

MARK YOUR CALENDAR - NOVEMBER 2006

S	M	T	W	T	F	S
			1 AAYLA Board Meeting 12:00 p.m., Sprouse Law Firm	2 AABA Board Meeting 11:45 a.m., Amarillo Club	3	4
5	6	7 Election Day	8 New Lawyer Swearing-In Ceremony 4:00 p.m. 7 th Court of Appeals Reception 5:00-7:00 p.m. Amarillo Club	9 Bar Luncheon 11:45 a.m., Amarillo Club	10 AAEPC Meeting 11:45 a.m., Amarillo Club	11 Veteran's Day
12	13	14	15 PFLA Meeting 11:30 a.m., Amarillo Club	16	17 Impeach Justice Douglas CLE 2:00 p.m.-5:00 p.m. Eagle Center	18
19	20	21	22	23 Happy Thanksgiving	24	25
26	27	28	29	30		



VOLUME 21
NO. 3
NOVEMBER 2006

www.amarillobar.org

A Publication of the Amarillo Area Bar Association

Meet Your Vice President: Kelly Utsinger

If you are interested in anecdotal information about Kelly Utsinger, look at "Meet Your Director," AMA-LAW, Vol. 13, No. 2 (October 1998). Kelly is there pictured with his wife Kay. Kay is wearing a shirt that says, "My Next Husband Will Be Normal." Rather than revisit the information previously published, Kelly has only one comment—she still has the shirt.

The 1998 article read like a piece from the "Onion" tabloid with some ineffectual attempts at humor. There is no room for such levity in a



Kelly Utsinger

attended Central Church of Christ since 1979.

Kelly and Kay were in the last graduating class of Abilene Christian College. The next year it became a university. Kelly graduated from Texas Tech law school in 1979. After clerking for Charles Reynolds in his first year as Chief Justice of the Seventh Court, Kelly went to work for the Underwood firm. Twenty-six years later, Underwood has been unable to get rid of him. He now is in a protected category under the ADEA and plans to stay awhile.

Kelly has a modest trial and appellate practice. He has been on the management committee of Underwood for many years and does not like that job. He takes great pride, however, in the firm's lawyers and the firm's rich ninety-four year old heritage.

Kelly has written this "Meet Your" article and is a little disturbed about writing it in the third person—but then again, Kelly talks to himself a lot and has been a little disturbed for a long time.

Kelly believes life and the law should be kept in perspective.

serious publication like AMA-LAW. Hence, just the fundamental demographics appear here.

Kelly has been married to Kay for 35 years. For him, the honeymoon is not over. For her, the seeing-eye dog is not observable in their photos together. Kay is a Child Nutrition Consultant at Region 16, Education Service Center. God has blessed them with two terrific daughters who live in Amarillo. Emily is a student at Amarillo College and Amy Utsinger-Rogers is a realtor at Coldwell Banker First Equity Realtors. Kelly and Kay have

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112 West 8th Ave., #615
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A Publication of the Amarillo Area Bar Association

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President's Corner

by
Mark D. White

Let's Hear It for Paralegals!

The practice of law has been enhanced over the years by the increased use of para-professionals. I have always been confused about whether they should be referred to as "paralegals" or "legal assistants."

In 2005, the State Bar Board of Directors clarified this area by adopting a new definition for "Paralegal:"

A paralegal is a person, qualified through various combinations of education, training, or work experience, who is employed or engaged by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of a licensed attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal principles and procedures that, absent such person, an attorney would be required to perform the task.

In April 2006, the State Bar Board of Directors adopted certain standards which are intended to assist the public in obtaining quality legal services, to assist attorneys in the utilization of their paralegals, and to assist judges in determining whether paralegal fees are recoverable as part of attorney's fees. These standards are not binding on lawyers, but lawyers are encouraged to consider as a paralegal only those professionals who (i) have received legal instruction from a formal education program, (ii) have recognized certifications, and/or (iii) have a minimum of four years work experience in performing substantive legal work, as opposed to clerical or administrative work. See www.txpd.org for further information.

The Paralegal Division of the State Bar is working hard to educate the public and legal professionals about paralegal skills and their ethical standards. I encourage lawyers to use the term "paralegal" as appropriate, and to use it consistently, as this will further that goal. And by the way, tell your paralegal "thanks" today.

Ethics Hotline
State Bar of Texas
(800) 532-3947

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



AMA-LAW is published monthly from September through May by the Amarillo Area Bar Association.

Advertisement Rates

	Single Issue
Business Card	\$50
Quarter-Page	\$75
Half-Page	\$150
Full Page	\$300

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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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e-mail: amabar@arn.net

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

By James Wester

We Meet Again!

I preface this article with the fact that I did not get to see a preview of the article about Kelly Utsinger on the cover of this AMA-LAW. Taking that fact into account, you need to know what was written about Mr. Utsinger back in October, 1998, in the AMA-LAW "Meet Your Director" article. Kelly's sense of humor was depicted in the cover picture. The picture was of Kelly wearing a baseball cap backwards and the cap had long ear flaps on it (don't ask me, I cannot explain it and am just describing it). Kelly was standing with his arm around Kay, his wife, who is wearing a T-shirt that said, "My next husband will be normal." Thus far, Kay has not made good on her promise/threat.

As a lawyer, have you ever wondered what might have been had you followed a different calling?

Kelly explained as to his hobbies in 1998 that, "When I first came to Amarillo, I played a lot of pick up basketball at the YMCA, City League softball, basketball and soccer. Then my rock-n-roll career began and my weekend warrior days ended." I remember playing basketball with Kelly in the old days so I confidently say that despite his ability to jump out of the gym and be an absolute pest at hyper speed when he was guarding you, the NBA was not in his future. Kelly might have been a stand up comedian—imagine George Carlin without the foul language or Carrot Top without the red hair or any hair for that matter. Having been raised in Odessa, Kelly might have fit in perfectly with the "Blue Collar" comedians. In reality, if American Idol had been around a number of years earlier...

Kelly was an original member of an a capella group, The Sharks, consisting of about 8-10 guys that sang some oldies, but goldies, from the 50's and 60's, e.g. "The Lion Sleeps Tonight," "Blue Moon," etc. and put together albums with titles like "The Last of the Great Whites." They were actually very good and very entertaining. Kelly typically acted as the emcee for the group with his usual quips and wit. You would find them performing at several local functions, including Fun Fest and the Lawyers' Auxiliary parties. In

AAEPC Meeting

The Amarillo Area Estate Planning Council will have its last meeting of the year at 11:45, on Friday, November 10, at the Amarillo Club. Michelle Monse, President of the Carl B. & Florence E. King Foundation, will be the speaker. Ms. Monse is responsible for overseeing both the foundation's grant and scholarship programs and all foundation administration, including investments and tax and legal compliance. There will be one hour MCLE credit for the presentation. For more information, contact Val Henneman.

keeping with Kelly's personality, let me just say that they "sang the songs that made the whole world sing..." Kelly claims that he "lip synced" with the group for almost a decade before they finally decided to focus on their "day jobs." If you want to hear the Sharks, ask some of the old timers because I know their music is still around. No, you don't need to try to find an eight track player (don't ask what it was) or a record player (a machine that played those black vinyl CDs that came in small and large sizes and were played at different speeds). Their music was primarily distributed on cassette tapes (you should be able find one of those players in someone's attic).

At the time of our prior meeting, Kelly had two beautiful teenage girls, which explains why "His free time is primarily spent in his den cleaning large caliber weapons as high school boys frequent his home to visit his daughters." Either Kelly did not clean enough weapons or the caliber was not large enough because it did not deter the young men.

Kelly also mentioned back then a new gig he had playing "the harmonica with a group known as 'Juan and the Conchos.'" He is still practicing law, so that gig must have been a short one.

Since we never know what to expect with Kelly, until we meet him again... * * *

Can you give us the scoop on your fellow attorneys?
Contact James Wester at James.Wester@uwlaw.com.

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Online classes start October 14.





AAYLA UPDATE

By Dusty Stockard

The leaves are changing, the temperatures dropping, and the new lawyers around town are walking as if dead—must be November. Yes, bar result season is upon us. That time of year when the Texas Board of Law Examiners website is permanently imprinted on every monitor of every new lawyer. The time when every new lawyer's only distraction is to count how many times they've been told that no one in the firm has ever failed the bar or hear how before these fancy computers the results were sent by stagecoach or announced by town crier.

In an effort to assist you in dealing with your new associates, friends, or just some prospective new lawyer you met at last month's bar luncheon, I have compiled the top five comments to avoid sharing with those waiting on bar results:

1) "Last year the results came out two weeks early." (This only leads to a wasted month of clicking on the TBLE website.)

2) "You know, the smartest person in our class failed the bar."

3) "They say it's easier the second time anyway."

4) "Paralegals make pretty good money, too." And,

5) "You can always fall back on that political science degree."

In all seriousness, congratula-

tions to all of the new lawyers. I would like to extend an invitation to all lawyers to participate in welcoming the new lawyers to the bar. The Amarillo Area Young Lawyers Association will hold its annual swearing-in and reception on Wednesday, November 8th. All lawyers are invited to take part in a

reception welcoming the new lawyers at the Amarillo Club at 5:00 p.m.

This month's column is dedicated to Andy "Viva Las Vegas" Little who encourages you to think about CLE in Vegas now because it's only 5 months away. Thanks, Andy.

THE TEXAS BAR RESULTS ARE EXPECTED ON NOVEMBER 3RD!
SUPPORT THE NEW ATTORNEYS IN THE AMARILLO AREA BY
ATTENDING THE

2006 Swearing-In Ceremony and Reception

Co-Sponsored by:

Amarillo Area Young Lawyers Association

Brown & Fortunato, P.C.

Lovell, Lovell, Newsom & Isern, L.L.P.

Underwood, Wilson, Berry, Stein & Johnson, P.C.

When: Wednesday, November 8, 2006

Time: Ceremony begins at 4:00 p.m. at the Seventh District Court of Appeals Reception from 5:00 – 7:00 at the Amarillo Club, 31st Floor, Chase Tower

All area attorneys and judges are invited to attend the ceremony and the reception. If you know of anyone who is awaiting his or her bar results who would like to participate in this special event, please contact Laura Burke at lburke@bf-law.com or 345-6349.



Laura Burke

November's Young Lawyer of the Month is Laura Burke, an attorney with Brown & Fortunato, P.C. Laura has been with the firm since October 2005, and she devotes the majority of her time to the firm's extensive oil and gas practice.

Laura grew up in Lubbock where her family still resides. She graduated from Coronado High School in 1997. True to her Red Raider roots, Laura graduated magna cum laude from Texas Tech University in 2001 with a B. A. in English. Law school was always a part of Laura's career plan, so after college, Laura attended Texas Tech University School of Law. After her first year, Laura married her husband Ryan, a fellow Red Raider, on June 22, 2002. Married life obviously agreed with Laura because she graduated cum laude from law school in 2004.

After graduation, Laura worked at Legal Aid Society of Lubbock, Inc. for one year. During her time at Legal Aid, she handled protective orders and suits affecting the parent/child relationship. She also wrote several successful grants to help fund Legal Aid's programs. While Laura was working at Legal Aid, Ryan was busy preparing for his future career by applying to pharmacy school. In March 2005, Laura and

Young Lawyer of the Month

Ryan were both thrilled when Ryan received his acceptance letter from Texas Tech School of Pharmacy. They packed everything up and moved to Amarillo in the summer of 2005. Ryan is now a second year pharmacy student anxiously anti-

pating graduation in May 2009.

When Laura isn't practicing law or planning the upcoming swearing-in ceremony, she enjoys reading, cooking, traveling, and spoiling her two precious nephews.

Legal Briefs



• **Please note** that the Amarillo Area Bar Association has moved to a new office. The office is now located at 112 West 8th Ave., Suite 615, in Amarillo.

• Names drawn from the fish bowl at the October luncheon were **Clint Latham** (\$25), **Amanda Mayfield** (\$50), and **Jennifer Lively** (\$75). None were present to win.

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.

Upcoming AABA Programs

The AABA executive committee has been busy planning the programs for the year. The following programs are tentatively arranged for the rest of the year.

December 14: **Geoff Bracken**, Gardere, Houston

Exculpatory Clauses: Contractual Limitations of Liability in Oilfield Services Contracts

January 11: **Terri Hagen**, Asst. U.S. Attorney, Dallas

Current Developments in Computer Crimes/Child Exploitation

February 8: **Jay Harvey**, Austin

What's Going On in the Texas Legislature?

March 8: **LaDawn Conway**, Munsch Hardt, Dallas

Jury Instructions

April 12: **Martha Dickie**, State Bar of Texas President

SBOT Issues

◆◆Advanced Family Law 2006◆◆

December 6-8, 2006
8:30 a.m. to 5:00 p.m.

The video course will be held at the Training Room of the Eagle Center, 112 W. 8th Ave., Amarillo, Texas 79101

(parking available in the Eagle Center parking garage)

Approved for up to 36 hours of CLE credit including up to 3.75 hours of Ethics
Registration Fee is \$400

Please return the registration fee payable to the Amarillo Area Bar Association on or before November 22, 2006, with the form at the bottom of this page to:

Laura Hamilton, P.O. Box 2165, Amarillo, Texas 79105-2165

Sponsored by the Amarillo Area Bar Association
and the State Bar of Texas.

If you and at least one other person would like to see the AABA bring other courses to Amarillo, please contact Laura Hamilton at 371-7002 or attorney@arn.net.

Name: _____

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Please mail to: Laura Hamilton, P.O. Box 2165, Amarillo, TX 79105-2165 on or before 11/22/06.
Call Laura Hamilton at 371-7002 or e-mail attorney@arn.net if you have any questions.

A Bit of AABA History

continued from last month

...An amendment to reduce the annual dues from \$5.00 to \$2.50 per member evoked "various points of order" and "innumerable parliamentary questions" with the results that the amendment, principally championed by the younger members of the bar, was narrowly defeated. The 1912 first annual banquet of the Association was held at the Amarillo Hotel, then located on the southwest corner of Polk Street and Third Avenue.

By 1922, the Association had begun holding regular monthly luncheons and round table discussions of various subjects, thus greatly increasing the interest of the members of the Bar in the Association. In 1928, the Association admitted its first female member, Mrs. Hattie Martin Harper. By 1929, the membership of the Association had grown to 90 lawyers.

In July, 1929, the Amarillo Bar Association hosted the 48th annual convention of the Texas Bar Association which was a joint meeting with the New Mexico Bar Association and the Texas Appellate Judges Association. A reported 300 lawyers attended this joint meeting. *To be continued...*

Please remember that 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 or stories to share, please contact Jo Ann Holt at 371-7226.

PFLA Meeting

The Panhandle Family Law Association will meet on Wednesday, November 15, 2006, at 11:30 in the Sunburst East Room of the Amarillo Club (30th Floor of the Chase Bank Building at 6th and Tyler in Amarillo). Lunch is \$15. CLE is \$15 for non-members and free for members of PFLA.

Membership in PFLA is open to judges, attorneys, and legal assistants.

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November Bar Luncheon: The Courthouse is at Your Fingertips



Learn more about iDocket.com from Potter County District Clerk **Caroline Woodburn** and iDocket creator **Armando Balderrama** at the bar meeting on Thursday, November 9, 2006. iDocket.com is an Internet database of court case information. This will be a good program to invite your legal assistants to attend, so feel free to bring guests. The luncheon meeting begins at 11:45 a.m. at the Amarillo Club.

A.G. Opinions Added to WTAMU Collection

West Texas A&M University has acquired a complete set of Texas Attorney General Opinions dating back to 1840. These documents are available in microform. For more information, contact Laura Sare, Documents Librarian, at 651-2204 or lsare@mail.wtamu.edu.

Jess C. Dickie



Litigation Mediator

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