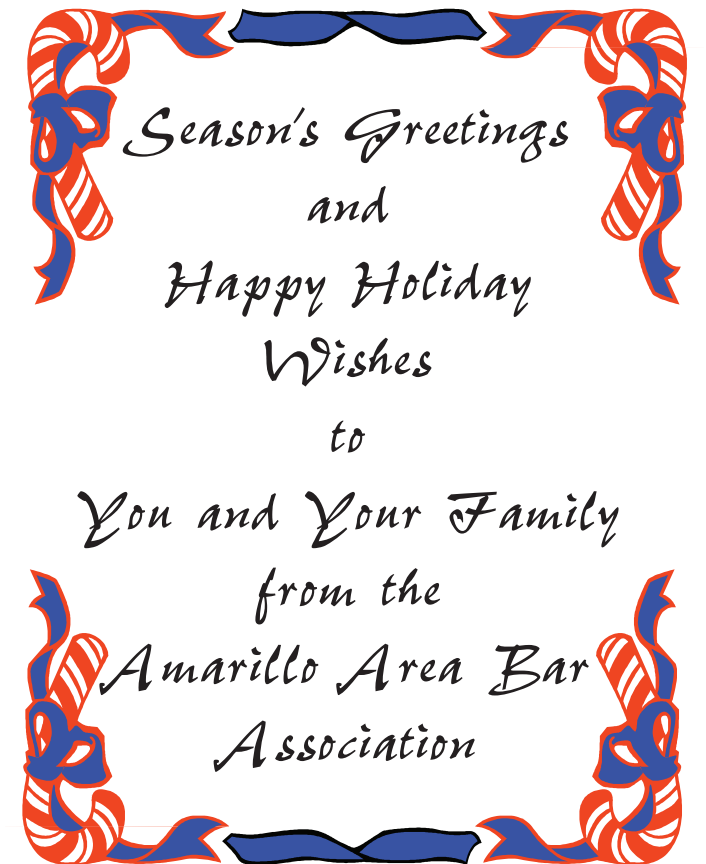
- The Texas Center for Legal Ethics and Professionalism is taking applications for the position of Executive Director. The Texas Center for Legal Ethics and Professionalism in a non-profit foundation based in Austin. The Center's mission is to promote and enhance professionalism, ethics, and civility among lawyers. It uses all available resources to focus the attention of lawyers, law students, the judiciary, and the public on excellence in the profession and the adherence by the profession to high ethical standards. For information about the position, visit the State Bar's website at www.texasbar.com or contact Teresa Israel at 512-427-1477.

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