

# AAYLA-LAW

A Publication of the Amarillo Area Bar Association

www.amarillobar.org

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SEPTEMBER 2008

NO. 1

## Our Voice in Austin

### Lewis to serve on State Bar Board of Directors



Kyle Lewis

Thank you for the trust you placed in me by electing me as your representative to the Board of Directors. I am looking forward to serving you for the next three years.

I have been asked to write an occasional column for this august publication. In it I will attempt to keep you informed of matters of interest to our local association.

For this initial column I just want to give you an overview of the State Bar of Texas. I know that many of us have a healthy scepticism of whether the State Bar does anything to help us. The State Bar is really just an administrative agency of the state's judicial branch, charged with responsibilities such as providing educational programs for the legal profession and the public, administering our continuing legal education programs, and managing our grievance system. The State Bar is funded by our dues and the fees collected from CLE programs.

The State Bar of Texas is governed by a Board of Directors. The directors are elected by the members of the bar. The following serve on the Board:

- The State Bar President, President-Elect and Immediate Past President;
- The TYLA President, President-Elect and Immediate Past President;
- Thirty elected members;
- Six public members;
- Four minority members;
- Liaisons – four judiciary and one out

of state lawyer (non voting); and

— Six section representatives (non voting).

Sam Lovelady of Amarillo was recently appointed to a three year term as a public member. He will be a valuable member of the Board.

The Board's major responsibilities are to enforce the State Bar Act and Rules, adopt policy and regulations, and appoint grievance committee members. Although I am new to the Board and my opinion may change later, it appears that most of the Board's work is done by committee. I have been placed on the Administration Committee, the Discipline/CAAP Committee, the Appeals-Grant Review Committee and the Professional Development Committee. As soon as I find out what these committees do, I will let you know.

Each Board member will also serve as advisors or alternate advisors to the various State Bar Sections and Committees. I am an alternate advisor to the School Law Section and the Council of Chairs.

This should be an interesting year. The legislature will be in session and many important issues will likely arise. Therefore, the following columns should be more interesting.

Please let me know if I can be of service to you. You can contact me as follows:

Kyle Lewis  
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“actively participating in bar activities helps maintain the collegiality, competence and character of the profession.”

- Page 2

“...his two complete sets of Playboy magazine (and I am sure HE really did read them for the articles!)”

- Page 4

“should feel free to use their voice recognition software.”

- Page 5

“make it office policy never to discuss the fact neither is as young as he or she used to be.”

- Page 7

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# President's Page

Kelly Utsinger

Lawyers are rumored to be skilled in giving good advice to clients, but often not particularly adept at taking care of their personal business. Who knows the root cause of that phenomenon? Maybe it is ego: "I am a lawyer and I don't need to read the fine print." Blame it on the press of work, "I'll turn to my business after I've served my clients." It could be economics: "I can make a lot more money working for others than I can for myself." Whatever the distraction, we often ignore details related to our personal stuff, rarely plotting our five year plan or thinking about drafting our own durable powers of attorney or medical directives. After all, our mission is to give advice to others.

I fear that a similar pattern of thought and behavior hampers participation in the Bar. It is not that lawyers shun involvement in organizations. Pick about any charitable group, church governing body or service club and you'll find lawyers actively involved. Committing time to such organizations is laudable and extremely beneficial to the community. But somewhere in our focus on clients and our commitment to community service, we may lose sight of the glue that holds us together as lawyers and ignore taking care of the business of our profession.

The benefits of joining a local bar association and engaging in bar activities may not be measurable in fees collected or business networking opportunities. On the other hand, actively participating in bar activities helps maintain the collegiality, competence and character of the profession. Working on local bar projects brings together lawyers from various disciplines and members of the judiciary to engage in dialogues that can positively impact the administration of justice, the functioning of our system and the standards of performance that distinguish the profession. Active bar associations routinely benefit their communities with service projects that enhance the public perception of lawyers and remind citizens that the rule of law is the fabric of our society.

Yes, I'm making a pitch here. The first two editions of AMA-LAW go to the almost 600 lawyers in the top 26 counties of the Texas Panhandle who are eligible to be members of the Amarillo Area Bar Association ("AABA"). After that, only the members receive the newsletter. This article is not simply a solicitation to increase membership. It is a request for us all to take a personal, active interest in the activities of the bar in order to ensure the highest standards of excellence in the practice of law and in appreciation of the profession that has blessed us with so many opportunities.

Joining the AABA has advantages that are tangible. Members will receive about two-thirds of their annual CLE by attending the bar lunches and Spring Institute. The pictorial membership directory can be useful for those of us who are getting a little more mature and don't know the new lawyers in town. AMA-LAW, under the outstanding oversight of editor Hollye Hawkins, has evolved into a first class monthly newsletter. (Besides, just getting the newsletter with my monthly article in it should be pretty compelling). Perhaps one of the greatest advantages of membership is the website, [www.amarillobar.org](http://www.amarillobar.org). Surf it sometime. With a lawyer locator function, the website can be a very useful tool for visitors looking for counsel in a specific practice area. These benefits are well worth the modest price of admission and the website will tell you how to join.

After you've tended to your personal business, consider becoming involved in the business of the bar. I hope that this year more lawyers in the area will accept this invitation by joining the AABA. It is worth the investment for you and for your profession.



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

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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:

Amarillo Area Bar Association  
Eagle Center  
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Amarillo, Texas 79101  
e-mail: [director@amarillobar.org](mailto:director@amarillobar.org)

Phone: 806-371-7226

Also visit our website at [www.amarillobar.org](http://www.amarillobar.org) for information and links to both local and state-wide legal resources.





# AAYLEA Update



*By John Massoub*

At long last, I finally take office as the new President of the Amarillo Area Young Lawyers Association. What an honor. My sincere thanks to all the little people who made this possible. I only hope that I can be half the President that Mark Logsdon was last year.

Congratulations to Mark and to the AAYLA Board for being awarded Third Place--Comprehensive in the small city division this past year. The Plaque for this prestigious award is available for viewing, free of charge, in Mark Logsdon's office every weekday from 9:00 am to 5:00 pm. No appointment necessary, just stop on by. You can have your picture taken with the plaque for a mere \$5 charge. All proceeds will go to fund the AAYLA activities and social committee.

For those of you who could not at-

tend the Spring Institute Dinner this past May, in addition to missing Dusty Stockard make a fool out of himself, you also missed the swearing-in of AAYLA's officers for this bar year:

President: John Massoub  
 President-Elect: Kara Reeves  
 Vice President: Daren Brown  
 Treasurer: Hollye Hawkins  
 Secretary: Joni Kleinschmidt  
 Past President: Mark Logsdon

As Dusty Stockard now retires from the AAYLA board and becomes an "Old" lawyer, all of us on the AAYLA Board wish him the best and say good riddance.

AAYLEA has several projects scheduled for this upcoming year, starting with our New Lawyer Membership Drive and

Orientation. The orientation will be followed by a reception at the Amarillo Club. Everyone is invited to attend and welcome the new lawyers, or soon to be lawyers pending bar results, to the Amarillo area. Please let Matt Whitten know of any new lawyers in your office who would like to participate in the orientation, which will involve a tour of the courthouses, meeting judges, and meeting the county and district clerks. Matt's contact information is 379-0324. New attorneys can expect invitations in the mail in the coming weeks.

Finally, AAYLA will be hosting the Tenth Annual Las Vegas CLE. The event will be held on April 4, 2009. Mark your calendars and I will see you in Vegas.



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# Young Lawyer of the Month



Greg S. Freeman

The Young Lawyer for the Month of September is Greg S. Freeman of Lovell, Lovell, Newsom & Isern. Greg is a second year associate with the Lovell firm and practices in the areas of personal injury, commercial litigation, and oil and gas.

Greg was born in Oxford, Mississippi and attended the University of Mississippi, where he received his B.A. in Accounting in December of 2000. After learning he could not make a living attending Ole Miss football games, Greg later decided to attend law school. Greg

earned his J.D. from the Cumberland School of Law at Samford University in Birmingham, Alabama in May of 2005. During law school, Greg was a member of the American Journal of Trial Advocacy and was Secretary of the Cumberland Wildlife Association. Weary of Bear Bryant stories and the non-stop broadcast of Sweet Home Alabama, Greg returned to Oxford and Ole Miss ready to begin his legal career.

After passing the Mississippi bar and securing a job in the nearby town of Tupelo, Mississippi, the home of the King,

tragedy struck the Mississippi Gulf Coast in the form of Hurricane Katrina. Jobs were scarce in Mississippi after the hurricane, and Greg reluctantly left his home state in search of greener pastures.

Despite the lack of trees and coverage of the Southeastern Conference, Greg has made his home in Amarillo. Greg enjoys bowhunting and the occasional return to Ole Miss for football games, despite constant disappointment.



Charles Rittenberry

## IN MEMORIAM

By Cindi Barela

Perhaps the term "dying breed" is an inappropriate way to refer to him in this article, but Charles Rittenberry was that type of lawyer—one of a dying breed. I do not mean to imply that we do not have great lawyers today, because we do. This is different though. Charles, and lawyers like him during the 1970's helped take the criminal defense arena to new heights by thinking of clever and ingenious ways to represent their clients. They were the courtroom guys who weren't afraid to test the limits and they did.

Charles was born in Amarillo and went to the University of Texas School of Law and graduated in 1964. I remember the year he graduated because his class ring clearly was marked with the year of my birth and I reminded him often of his seniority. He was a wonderful mentor and in my early days he would readily take my phone calls when I had questions. His advice was always dead on the money. And, I always knew Charles was the one to ask as he was not only brilliant, but he took care of business. He was always the first attorney to call me about docket call wanting to get his cases taken care of back before the docket was called.

Charles returned to Amarillo after school and practiced as a criminal defense attorney. He was partners at times but was a solo practitioner for much of his day. He told me that he thought he operated best by himself. He also said that a good lawyer should always be able to, if he worked hard all day, finish his work each day by five o'clock in the evening in time to have dinner with his family. Given that he paid for a full set of Vernon's and Southwest Reporters until shortly before his death, it is easy to see that he was very traditional in his methodology.

Once Charles got a case, he worked every angle of it. He would truly study the law in any area relating to the case and would educate himself on every aspect of the case. If the case involved drugs, he would study the drug. If the case involved a shooting, he would study the gun and the dynamics of bullets. He was an avid and voracious reader and his library proved it. At his office, he had books on multitudes of topics including pharmacology, ballistics, and forensics. At home, his library included, in addition to his two complete sets of Playboy magazine (and I am sure HE really did read them for the articles!), were books on hunting, judo, the history of the high plains, and photography. He loved to take pictures of the wildlife at the Palo Duro

Club and the wildlife at the Terlingua Chili Cookoff. And, speaking of wildlife, Charles did relay numerous stories about the JR. BAR, but let's just say that some things are better left unsaid—but I do have the letter from Scott Sutphen forever banning that organization from organizing in his restaurant again!

One of Charles' many highly publicized trials was the trial against Pittsburg Steelers Iron Curtain lineman Ernie Holmes. In that possession of cocaine case, Charles successfully secured an acquittal for his client by building and having constructed during the lunch break a replica of the bathroom in which his client had been arrested for possessing cocaine. While the stalls were only half as tall as the real bathroom, the model helped prove Charles' point to the jury that there was no way a police officer could have seen his client and thus had no probable cause to search him.

To really appreciate Charles you also have to understand his humor and his true dedication to representing his clients. In 2000, the Texas Lawyer ran an article on Richard "Racehorse" Haynes with whom Charles had tried cases. In his letter to Racehorse, Charles was giving Mr. Haynes a hard time about his attire in the picture accompanying the article. Racehorse responded that all anyone has to do to be labeled a legal legend is to "have a pretty face (and body) and get a good lawyer to do the legal work. You ought to know, you did the outstanding legal work for the Sheriff, I was the pretty face and I took all the credit."

In yet another letter, this time to the renowned author Gerry L. Spence, Charles complimented him on his book *Half-Moon and Empty Stars* saying: "No one has written so well of a criminal trial. The feelings, the fear, the pain, and the truths. You have woven what we know into a beautiful story. I have said that no one should hire a criminal defense lawyer who has not read *Alice in Wonderland*. I now add to that list *Half-Moon and Empty Stars*." Gerry Spence responded by saying: "What a precious letter. It brought tears to my eyes. Thank you so much. Love, Gerry."

Another local very well known, wealthy and notorious client of Charles' also wrote to Charles saying: "if you hadn't been a lawyer, you could have been a psychiatrist. You understand people. You understand how to listen and talk to them... I will always be in your debt."

Both Racehorse and Gerry Spence are right, Charles did outstanding work and his words brought tears to our eyes because he was dedicated to zealously representing his client. He told his clients the truth, he told them what they did not want to hear and he represented him with all his being. They will always be in his debt, as will those of us who were lucky to call him a friend and mentor. Charles, we are better for having known you, and we miss your being!



# Legal Yarns

## Thank You and Please

From James Wester

No, this is not an article about extending common courtesies. On the other hand, you might take this opportunity to extend those courtesies to some deserving person.

I take this opportunity to say "thank you" to the lawyers that have previously submitted articles or information for Legal Yarns: Allan Adkins, Honorable John Boyd, Fred Griffin, John Huffaker, Wales Madden, Jr., Chuck Mallard, Lee Ann Reno, Charles Rittenberry, Mark White, and Walter Wolfram. If I failed to mention anyone, please let me know. In reviewing the names of the contributors, there is really no need to point out the lack of contributions by young lawyers.

Now a request, "please" consider submitting one of your Legal Yarns. A Legal Yarn is a narrative of real (or somewhat fictitious) adventures or an entertaining tale about our beloved legal profession and/or our esteemed colleagues. As with most good stories they tend to improve with age and you should feel free to add details, amplify, embellish, enhance, enlarge, explain, expound, improve, interpret, polish, refine, and otherwise elaborate.

### Closing office

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Besides the enjoyment that each of us get in re-telling a good yarn, there is value in sharing and preserving it in writing. Please take a few minutes and dictate a quick yarn. For younger lawyers, a dictaphone is the little machine that you see in the hand of an older lawyer when you think he or she is simply talking to themselves. You may see the dictaphone sitting atop the typewriter. Younger lawyers should feel free to use their voice recogni-



James Wester

tion software.

Please email (or snail mail) your stories to James Wester at [James.Wester@uwlaw.com](mailto:James.Wester@uwlaw.com) and watch for the next edition of AMA-LAW.

## Legal Briefs

Special Orders No. 2-67, 2-68, and 2-69 amend local civil rules LR 53.1 and 72.2 pertaining to the adoption of amended local civil and criminal rules of the United States District Court for the Northern District of Texas. The effective date is September 1, 2008. The complete text of the order is available on the court's Internet website at [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov).

### Did you know?

Did you know that for over twenty years the Texas Panhandle Paralegal Association (TPPA) has been serving the paralegals of Amarillo, Canyon and the Texas Panhandle area? Formed in 1986 as the Texas Panhandle Association of Legal Assistants, TPPA is a non-profit organization of paralegals whose purposes are to establish good fellowship among its members, the National Association of Legal Assistants (NALA), the Paralegal Division of the State Bar of Texas, and members of the legal community; to encourage a high order of ethical and professional attainment; to further education among members of the profession; to cooperate with bar associations; and to support and carry out the programs, purposes, aims and goals of NALA.

In order to further education and professional networking, regular monthly lecture meetings are held on the third Thursday of each month from 11:45 a.m. to 1:00 p.m. at the Amarillo Club, 6th & Tyler, 30th Floor, Amarillo, Texas 79101. Non-members and attorneys are welcome

to attend these luncheons during which paralegal CLE credit is awarded. Food is provided through the Amarillo Club at the cost of \$14 for buffet and choice of drink.

TPPA also promotes networking among the legal community through its free job bank. Potential employers can post information regarding job openings in the legal field, from couriers to highly specialized paralegal positions. The information is then forwarded to the entire membership, which includes students, graduates and experienced paralegals.

Once a year, TPPA has a special attorney/paralegal event. In the past, this has been in the form of dinners, mixers and luncheons. The special event is a wonderful opportunity for both attorneys and paralegals to show their appreciation for one-another, network with others in the legal community and earn MCLE credits. Please mark your calendar for October 16, 2008 for this year's attorney/paralegal luncheon. The event will include lunch, door prizes and a special guest lecture on Impartial Witness and Eye Witness Recollection. In the coming weeks, TPPA will contact members of the legal community with more details and a formal invitation. For questions regarding TPPA, please contact TPPA's Public Relations Chair, Eva Morris, at [eva.morris@uwlaw.com](mailto:eva.morris@uwlaw.com).

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

# *Rising and Shining at the 2008 Spring Institute*



## **KNOW A DRUG OFFENDER WITHOUT A DRIVER'S LICENSE?**

If so contact Linda Dudley, LCDC at 806-570-6810 with West Texas Drug Offender Education Program. This is a 15 hour state approved program for persons who have lost their license due to a misdemeanor or felony drug conviction. Participants will receive education on drug/DWI laws, dangers of drug use and its associated illegal activities and assist them in developing a personal plan of action to change negative behaviors. Certificates will be issued. Monthly classes available in English or Spanish. Classes are held at 1201 West 8th Avenue Amarillo, TX 79101

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# THE LEGAL BEAGLE



*Abby is a miniature Beagle who is a hound for obscure, interesting, and/or outrageous legal treats. Her briefs are meant to educate and entertain. If you have any Legal Beagle-worthy tidbits, please e-mail Abby at [legalbeagle.aaba@sbcglobal.net](mailto:legalbeagle.aaba@sbcglobal.net). Submissions will be published in this column and attributed to the sender. Abby is a stickler for Shepardizing, so please cite your source.*

## High-er Me

*Time served as a resume builder? Give this guy credit and maybe even a job for his unusual spin doctoring. Here's a classified ad from the "Employment Wanted" section of Financial Post in Toronto, Ontario, Canada:*

## Former Marijuana Smuggler

Having successfully completed a ten year sentence, incident-free, for importing 75 tons of marijuana into the United States, I am now seeking a legal and legitimate means to support myself and my family.

**Business experience** — Owned and operated a successful fishing business: multi-vessel, one airplane, one island and processing facility. Simultaneously owned and operated a fleet of tractor-trailer trucks conducting business in the Western United States. During this time I also co-owned and participated in the executive level management of 120 people worldwide in a successful pot smuggling venture with revenues in excess of U.S. \$100 million annually. I took responsibility for my actions, and received a ten year sentence in the United States while others walked free for their co-operation.

**Attributes** — I am an expert in all levels of security. I have extensive computer skills, am personable, outgoing, well-educated, reliable, clean and sober. I am well-traveled and speak English, French and Spanish. References available from friends, family, the U.S. District Attorney, etc.

— From a photocopy of ad placed in Classifieds, Financial Post (Toronto), Feb. 23, 2001 (page number unknown).

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## Quote of the Month:

It is the spirit and not the form of law that keeps justice alive.  
--Earl Warren

## A Picture is Worth. . .

Legal Beagle is shamelessly taking this opportunity to show off a new face not a member of the Amarillo Area Bar Association, but a contributing force to AMA-LAW nevertheless. Be the first person to correctly identify this new face to [legalbeagle.aaba@sbcglobal.net](mailto:legalbeagle.aaba@sbcglobal.net).



The winner will receive a prize. The correct answer and the name of the winning contestant will appear in next month's edition of AMA-LAW.

Move over Tiger Woods, the Legal Beagle is quickly gaining interest in the endorsement world. Accordingly, this year, contests will be sponsored by **Thomson West Publishers**. This means that the prizes will be more remarkable than an insulated travel mug that's destined to be tagged 50 cents at your next garage sale.

# THOMSON



# WEST

The held-over-through-summer winner for last May's picture was **Karl Baumgardner**, who correctly guessed the picture to be of Susan Burnette. Yes, there is a question of impropriety since Karl and Susan work in the same office. However, both parties have assured the Legal Beagle that the integrity of this game remains intact as Susan and Karl make it office policy never to discuss the fact neither is as young as he or she used to be.



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# Your Bar Events - September 2008

S	M	T	W	T	F	S
	1	2	3	4	5	6
			AAYLA Board Meeting, 12:00 p.m. Sprouse Law Firm	AABA Board Meeting, 11:45 a.m. Amarillo Club		
7	8	9	10	11	12	13
				Bar Luncheon, 11:45 a.m., Amarillo Club, 30th Floor		
14	15	16	17	18	19	20
21	22	23	24	25	26	27
			Advanced Criminal L. 2nd floor training room, Eagle Center			
28	29	30				

*Kelly Ursinger, President*  
*Hon. James T. Campbell, President-Elect*  
*Walter T. "Four" Price, Vice President*  
*Michelle Sibley, Secretary-Treasurer*  
*Michele Fortunato, Immediate Past President*

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*Sonya Lertson*  
*Andrew R. Evans*  
*Dusty Stockard*  
*Brian R. Heinrich*  
*James W. Wester*

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