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**There will be no March Luncheon Meeting in Deference to the Coastal Bend Women Lawyers Association Fund Raising Luncheon**

**The Docket Call at Cassidy's Irish Pub Which Was Cancelled Will Be Rescheduled Stay Tuned for Details**



# Newsletter

March 2008

## Janet Reno to Speak at CWBLA's 20th Annual Spring Luncheon

The 20th Annual Coastal Bend Women Lawyers Association's Spring Luncheon will be Wednesday, March 26th. The CWBLA's luncheon honoring "Women of Distinction" is held annually during Women's History Month.

This year's speaker will be **Janet Reno**. The topic of her presentation will be "My Life as United States Attorney General and Beyond." The luncheon will commence at **12:00 p.m.** at the **Omni Bayfront Hotel**. Doors will open at 11:45 a.m. Cost will be \$55.00 for members, \$60.00 for non-members, for reservations received on or before March 15th. For reservations received after March 15th, the cost will be \$75.00 for both members and non-members. Reservations are to be mailed to CWBLA, Box 2176, Corpus Christi, Texas 784013. Kathleen Day and Llana Gonzales are the Luncheon Chairpersons. During the Luncheon the founding members of CWBLA will be honored. They are Portia Jeanne Bott, Jeanne Chastain, Evelyn Huerta Gonzalez, the Honorable Rene Haas, Maxi Houser, the Honorable Deanie M. King, Ann Kollmorgan, the Honorable Marisela Saldana, Edna De Los Santos, Shirley A. Selz, the Honorable Hilda G. Tagle, and Cheryl A. Whited.

## 3 Hour Ethics Seminar Thursday, March 13th

The **Annual Ethics Seminar** will be presented **Thursday, March 13th**, at the **Ortiz International Convention Center**. Registration will commence at **12:30**

p.m., and the seminar will begin at 1:00 p.m. It will end at 4:30 p.m. **The seminar will provide attendees with three hours of ETHICS CLE.** The cost will be \$99.00 for members and \$134.00 for non-members. You can reserve your place by e-mailing [dking@corpusbar.com](mailto:dking@corpusbar.com), calling 883-4022, or faxing 883-0353. If you have any questions, please contact Dick King at 883-4022.

## Don't Miss the March Docket Call

The annual March **Docket Call** will be Thursday, **March 13th** at **Cassidy's Irish Pub** from 5:30 to 7:30 p.m. What better way is there to wind down after an afternoon of intellectually stimulating ethics presentations? Even if you have not attended the Ethics Seminar, you still can benefit from Docket Call by sharing the good times with those who did. It is **FREE** for members and \$5.00 for non-members. Reservations are not required, but you can begin quenching your thirst earlier if you do because your name tag will be waiting for you. You can reserve your place by e-mailing [dking@corpusbar.com](mailto:dking@corpusbar.com), calling 883-4022, or faxing 883-0353. If you have any questions, please contact Dick King at 883-4022.

## Nominations Sought for CCBA Board Elections

The CCBA elections will be conducted in April this year. Nominations are sought for 3 directors positions, Treasurer, Secretary, Vice-President, and President-Elect. Nominations must be received by March 31st. You can nominate yourself or another. Please send nominations to

the Bar Office via mail, fax (883-0353), or e-mail ([dking@corpusbar.com](mailto:dking@corpusbar.com)). The position for which the person is being nominated should be specified. If you have any questions, please call 883-4022 or e-mail [dking@corpusbar.com](mailto:dking@corpusbar.com).

## CCBA Annual Meeting April 9th

The Corpus Christi Bar Association's Annual Meeting will be conducted in conjunction with the April Luncheon meeting on Wednesday, April 9th. During the meeting the President's Annual Report will be published, and nominations from the floor will be accepted for the Board of Directors Election. An individual nominated from the floor must give his/her permission for his/her name being placed in nomination at the annual meeting.

## Nominations for Outstanding Young Lawyer Sought

The Corpus Christi Bar Association is seeking nominations for the **Outstanding Young Lawyer Award**. Eligibility is limited to members of the Corpus Christi Bar Association who were 36 years of age or younger as of June 1, 2007, or who had been practicing law less than 5 years as of June 1, 2007. Nomination criteria include, but are not limited to, professional proficiency, service to the profession, and service to the Community. Nominations must be in writing, preferably in narrative style, and should include biographical information. Inclusion of letters of recommendation and other appropriate documents is encouraged.

Nominations should be forwarded to the CCBA Office and must be received in the CCBA Office by 5:00 p.m. on Thursday, March 20th. If you have questions, please call us at 883-4022.

## Judge Edward Charles Prado Law Day Luncheon Speaker Wednesday, April 23rd

Yes, you read the headline correctly. Law Day will be Wednesday, April 23rd.

The Law Day Reception will be Tuesday evening, April 22nd. Both events will be at the Omni Bayfront Hotel due to the unavailability of the Ortiz International Convention Center. Judge Edward Charles Prado of the Fifth Circuit Court of Appeals will be the speaker for the Law Day Luncheon. Judge Prado served as an assistant district attorney in Bexar County, assistant federal public defender for the Western District of Texas, judge of the 187th Judicial District Court in Bexar County, U.S. Attorney for the Western District of Texas, and judge for the U. S. District Court, Western District of Texas prior to his appointment to the Fifth Circuit Court of Appeals. He is a frequent speaker at seminars and similar events and in addition to his distinguished legal career and legal acumen is known for his engaging style and his wit.

## "Internet Marketing for Law Firms"

### CCYLA March Luncheon Topic

"Internet Marketing for Law Firms" will be the topic for the Corpus Christi Young Lawyers Association March Luncheon. It will be Thursday, March 27th. The presentation will provide an introduction to developing and maintaining a successful online presence. More specifically, the presentation will address questions many lawyers have such as "Are consumers searching online for attorneys in our area?", "What are the keys to a successful Web site?", and "How does a firm track and evaluate Web site results?" Additionally, it covers how potential clients find attorneys online, an overview of search engines and search engine marketing, effective Web site design, and successful Web site content strategies. The location has not been determined yet, so standby for further details. It will NOT qualify for CLE.

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## Important Dates

**Bold** indicates seminar or new entry on the calendar

### March 2008

Nominating Committee, CCISD Spring Break — 17 — 21, Good Friday 21, Easter — 23

6 — CCYLA Board Meeting

**13 — Ethics Seminar  
DOCKET CALL**

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

**22 — Law Day Reception**

**23 — Law Day Luncheon**

### May 2008

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 — CCBA Luncheon**

**18 & 19 — SBOT Bar Leaders**

**Conference at The Woodlands**

### CCYLA February Luncheon

“Disaster Preparedness: Preparing to Help the Victims” was the CLE topic for the Corpus Christi Young Lawyers February Luncheon. Tracey Figueroa was the speaker. Her presentation centered on working with FEMA to help your client.



Tracy Figueroa speaks at the CCYLA February Luncheon.

## Havana Club Site of CCYLA February Happy Hour

The Corpus Christi Young Lawyers returned to the Havana Club for their February Happy Hour. Forty young lawyers appeared to share in the camaraderie.



Henry Blackmon, Jaime Rangel, Tim McCoy, and John Welsh enjoying the Happy Hour.

All who attended agreed that the Havana Club was an excellent venue for the Happy Hour.

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### Annual Mock Trial Competition Held February 2nd

The High School Regional Mock Trial competition was held Saturday, February 2nd. A \$1,150.00 scholarship was awarded to the first place winner in the "Best Attorney" competition, Nathan Clark of Carroll High School. Ian Tuttle, also of Carroll High School, won second place in the "Best Attorney" competition and was awarded a \$925.00 Scholarship. The third place winner in the "Best Attorney" competition was Teysha Dougherty of Flour Bluff High School who was awarded a \$725.00 scholarship. A \$350.00 scholarship was awarded to the first place winner in the "Best Witness" competition, Taylor Fancher of Flour Bluff High School. There was a tie for second place in the "Best Witness" contest between Kara Hernandez of Carroll High School and William Goodwin of Flour Bluff High School. They were each awarded \$250.00 scholarships. The third

place winner in the "Best Witness" Competition was Nicole Raney of Flour Bluff High School. Once again Carroll High School won the regional competition and a trip to Dallas for the state competition. All of the contestants were treated to an awards dinner at Water Street Seafood Company. **As has been the case the past two years, Timothy P. Dowling did a superb job of running the Regional Mock Trial Competition and Awards Dinner. Kudos also go to Gregory L. Gowan who raised the funds to support the event.**

Thanks go to following contributors who made the competition, scholarships, and awards dinner possible: Watts Law Firm, L.L.P., The Huerta Law Firm, L.L.P., The Hastings Law Firm, Hartline, Dacus, Barger, Dreyer, & Kern, L.L.P., Donnell, Abernethy & Kieschnick, P.C., Daniel Gavin Covich, Victor Guajardo, Sico, White & Braugh, L.L.P., Charles Kaffie, Jr., Tony LaMantia, Timothy P. Dowling, Danny Tower, Joseph Barrientos, Kevin

Liles, David L. Jones, Tony Pletcher, Robert J. Patterson, Gregory L. Gowan, James H. Hada, David T. Bright, and Cliff Gordon.

### Advanced Civil Trial Law Seminar April 11th

The 2008 Advanced Civil Trial Law Seminar will be presented Friday, April 11th at the Ortiz International Convention Center. It will provide 6.5 hours of CLE with 1.00 hour of ethics. **The Seminar has been approved for 6.5 hours of Specialization Credit for Civil Appellate Law, Civil Trial Law, Family Law, and Personal Injury Trial Law.** The topics covered include "Where Our Disciplinary Rules Are Going and Why," "Direct and Cross-Examination of Expert Witnesses," "Different Approaches to Persuading the Modern Juror," "Persuasion," "Closing Arguments," "Who's Your Daddy: How to Establish Corporate Paternity," "Technology from Start to Finish," "What's in the Restate-

ment of the Law Governing Lawyers That's not in the Disciplinary Rules," "Legal Malpractice of Civil Trial Attorneys — 2008," "Discovery Motion Practice and Strategy," and "Appellate Update." The flyer is on the street and is available on our website ([ccbar.com](http://ccbar.com)). Cost for members is \$185.00; for non-members it is \$210.00. Please submit the registration form in the flyer to register.

### February Luncheon with CPA's

The annual joint luncheon with the CPA's was Friday, February 15th, at the Town Club. Over one hundred CPA's and lawyers attended. Even though the CPA's hosted this year's luncheon, the speaker was our own Bill Chriss. He provided unique continuing education in that it qualified as ethics continuing education for both the CPA's and lawyers.

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**2008 Bankruptcy Law Seminar  
Held February 29th**

The Corpus Christi Bar Association 2008 Bankruptcy Law Seminar was presented Friday, February 29th to rave reviews. Six and one-quarter hours of CLE was provided with one hour of the CLE qualifying for ethics credit. Forty-one lawyers attended, and those submitting critique sheets rated the speakers, the subjects, and the materials provided as 4.5 on a 5.0 scale. **A hearty "Bravo" and "Thanks" go to Matt Rosenstein, the course director.**

**Criminal Defense Luncheon  
Held February 20th**

The February Criminal Defense Luncheon was held Wednesday, February 20th at Katz 21 Steaks and Spirits. The CLE was titled "Boundaries and Limits in the Legal Profession." It was to provide information on proper relationships be-

tween lawyers and their clients. Twenty-five lawyers attended. There will be no March Criminal Defense Section Luncheon due to the conflict with spring break.

**Do a Lawyer's Notes Have to Be Released to the Client as Part of the Client's File?**

Opinion Number 570 of the Professional Ethics Committee of the State Bar of Texas addresses the issue of whether "a lawyer [may] refuse a former client's request to disclose or turnover the lawyer's notes made in the course of and in furtherance of his[/her] representation of the client" i.e., prepared while working for the client and being paid by the client. The conclusion reached is as follows:

Under the Texas Disciplinary Rules of Professional Conduct, a lawyer must upon request provide to the former client the notes of the lawyer from the lawyer's file for that former client except when the lawyer



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has the right to withhold the notes pursuant to a legal right such as a lawyer's lien, when the lawyer is required to withhold the notes (or portions thereof) by a court order, or when not withholding the notes (or portions thereof) would violate a duty owed to a third person or risk causing serious harm to the client.

Please note that the conclusion reached in the opinion must be read in light of a couple of factors. First, the committee notes that

[t]he Committee believes that allowing a lawyer to unilaterally make a decision to withhold from a client notes relating to the client and created in the course of the representation of the client because the notes may reflect the firm's interests vis-à-vis the client undermines the duties owed by

**Cont'd on Page 9**

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**Lawyer's Notes Cont'd from Page 9**  
the lawyer to the client.

The Committee notes further that [i]n addition withholding such notes from a client denies the client the full benefit of the services the lawyer agreed to provide to the client.

Second, the Committee notes elsewhere in the opinion, citing Opinions Number 411 and Opinion Number 395, that

prior Professional Ethics Committee Opinions have recognized that a lawyer is permitted to retain a client file pursuant to a proper legal claim so long as doing so will not prejudice the client subject matter of the representation.

Third, the Committee also observes that documents that the former client is entitled include a lawyer's notes that constitute work product and

relate to the client and the lawyer's representation of the client[ ]

and that Rule 1.15(d) [of the Texas Disciplinary Rules of Professional Conduct.] requires that any such documents must be given the client upon request unless the lawyer is permitted by the exceptions discussed above or by other law to retain those documents **and** can do so without prejudicing the interests of the former client in the subject matter of the representation. (Emphasis Added)

Thus Opinion 570 appears to embody a presumption that the client's rights are superior to the lawyer's rights. That being the case, a couple of things seem prudent. First, any notes or papers related to the client but not related to the representation of the client e.g., billing sheets, internal firm procedural documents, should be stored in separate files.

Second, if you are considering withholding your notes, it would be a good idea to retain the services of a lawyer whose practice includes the representation of lawyers in grievance proceedings to see if he/she agrees with your decision to withhold your notes.

## LAST CHANCE TO UPDATE YOUR PICTORIAL DIRECTORY INFORMATION

Your absolute last chance to update your Pictorial Directory before publication of this year's edition is Monday, March 31st. If you have questions, please call 883-4022.

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# CCBA Directory Errata Sheet

## March 2008

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