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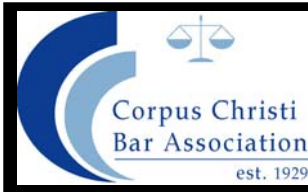
**What: A Chance to Socialize with the
Judiciary and Friends with Open Bar**

**When: Thursday, June 19th
5:30 p.m. to 7:30 p.m.**

**Where: Cassidy's Irish Pub
601 Water Street**

Cost: There is **NO cost for members** (non-members pay \$10.00), **BUT** we would appreciate your making reservations so we can have name tags prepared in advance and make it possible for you to start quenching your thirst earlier. Please Reserve Your Place by e-mailing sgonzales@corpusbar.com, faxing 883-0353, or calling 883-4022

NOTE: DOCKET CALL REPLACES THE JUNE LUNCHEON



Newsletter

June 2008

New CCBA Board Elected

As previously announced via blast e-mail, the 2008—2009 Corpus Christi Bar Association Board of Directors is comprised of the following individuals:

- Audrey Mullert Vicknair, President
- Rebecca Rivers Kieschnick, Immediate Past President
- L. Gayle Nelson, President-Elect
- Brenda Baker, Vice President
- Jerry Dorsey, Secretary
- Steve Schiwetz, Treasurer
- Directors
 - Jerry Guerra
 - The Honorable Marisela Saldana
 - Mark Woerner
 - Paul Swacina
 - Greg Turman
 - Robert Zamora

The new Board's term will begin July 1st. A combined meeting of the 2007—2008 Board and the 2008—2009 Board is scheduled for Tuesday, June 17th.

CCBA CLE Seminars: Save Money and Help Your Local Bar Association

Current economic conditions are causing many to reduce costs in all areas of their practice. One of the ways you can save money and help the Corpus Christi Bar Association is to attend one of the several Continuing Legal Education Seminars it presents throughout the year. At less than \$30.00 per hour, CCBA CLE seminars save you money not only on the cost per hour for CLE but they also save you travel and lodging expenses. How do you help CCBA? The answer is simple. Like almost all professional associations, the dues income for CCBA

only covers approximately one third of its expenses. The remainder of the operating income comes from "non-dues" income. CCBA's most significant source of "non-dues" income is income generated by the CLE Seminars we present throughout the year. In fact, if all members of CCBA attended just one all-day seminar per year, the additional revenue received by CCBA would enable CCBA to greatly reduce if not eliminate the price charged for the Pictorial Directory for members. As a result, we ask that the next time you are mapping out how to meet your minimum CLE requirement that you strongly consider attending one of CCBA's CLE seminars. CLE seminars held throughout the year include Personal Injury Law, Appellate Law, Bankruptcy, Ethics, Family Law, Civil Trial Law, and Criminal Law seminars. If you have questions, please call 883-4022.

TRLA Seeks Additional Pro Bono Assistance

Texas RioGrande Legal Aid, Inc., is seeking additional lawyers from the "private sector" to provide *pro bono* legal services to low income residents (incomes below 200 percent of the poverty guideline). If you are interested, please contact TRLA at (512)374-2746.

Disaster Preparedness Part II: Law Office Management Aspect

The May 8th Corpus Christi Young Lawyers Association Luncheon continuing legal education was the second part of its Disaster Preparedness Education Program. In February the focus of the presentation was being prepared to help the victims of a disaster. The May Luncheon focused on the law office management

aspects of disaster preparedness. The speakers were Todd Hunter and Michael Swantner. Mr. Swantner addressed the types of insurance that an office should consider in order to be prepared for a disaster. They include general commercial liability, windstorm, flood, business interruption, and law and ordinance (rebuilding cost to meet building standards established by law and ordinance).



Todd Hunter (right) discusses disaster planning with Gerald L. Benadum at the CCYLA May Luncheon

Mr. Hunter's focus was on the safeguarding of client information to ensure client confidentiality. He also covered the need for establishing a recovery plan.

2008 Criminal Law Seminar Gets Rave Reviews

The 2008 Criminal Law Seminar was presented Friday, May 23rd, at the Ortiz Convention Center. It will provided 6.75 hours of CLE with 1.0 hour of ethics. It also provided 6.75 hours of specialization credit in Criminal Law. 63 lawyers attended and praised the speakers. **Special thanks go to Doug Tinker for obtaining an outstanding lineup of speakers.**

Time to Pay 2008 — 2009 Membership Dues

Don't forget — Membership dues for 2008 — 2009 are due on or before July 1st. Statements were sent the week of May 19th. If you have any questions, please call us at 883-4022 or e-mail us at sgonzales@corpusbar.com.

Special Thanks to Hartline, Dacus, Barger, Dreyer & Kern, L.L.P.

After learning that our Corpus Christi Bar Association Law Day event ran at a deficit this year, Hartline, Dacus, Barger, Dreyer & Kern, L.L.P., one of the original donors, made another substantial contribution that cut the deficit in half. And we didn't even have to ask. Please join us in giving our **SPECIAL THANKS to HDBDK** for their outstanding dedication and generosity to the Corpus Christi Bar Association.

Sheriff Jim Kaelin Speaker at May Criminal Defense Lunch

Nueces County Sheriff, Jim Kaelin, was the speaker at the May Criminal Defense Section Luncheon. CLE was not offered, but all in attendance gained valuable information and insight into the Sheriff's Department. Sheriff Kaelin took questions from the floor providing explanations, agreeing to look at issues, and



Nueces County Sheriff Jim Kaelin answers a question during the Criminal Defense Section's May Luncheon

promising to adopt certain procedures. The informal question — answer format was well received by all in attendance.

Important Dates

Bold indicates seminar or new entry on the calendar

June 2008

- 5 — **Baseball with the Bench**
- 12 — **CCYLA Board of Directors, Joint Meeting**
- 17 — Board of Directors Joint Meeting
- 18 — Criminal Defense Luncheon, 12:00 p.m., Katz 21
- 19 — **Docket Call, 5:30 p.m. to 7:30 p.m., Cassidy's Irish Pub**
- 26 — 28 — State Bar of Texas Annual Meeting

July 2008

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

Should you have any questions about any of the events listed, please call 883-4022.

CCBA New Members

We welcome the following new members:

Austin W. Anderson, Watts Law Firm, phone 887-0500

Nathan C. Barrow, Royston, Rayzor, Vickery & Williams, L.L.P., phone 884-8808

Yolanda Gutierrez Burns, phone 884-8837

Chisum L. Cooke, Willoughby Trucking, Inc., phone 945-4777

Kelly Davis, Nueces County District Attorney's Office, phone 888-0410

Stephen Feil, Nueces County District Attorney's Office, phone 888-0410

Brennon D. Gamblin, Hartline, Dacus, Barger, Dryer & Kern, L.L.P., phone 866-8000

Tom Gifford, phone (530)233-3100

Alexis Marie Goldate, City of Corpus Christi Legal Department, phone 826-3362

Charles A. Hood, Phone 361-552-1552

Laura Garza Jimenez, Nueces County Attorney's Office, phone 888-0391

Vaughn L. Westheimer, phone 993-5096

Rimkus Consulting Sponsors CCYLA May Happy Hour

The Corpus Christi Young Lawyers Association Happy Hour on Thursday, May 15th, was sponsored by Rimkus Consulting Group, Inc. The event marked the Corpus Christi Young Lawyers Association's return to Cassidy's Irish Pub for a Happy Hour. The approximately 30 young lawyers in attendance had a thoroughly enjoyable experience. Thanks go to Rimkus Consulting Group, Inc., for its support of the Corpus Christi Young Lawyers Association.



Frank Gonzales and Tony Reyes, Branch Manager, Rimkus Consulting Group, Inc. at the CCYLA Happy hour



Joy Stewart and Steve McMains at the CCYLA Happy Hour

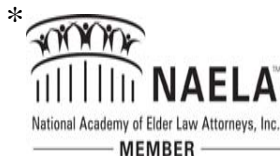
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Are You Ready for Disaster?

September 11, Katrina, and Rita demonstrated how far reaching the results of disaster can be. Are you prepared? Whether it is a hurricane or a fire, it is a disaster when it destroys your files, equipment, and/or facilities. Being prepared may literally save your firm. Anticipating potential disruptions and planning for the basics necessary to stay in business are worth the time and investment, even if your plan is never required.

The planning process should also be used to prevent or reduce the risks of disaster. While the crises may be difficult to predict, you can assess and manage your exposure, particularly in areas such as employee safety, data protection, and technology security. Potential crises that can disrupt your business include fires, storms, terrorism, crime, hacking, and sabotage. You can also anticipate the impact on your firm, e.g., loss of people, physical space, documents, equipment,

communications, and/or money. Recognizing the risks may allow you to mitigate the damage or prevent the disaster altogether. An effective strategy is to focus on basic functions and how to protect them rather than attempting to look for everything that could go wrong.

Since even the most extensive preventive strategy will not shield you from disasters beyond your control, the real objective is to understand how to respond and recover. That requires answering "what if" questions, e.g.:

What if you had to practice law for a week without electricity?

What if all your paper files or network files were destroyed?

What if your key personnel died in an accident?

What if you could not send e-mail?

What if your space were unavailable starting tomorrow?

If you assume that any of those could occur, it is possible to develop a plan to respond. When preparing a disaster plan, you will be well served to consider, at the minimum, the following:

An annual review of key insurance policies with an eye toward current replacement costs (including stricter building requirements established by statute or ordinance) and the actual cost of business interruption

Data security including: How quickly will backup data be available for real use? Does your backup data include the software to run it? Where and how will you run your network if your physical location is destroyed? What about access to e-mail? How will you operate if there is a sustained disruption of the internet?

Basic business functions, e.g., payroll checks, invoices, accounts payable, document production, and the effect of a crises on key suppliers, vendors, and outsourced functions (e.g., network maintenance, document services).

Granted, some disasters can be so devastating that it is impossible to avoid a major disruption of day-to-day operations

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and even require discarding your recovery plan; but if you have planned, you will be better equipped to write a new one in the midst of a crises. (Summarized and adapted from "When Disaster Strikes" by Bill Busch published in the March 2002 issue of *Bench & Bar of Minnesota*)

Don't Miss Docket Call

The annual June **Docket Call** will be Thursday, **June 19th**, at **Cassidy's Irish Pub** from 5:30 to 7:30 p.m. What better way is there to wind down after a busy June afternoon than to commune with colleagues and members of the judiciary in Cassidy's Irish Pub? It is **FREE** for members and \$10.00 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.

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Judge Westergren's Recent Case Summaries

ERICKA SHANETTE COLBERT v. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, COURT OF APPEALS OF TEXAS, FIRST DISTRICT, HOUSTON, 227 S.W.3d 799, 2006 — No subsequent appellate history

This case is an example of the Department of Family and Protective Services going too far. The Mother who had her parental rights terminated as to all seven children is restored to her twins without further proceedings and is remanded for a new trial as to the remaining five children. Of particular note was the fact that the Department failed to make a home inspection before taking the twins. See full opinion for "do's" and "don't's" in this type of case.

CLYDE MOORE v. THE STATE OF TEXAS, COURT OF APPEALS OF TEXAS, SIXTH DISTRICT, TEXAR-

KANA, 227 S.W.3d 421, 2007 — Petition for review refused

This case deals with the question of how long counsel can sleep before it rises to the level of ineffective assistance of counsel. Under one version he only dozed off for a brief period; the other version was that he wasn't asleep but simply deep in thought. This reminds me of the time during a rather nasty family law trial before this judge, that someone in the audience said, "the Judge is asleep." To which I promptly replied, "Not so or I wouldn't have heard your comment."

MIRCEA VOLOSEN v. THE STATE OF TEXAS, COURT OF CRIMINAL APPEALS OF TEXAS, 227 S.W.3d 77, 2007

The highest court chose to reverse this case which was previously reported in these case notes, based on very technical reading of whether a local provision that the lower court was relying on was in fact operative. This issue of local ratifica-

tion was not mentioned in the lower court opinion, but obviously it should have been. Although remanded for further consideration, the conviction has already been upheld in the lower court.

ROBERT WILLIAM NESBIT v. THE STATE OF TEXAS, COURT OF CRIMINAL APPEALS OF TEXAS, 227 S.W.3d 64, 2007

In order to have a valid revocation of probation, the State must file before the end of probation. When ten year probation started on April 29, 1994, it ended on April 28, 2004. Thus the motion filed on April 29, 2004 was too late by one day.

RAMONA HARRIS v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, COURT OF APPEALS OF TEXAS, THIRD DISTRICT, AUSTIN, 228 S.W.3d 819, 2007 — No subsequent appellate history.

Trial court tried to go against the jury verdict in this case by giving custody to the

department instead of the mother. The appellate court said that the trial judge couldn't change the jury verdict in a custody determination.

DENYIE LYNN GARDNER v. CHARLES MATTHEW GARDNER, COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO, 229 S.W.3d 747, 2007 — No subsequent appellate history.

Modifying the terms of a mediated settlement agreement was an abuse of discretion.

ARMANDO SANCHEZ, M.D. v. TEXAS STATE BOARD OF MEDICAL EXAMINERS ET AL, COURT OF APPEALS OF TEXAS, THIRD DISTRICT, AUSTIN, 229 S.W.3d 498, 2007 — No subsequent appellate history.

In this appeal it is seriously contended that solicitation to have a patient murdered was not grounds for revocation of a doctor's license. This contention was rejected by the appellate court.



Immigration Questions? Ask an Immigration Lawyer.

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June 2008

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