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February Luncheon Meeting

Friday, February 15, 2008, 12:00 p.m.

Town Club

800 North Shoreline, 6th Floor, Center Elevators

Free Parking in Parking Garage

Joint Luncheon with CPA's

Speaker: Bill Chriss

Title: "What Social Science Teaches about Policies, Procedures, Rules, and Ethical Behavior"

CLE Credit: 0.75 hour Participatory, **ETHICS**

Cost: \$19.00 per person for members, \$24.00 per person for non-members if reserved by noon, Thursday, February 14, 2008. Call the Bar Office at 883-4022 to RSVP or e-mail us at sgonzales@corpusbar.com. All reservations must be paid for. The cost at the door will be \$21.00 for members, \$26.00 for non-members.

NOTE

ADDED ADVANTAGE OF ADVANCE RESERVATIONS — THOSE WHO RSVP IN ADVANCE WILL HAVE THEIR CLE ATTENDANCE CARDS PRE-POPULATED SO ALL THEY HAVE TO DO IS TO SIGN THE CARD (AND, OF COURSE, STAY FOR THE PRESENTATION) IN ORDER TO OBTAIN THEIR CLE CREDIT

2008 Bar Pictorial Directory Deadline March 3rd

The deadline for submitting your updated information for the 2008 Pictorial Directory is Monday, March 3rd. You can do it via e-mail, telephone call, or fax. Detailed information is provided *infra*, pages 13 and 14. If you wish your photo updated, we can do it for **free** in the Bar Association Office. Just give us a call at 883-4022.

Please remember that unless you renew your **AREAS OF PRACTICE** and pay the fee, the ones listed in this year's Pictorial Directory will not be included in the 2008 Pictorial Directory. As with updated information, you may update your **AREAS OF PRACTICE** via e-mail, telephone call, or fax. Detailed information is provided *infra*, pages 13 and 14.

Bankruptcy Seminar Friday, February 29th

CCBA is bringing you the 2008 Bankruptcy Seminar on Friday, February 2008. The topics will be "Recent Developments in Bankruptcy Law," Amendments to the Federal Rules of Civil Procedure," "Understanding the Role of the U.S. Trustee in the Bankruptcy Process," "A View from the Bench — Life Under the BAPCPA," "Loss Mitigation and Best Practices from the Perspective of a Mortgage Servicing Company," "Predatory Lending Practices and Claims Against Lenders in Bankruptcy," Small Business Chapter 11's," and "Chapter 13 Practice and New Local District Chapter 13 Rules and Their Effect." The Seminar will offer 6.25 hours of CLE, 1 hour of which will count toward meeting the Ethics requirement. Flyers have been mailed. You

can also obtain the flyer and registration form from our website, ccbar.com. Please call us at 883-4022 if you have any questions.

3 Hour Ethics Seminar Coming in March

Mark your calendar. The second annual Ethics Seminar will be presented Thursday afternoon, March 13th. The Seminar will provide 3.0 hours of Ethics CLE. The flyer will be on the streets in the next couple of weeks and will be on the website shortly thereafter. If you have any questions, please call us at 883-4022.

Judge Jack Hunter's Portrait Hung in the 94th

Friday afternoon, December 7th, the Portrait hanging ceremony for the Honorable Jack Hunter was conducted in the 94th District Court Courtroom. Speakers dur-



The Honorable Bobby Galvan hangs the portrait of his predecessor, the Honorable Jack Hunter, in the 94th District Court Courtroom.

ing the ceremony honoring Judge Hunter included the Honorable David Diaz and Ruben Bonilla, Jr.

Criminal Defense Section Elects New Officers

The Criminal Defense Section elected new officers for the coming year at its November meeting. David Stith will lead it as President. Gabriel R. Salais was elected President-Elect, and Jerry Dorsey was re-elected Treasurer. All will serve until December 2008.

CCYLA Honored During TYLA Visit to Corpus Christi

Corpus Christi was the site of the Texas Young Lawyers Association (TYLA) Board of Director's quarterly meeting from January 17th through January 19th. On the evening of January 17th, a reception honoring the Corpus Christi Young Lawyers Association (CCYLA) was held by the Corpus Christi Bar Association (CCBA) at the Water Street Seafood Company. The reception was held to recognize all of the national and state honors, including the best young lawyers association in the nation and the state of Texas, earned by the CCYLA over the past year. Over 70 attended the reception. Community members who partnered with the CCYLA were invited to attend, and the CCYLA Board members for 2006 — 2007 and the community partners were recognized by CCBA President Rebecca Kieschnick during the Reception as were the members of the TYLA Board.

CCYLA Holiday Party Combined with "Toys for Tots"



Brian Miller, Michael McAuley, and Dan Garcia at the CCYLA Holiday Party



Melody Rodney and Dane Bruun at the CCYLA Holiday Party

The Annual Corpus Christi Young Lawyers Holiday Party was held in accordance with tradition at B&J's Pizza on



Steve McMains and John Welsh engaged in a deep philosophical discussion during the CCYLA Holiday Party

South Padre Island Drive on Thursday, December 13th. Over 40 Young Lawyers and their guests not only partook of beer and pizza but they also repeated a another feature of the event inaugurated last year, collecting toys and cash for the United States Marine Corps Reserve's "Toys for Tots" campaign. A good time was had by all, and the Marines were most appreciative of the donations.

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Corpus Christi, TX 78478-0033
883-4022 — mailinglist@corpusbar.com

Important Dates

Bold indicates seminar or new entry on the calendar

February 2008

- 3 — Mock Trial
- 7 — CCYLA Board Meeting
- 15 — Joint Luncheon with CPA's Town Club**
- 19 — Board of Directors Meeting
- 20 — Criminal Defense Luncheon
12:00 p.m., Katz 21
- 22 - CCYLA Luncheon**
- 23 — Peoples' Law School, TAMU-CC**
- 28 — CCYLA Happy Hour**
- 29 — Bankruptcy Seminar**

March 2008

- Nominating Committee, Docket Call; CCISD Spring Break — 17 — 21, Good Friday 21, Easter — 23
- 6 — CCYLA Board Meeting
- 13 — Ethics Seminar**

- 19 — Criminal Defense Luncheon
12:00 p.m., Katz 21
- 25 — Board of Directors Meeting
- 25 — **CBWLA Reception**
- 26 — CBWLA Luncheon**
- 27 — CCYLA Luncheon**

April 2008

- Election of New Board, Passover Begins — 19
- 3 — CCYLA Board Meeting
- 9 — Annual Meeting Luncheon
12:00 p.m., Ortiz Center, Speaker Gib Walton, SBOT President, Town Club**
- 11 — Advanced Civil Trial Seminar**
- 15 — Board of Directors Meeting
- 16 — Criminal Defense Luncheon
12:00 p.m., Katz 21

May 2008

- Law Day Reception, Law Day Luncheon,
- 1 — CCYLA Board Meeting
- 20 — Board of Directors Meeting
- 21 — Criminal Defense Luncheon,
12:00 p.m., Katz 21
- 23 — Criminal Law Seminar**

- 26 — Holiday, Office Closed
June 2008

Docket Call

- 5 — CCYLA Board Meeting
Baseball with the Bench
- 17 — Board of Directors Joint Meeting
- 18 — Criminal Defense Luncheon,
12:00 p.m., Katz 21
- 26 — 28 — State Bar of Texas
Annual Meeting**

July 2008

- 9 — Luncheon**
- 18 & 19 — SBOT Bar Leaders
Conference at The Woodlands**

CCYLA Distributes Candy Canes at Los Encinos Special Emphasis School

Wednesday, December 19th, was not only the last day of the semester for the students at the Los Encinos Special Emphasis Elementary School, it was also

the day they received candy canes from members of the Corpus Christi Young Lawyers Association. Distribution of the candy canes to the students of Los Encinos is a tradition started several years



Santa Bry surrounded by the elves who comprised his candy cane distribution team, left to right, Steve, Michael, Lisa, and Melody

ago. In some of the rooms it was unclear who enjoyed the event more, the students or the teachers, the teachers' aids and administration personnel. As occurred last year, the blue candy canes appeared to be the most popular. "Santa Bry" encouraged the students to behave as he was checking his list twice.

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Criminal Defense Section's Holiday Party Roaring Success

The Criminal Defense Section held its Annual Holiday Party on Thursday, De-



The Honorable James E. Klager, Doug Tinker, Deborah McCusker were among those in attendance

ember 20th. As has become the tradition, it was held at Katz 21 Spirits. Over



Ted Bonilla and David W. Reddell at the Criminal Defense Section's Holiday Party

80 Judges, court personnel, lawyers, and their guests attended. Back by popular



The Honorable Nanette Hassette (Right) and her Court Manager Linda Marie Harrison during the Criminal Defense Section's Holiday Party

demand, entertainment was provided by Carl Lewis and the Deadbeats.



The Honorable Bobby Galvan and his wife Deeanne Svoboda Galvan enjoying the Criminal Defense Section's Holiday Party



Judge Carl E. Lewis showcases his vocal talents while leading the Deadbeats during the Criminal Defense Section's Holiday Party

The Criminal Defense Section took advantage of the setting to present Lisa Harris with the plaque and keys to the jail symbolizing her being voted Defense Lawyer of the Year for 2007.



The Honorable Carl E. Lewis presents Lisa Harris with the plaque and keys to the jail in recognition of her being voted Defense Lawyer of the Year for 2007.

The whole event was organized by Pam Garcia. Not a dissenting opinion was heard to the acclamation "What a great party!!"



Pam Garcia, who organized it all, and Tara O'Donnell at the Criminal Defense Section's Holiday Party

The Criminal Defense Section thanks the following contributing cash to ensure the success of the Party:

- Cecil Starcher.
- The Honorable David Diaz
- The Law Office of Scott M. Ellison, P.L.L.C.

Office Space for Rent

Lanette Smith Joubert Has One office Space Available for Rent at 405 North Tanchua Street

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NEW CCBA Member

We welcome the following new members:

David Abrego, Brent Coon and Associates, phone 883-5300

Kara A. Batey, Branscomb, P.C., phone 886-3845

Dane C. Bruun, Welder Leshin, L.L.P., phone 561-8000

Richard G. Foster, Porter, Rogers, Dahlman & Gordon, P.C., phone (210) 547-9326

Dan Garcia, Nueces County District Attorney's Office, phone 888-0410

Sara Giddings, Branscomb, P.C., phone 888-9261

Mark Gonzalez, phone 442-5124

Dorian Ramirez, 13th Court of Appeals, phone 888-0697

Erica A. Ramos, 13th Court of Appeals, phone 888-0715

Karen W. Selim, Texas A&M University, Corpus Christi

William "Bill" Walston, Jr., phone (361) 729-4910

2008 Advanced Appellate Law Seminar Held January 25th

The 2008 Appellate Law Seminar was held Friday, January 25th, at the Ortiz International Convention Center. Thirty-nine attended the all-day course. It provided 6.75 hours of CLE, 1 1/2 hours of which qualified for Ethics credit. In addition to justices from the Thirteenth Court of Appeals, there were several august speakers including Professor William V. Dorsaneo, III, of the Southern Methodist Dedman School of Law. All who attended rated the course very highly. Special thanks go to Audrey Vicknair and Greg Perkes, the course directors.

MICHAEL P. O'BRIEN

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**13th Court of Appeals
Appoints New Clerk of Court**
Chief Justice Rogelio Valdez and the Justices of the Thirteenth Court of Appeals have appointed Dorian Evans Ramirez as the new Clerk of Court. Ms. Ramirez assumed her new duties January 21, 2008.

Prior to her appointment as Clerk of Court for the Thirteenth Court of Appeals, Ms. Ramirez was the Deputy Public Counsel for the Office of Injured Employee Counsel for the State of Texas (OIEC). She received her Juris Doctor degree from the University of Houston Law Center and was admitted to practice in 1990.

In 1991 Ms. Ramirez began her long career of public service. She first was employed by the Texas Workers' Compensation Commission where she served in several capacities. In 2006 she commenced her service with the OIEC.

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Dear State Bar Member:

The State Bar of Texas Insurance Trust is pleased to announce the recent endorsement of the Berkshire/Guardian disability income products which will be an excellent compliment to the group disability income plan that has been available to Texas attorneys through the Trust for many years. As a result of the Trust's endorsement, Texas Bar members will be eligible to receive a 10% association discount on the Berkshire/Guardian products when enrolling. The following are brief highlights of the provisions and products available under the Berkshire/Guardian plans:

- All contracts are Non-Cancellable and Guaranteed Renewable
- True "Own Occupation" definition of total disability
- No mental, nervous, war or act of war exclusions
- Separate disability policy that covers contributions to retirement plans
- Professional Overhead Expense & Disability Buy-Out are available

We would also like to introduce **Phillip W. Storm, CBC** as one of our independent representatives specially selected to be a part of this program. Phillip is an independent agent with Storm and Associates who has many years of expertise working with professionals assisting them in obtaining disability, medical, and life insurance similar to the Trust's programs. We have asked Phillip to contact you to see if there is any interest on your part at this time. If so, we encourage you to schedule a meeting with him.

Sincerely yours,

Brooks Davis
Administrator

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Nationally Renowned Criminal Defense Lawyer Speaker at January Luncheon

With the help of Doug Tinker, the CCBA was able to bring the nationally renowned criminal defense lawyer Tim Evans to Corpus Christi to speak at the CCBA's January luncheon. Mr. Evans, who has been a criminal defense lawyer for over 31 years, has had three books published by the State Bar of Texas. He has also spoken at several (over 10) national criminal law seminars. Mr. Evans currently serves as the chair of the SBOTs' Criminal Law Section and on the SBOT Advisory Committee on the Rules of Evidence. He titled his presentation "The War on Crime (Thirty Years in the Fox-hole)." His focus was on areas of the law in which he believes that citizens' rights have been eroded. The over 60 in attendance received .75 hour CLE specialization credit in Criminal Law and Juvenile Law.

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LANDLORD RESOURCES

Criminal Defense January Luncheon Focused on "MHMR Programs for Criminal Defense Clients"

The January Criminal Defense Section's Luncheon CLE focused on the State of Texas' Department of Mental Health Mental Retardation's Jail Diversion Program. Lisa Chandler and Mark Skurka were the speakers. They explained eligibility criteria and how the program works "in real life" including how a criminal defense lawyer can assist his/her client to obtain screening for the Jail Diversion Program at various stages of the criminal law prosecution procedures. The over thirty in attendance received .75 hour of CLE in Criminal Law.

CCBA "Experiments' with SBOT CLE Video

Testing a new way to bring CLE to you, CCBA partnered with the State Bar of Texas in bringing video CLE to you. On Monday, January 14th, we presented a video replay of the SBOT CLE "9th Annual Building Blocks of Wills." It was presented in Community Room B of Tower II, 555 North Carancahua. The subjects covered included Basic Estate Planning, Elder Law Planning and Issue Spotting, Office Technology and Administration: Kicking and Screaming into the 21st Century, Probate Procedures and Alternatives, and Administration Issues. It provided 6.75 hours of CLE including specialization credit Estate Planning and Probate Law and Tax Law. 3.5 hours of Ethics were included in the presentation.

The 32 in attendance almost universally agreed that it should be attempted again next year. They received all of the materials provided at the original video broadcast.

The cost was \$150.00 for Members and \$160.00 for non-members.

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Judge Mike Westergren's Recent Case Summaries

LARRY DAVID PACK v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, SIXTH DISTRICT, TEXARKANA, 223 S.W.3d 697, 2007 — No subsequent appellate history

Perjury conviction overturned because state could not prove an essential element of the offense. The appellate court conceded that the defendant likely intended to mislead the grand jury but the state failed to prove that what he said was facially untrue. Inconsistent stories do not establish falsity. This is kind of like: "I did not have sexual relations with that woman."

YOUNGSTOWN AREA JEWISH FEDERATION, v. WILLIAM J. DUNLEAVY, COURT OF APPEALS OF TEXAS, FIFTH DISTRICT, DALLAS, 223 S.W.3d 604, 2007 — No negative subsequent appellate history

Another example of the way appellate courts are scrutinizing *ad litem* fee. Fee should not be awarded for matters duplicating what the Plaintiff's counsel has done in the case.

ANIBAL HERIBERTO VALLE v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT, AMARILLO, 223 S.W.3d 538, 2006 — Petition for review granted

What stands out about this case is a conviction for possession of 30 lbs of marijuana is overturned. Although there were facts tending to prove guilt, the Court was concerned about the fact the defendant's job was to transport, over long distances, property that belonged to third parties and that the marijuana was most likely packaged by third parties and the fact that the officers were not shown to be expert in commercial trucking procedures or relevant odor absorption issues. Let's see how the Court of Criminal Appeals sees it.

ARKESCH D. MURPHY v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT, AMARILLO, 223 S.W.3d 427, 2006 — No subsequent appellate history

Trial Court cannot *sua sponte* grant new trial after a plea where defendant doesn't ask for new trial.

MICHAEL CHARLES FULLER v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, SIXTH DISTRICT, TEXARKANA, 224 S.W.3d 823, 2007 — No subsequent appellate history

"When will they ever learn?" applies to this issue. You cannot use an expert to bolster the credibility of another witness including the victim. The issue is so strong that in this case a failure to object constituted ineffective assistance of counsel.

JACOB B. SALINAS v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO, 224 S.W.3d 752, 2007 — No

negative appellate history

Trial court finding that the caretaker function authorized the arrest for DWI was reversed. The facts involved the manner in which a driver approached a T intersection: he didn't immediately turn left or right.

WESLEY WAYNE HANSEN v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, FIRST DISTRICT, HOUSTON, 224 S.W.3d 325, 2006 — Petition for discretionary review refused

This stalking case illustrates some bazaar behavior of an ex-employee expressing interest in an eleven year old daughter of the former employer. What it holds is that the behavior can be directed to both the eleven year old daughter and her mother. It also illustrates that seizure of evidence by a private person does not violate the Fourth Amendment.

IN RE BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE, SUPREME COURT OF TEXAS, 224 S.W.3d 182, 2007

Contrary to the ruling of the intermediate court, the Supreme Court held that a DA does not waive the work product privilege simply by producing his prosecution file. Thus a motion to quash subpoena for three prosecutors involved in the case was upheld.

THE STATE OF TEXAS v. CANDLARIO GARCIA-CANTU, COURT OF APPEALS OF TEXAS, NINTH DISTRICT, BEAUMONT, 225 S.W.3d 820, 2007 — Petition for review granted

This case involve the question of whether shining a spot light on a vehicle constitutes an arrest of those inside. The trial court thought that it did and for this and other reason granted a motion to suppress. The Beaumont Court reversed. It will be interesting to see what the Court of Criminal Appeals does with this case.

Bar Directory Update Deadline Delayed Until February 29th

In order to make the information in the Directory more timely, the Bar Directory for 2007 — 2008 will be published March 2008. If you have moved, changed firms, changed any phone numbers, changed your e-mail address, or wish to add additional information, **NOW** is the time to notify us. You may do so via fax (883-0353) or e-mail Sara Gonzales at (sgonzales@corpusbar.com). The **DEADLINE FOR UPDATES IS February 29, 2008.**

Even if you have not changed anything, please check the 2007 Bar Directory to ensure that your information is correct; and please notify us if it is not. When checking the 2007 Bar Directory, please take a close look at your photo. If you are not pleased with what you see or you have become more distinguished in appearance, you can change the photo; but **we must have the updated photo by February 29th. ALL photos must be DIGITAL. We can take DIGITAL photos suitable for printing in the Pictorial Directory here in the office, and it is FREE. Please call us at 883-4022 to schedule your FREE DIGITAL photo shoot.**

Please remember that we have changed the Bar Directory to afford you the opportunity to list your area(s) of practice

(AOP) in the Bar Directory. Your AOP(s) will be listed both in the pictorial section (space permitting as explained below) **and** in a **reference section at the rear of the Bar Directory.** If you have any questions about how this will be done, please check this year's Bar Directory or contact us and we shall fax you an example. **ONE** AOP listing consisting of 30 characters or less will be free. Any additional AOP listings (even if they fit on one line with the initial or another AOP listing) will be \$10.00 per additional AOP listing. Due to space constraints, each line listing AOP('s) in the Pictorial Section will be limited to **30** characters. As with updates, you may notify us via fax (883-0353) or e-mail (sgonzales@corpusbar.com) of your initial AOP listing request. If you wish to list additional AOP's, please notify us via mail and include a check to cover the cost. **No additional AOP listing(s) will be placed in the directory until the check paying for the additional AOP listing(s) is received.**

IF YOU HAVE MORE THAN ONE AOP LISTING IN THE 2007 BAR DIRECTORY AND WISH TO CONTINUE YOUR ADDITIONAL AOP LISTING(S) IN THE 2008 BAR DIRECTORY, PLEASE SEND US \$10.00 FOR EACH OF THOSE ADDITIONAL AOP

LISTING(S) THAT YOU WISH TO HAVE IN THE 2008 BAR DIRECTORY PRIOR TO FEBRUARY 29th. IF PAYMENT IS NOT RECEIVED BY THEN, THE AOP LISTING(S) FOR WHICH PAYMENT IS NOT RECEIVED WILL NOT BE LISTED IN THE 2008 BAR DIRECTORY.

Due to space constraints, the maximum number of items you may have in your **PICTORIAL SECTION** entry in the Bar Directory will be limited to **10 lines of 30 characters/spaces each** in addition to your name. An example of the limitation is as follows:

Name
Spouse's Name
Name of Firm
Address of Firm
Home address
Office phone
Office fax
E-mail
Home phone
Home fax
Area of practice

The attorney in the example already has 10 listings in addition to his/her name. If the attorney in the foregoing listing wished to list an additional AOP in the pictorial section, he/she would have to delete one of the current listings to make room for the additional AOP

listing. That is because the attorney already has 10 listings in addition to his/her name. **There is NO limit on the number of AOP(s) that may be listed in the Reference Section.** If the attorney in the foregoing example wished to list two additional AOP's in the pictorial section, he/she would have to delete two of his/her current listings in order to make room for the second and third AOP listings. If the attorney's name, the firm's name, or the firm's address in the foregoing example were such that two lines were required to list it, then the attorney would not be able to list an AOP without deleting one of the current listings.

The deadline for adding an AOP to your listing (and paying for it) AND/OR PAYING FOR CONTINUATION OF THE LISTINGS YOU HAVE IN THE 2008 BAR DIRECTORY is FEBRUARY 29, 2008.

Please remember that the limitations on the number of AOP listings only applies to the Pictorial Section. There is NO LIMIT on the number of AOP's you can have set forth in the Reference Section of the Bar Directory.

If you have any questions, please contact us. The form on the back may be used when notifying us of changes.

CCBA Directory Errata Sheet

January 2008

Additions:	Corrections:	Deletions:
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