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IMPORTANT NEWS INSIDE
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April Luncheon Meeting

Wednesday, April 9, 2008, 12:00 p.m.

Town Club

**800 North Shoreline, 6th Floor, Center Elevators
Free Parking in Parking Garage**

Speaker: Gib Walton, President, State Bar of Texas

Title: "Let's Do Justice for Texas"

CLE Credit: 1.00 hour Participatory, ETHICS

Cost: \$19.00 per person for members, \$24.00 per person for non-members if reserved by noon, Tuesday, April 8, 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



Newsletter

April 2008

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.

The cost for the Law Day Luncheon is **\$27.00 for members for reservations made on or before FRIDAY, April 18th.** It will be **\$32.00 for members who make reservations AFTER Friday, April 18th or show at the door.** **Non-members will pay \$32.00 for reservations made on or before FRIDAY, April 18th; non-members will pay \$37.00 if they reserve AFTER Friday, April 18th or show at the door.** Office staff of members are charged the member price. All lawyers who are not members pay the non-member price.

You can reserve your place by e-mailing 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 in April

Yes, the annual March **Docket Call** will be in April this year. It will be **Thursday, April 17th at Cassidy's Irish Pub** from 5:30 to 7:30 p.m. What better way is there to start preparing for the weekend after filing your taxes? 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, calling 883-4022, or faxing 883-0353. If you have any questions, please contact Dick King at 883-4022.

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. The **speaker** will be the **State Bar of Texas President, Gib Walton.** His topic will be "Let's Do Justice for Texas," and his presentation will provide **1.0 hour of ETHICS CLE.**

Volunteers Wanted to Serve on CCYLA Board

The Corpus Christi Young Lawyers Association is seeking volunteers to run for election to their Board of Directors. Volunteers are sought for five directors' positions, Treasurer, Secretary, Vice-President, and President-Elect. The names of all those seeking to run must be received by April 30th. Elections will take place in May. You can volunteer yourself or you can submit a name of another member of CCYLA whom you think would be a good member of the CCYLA Board. Please send nominations to the Bar Office via fax (883-0353), or e-mail dking@corpusbar.com. If you have any questions, please call 883-4022 or e-mail dking@corpusbar.com

Nominations Sought for Judge Paul W. Nye Professionalism Award

Nominations are sought for the **Judge Paul W. Nye Professionalism Award.** The award will be presented at the Law Day Reception and will be recognized at the Law Day Luncheon. The **honoree should be like Judge Nye, well respected not only for his/her legal knowledge but also for his/her professionalism, honesty, integrity, kindness, fair play, and respect for others.** Nominations should contain a short summary stating why the nominee should receive the award.

The **deadline for submitting nominations is COB (5:00 p.m.), Thursday, April 17th.** Nominations may be submitted via reply e-mail, other e-mail, fax (883-0353), or mail to the Bar Office. If you have any questions, please call Dick King at 883-4022 or e-mail him at dking@corpusbar.com.

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 Restatement 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). Cost for members is \$185.00 on or before April 9th. After that members pay \$205.00. The cost for non-members it is \$210.00 on or before April 9th. After that non-members pay \$230.00. Please submit the registration form in the flyer to register.

Lawyer Referral Service Renewals Due

It is time to renew your Lawyer Referral Service Membership. The new panel will take effect May 1st. Those who have not renewed by then will be removed from the active panel and will not be given any more referrals until they renew. If you have questions, please call us at 883-4022.

Ethics Seminar a Success

The Corpus Christi Bar Association's second Ethics Seminar was praised by those in attendance. The three-hour seminar was presented to assist those in need of ethics CLE hours. Due to demand, the seminar will be repeated next March. **The course director Steve Schiwetz is thanked for a job well done.**

Important Dates

Bold indicates seminar or new entry on the calendar

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
17 — **Docket Call, Cassidy's Irish
Pub**
22 — **Law Day Reception, Omni
Bayfront**
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 — Luncheon
18 & 19 — **SBOT Bar Leaders
Conference at The Woodlands**

Nominating Committee Report

The CCBA Nominating Committee has made the following nominations for the Board of Directors election for the 2008 -- 2009 year which commences July 1,

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2008, and ends June 30, 2009. Nominations may be made from the floor at the April 9, 2008, luncheon meeting; but any individual who is nominated at that meeting must give his/her consent to run for office at the April 9, 2008, meeting. That consent may be provided in writing or orally. The CCBA Bylaws provide that the Nominating Committee can only nominate one candidate for President-Elect and one candidate for Vice-President. The President-Elect automatically succeeds the outgoing President. Three directors will be elected.

The Nominating Committee's slate is as follows:

President-Elect: L. Gayle Nelson

Vice-President: Brenda Baker

Secretary: Karon Connelly
Jerry Dorsey

Treasurer: Steve Schiwetz

Director: Bobby Bourlon, Craig Henderson, Alissa Jackson, Michael McCauley, John Sixta, Paul Swacina, Greg Turman,

and Robert Zamora.

State Bar of Texas Task Force on Malpractice Insurance Disclosure

The Supreme Court of Texas has asked the SBOT to study whether lawyers should be required to disclose to clients whether they have malpractice insurance. The ABA passed a "Model Rule" on this subject in 2004. Since then twenty-two states have established some type of disclosure requirement with regard to whether a lawyer has malpractice insurance. In response to the request of the Supreme Court, a SBOT task force chaired by David Beck of Houston is studying this issue. A survey was sent to all Texas Lawyers in February in an effort to ensure that the task force knows how Texas Lawyers feel about such a requirement. If you have not already responded, you can still do by going to the SBOT website; **but time is of the essence.**

PAUL SWACINA

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Insurance Law
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*Texas Board of Legal Specialization

**National Board of Trial Advocacy

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SBOT Change of Address Requirements

The State Bar of Texas Chief Disciplinary Counsel is working on a proposal to modify the State Bar of Texas Rules which are governed by the Supreme Court of Texas so that they would require lawyers to notify the State Bar of Texas if they change addresses within thirty days of their move to the new address. If adopted the proposal would help the State Bar of Texas in its administrative functions as well as ensure that the Chief Disciplinary Counsel has correct addresses when required to serve notices and pleadings in disciplinary law suits.

State Bar Annual Meeting

Registration for the State Bar of Texas Annual Meeting is now open. It will be in Houston this year from June 26th through June 27th. The Annual Meeting is a great opportunity to earn CLE, see friends, make connections with lawyers

whose practices are similar to yours, and celebrate the rule of law.

Featured speakers include Karen Hughes at the Thursday Luncheon, and Jeffrey Toobin at the Friday Breakfast. The Friday Luncheon will feature an immigration panel and the swearing in of the new State Bar of Texas President, Harper Estes of Midland. "The Rockets" will perform at the President's Gala on Thursday night.

"Let's Do Justice for Texas" Publicized Throughout State

The State Bar of Texas public education initiative is being publicized throughout the state. There are radio spots in English and Spanish, and they are broadcast on local radio stations. In the last thirty days, the SBOT radio spots have run 3,447 times. Arbitron estimates that they have been heard by more than six million listeners. Since the program was initiated, the SBOT radio spots have run 15,649 times reaching an estimated 20,356,340 listeners.



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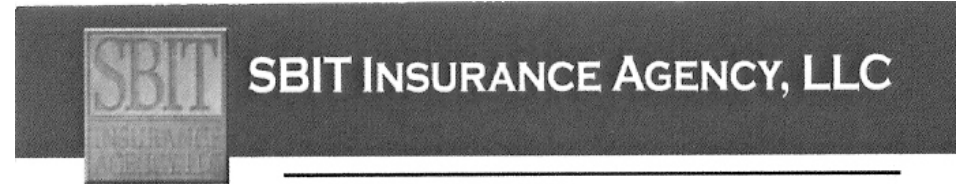
Judge Mike Westergren's Recent Case Summaries

IN THE INTEREST OF E.C.M., COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO, 225 S.W.3d 11, 2005; No subsequent appellate history

This case may be contrary to a previous case cited about the effect of the dormancy of judgments application to child support matter. It is interesting to note that this is a 2005 case that is just now being published. This court held that it did not apply.

MILTON D. STEPHENSON v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT, AMARILLO, 226 S.W.3d 622, 2007; No subsequent appellate history

Trial court alert: read this case before you deny the use of an expert on eyewitness testimony. The Amarillo Court reversed the denial of testimony by a doctor in the field of psychology who had exper-



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tise in a recognized field dealing with the reliability of eyewitness identification.

KENNETH WAYNE SIMPSON v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT, HOUSTON, 227 S.W.3d 855, 2007 No subsequent appellate history

When a defendant says: "No, I don't even want to talk about it . . ." at the beginning of a video tape, the subsequent discussion on the tape cannot be used to convict him of the crime of aggravated assault.

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CCBA Directory Errata Sheet

April 2008

<p>Additions</p> <p>Boyd, Jenny (Eric) Nueces County Attorney's Office 901 Leopard, Room 207 (78401) Office, 888-0391 Fax, 888-0577 E-Mail, jenny.boyd@co.nueces.tx.us Civil Litigation</p>	<p>Corrections:</p> <p>Brunkenhoefer, Donna Bracewell & Giuliani, LLP 106 S. St. Mary's St., Ste. 800 San Antonio, TX 78205 Office, 210-299-3547 Fax, 210-299-0117 E-Mail, donna.brunkenhoefer@bgllp.com</p> <p>Dorsey, Christopher (Jenny) Christopher A. Dorsey, Attorney at Law Wilson Plaza West 606 N. Carancahua, Ste. 1501 (78476) Office, 882-9991 Fax, 882-9998 E-Mail, cdorsey.attorneysatlaw@yahoo.com Criminal Law</p> <p>Moss, Abraham E-Mail, amoss@mosslaw.cc All Trial Matters</p> <p>Stevens, Patricia Bonilla (Richard Stevens) Bonilla & Chapa, P.C. 2727 Morgan Ave. (78405) Office, 881-1000 Fax, 881-1028 E-Mail, pati_bonilla02@hotmail.com Criminal Law</p> <p>Tower, Danny Webb, Cason & Covich, P.C. 710 N. Mesquite Street (78401) Office, 887-1031 Fax, 887-0903 E-Mail, dtower53@yahoo.com Personal Injury</p> <p>Van Oostenrijk, Lloyd E-Mail, lsv@lorancethompson.com</p>	
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