

***THIS IS THE CCBA NEWSLETTER  
IMPORTANT NEWS INSIDE  
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## LAW DAY RECEPTION

Thursday, May 3, 2007, 5:30 p.m., Ortiz Convention Center, 402 Harbor Dr.

Special Presentations to

Outstanding Young Lawyer • Liberty Bell Winner  
Judge Paul W. Nye Professionalism Award • Winners of Law Day Poster Contest  
Captain Dan & Barney Flynn Scholarship Recipients

Hors d' oeuvres • Cash Bar

## LAW DAY LUNCHEON

Friday, May 4, 2007, Ortiz Convention Center, 402 Harbor Drive

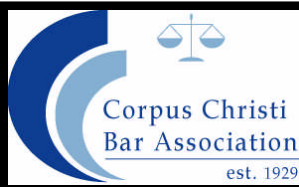
**KEYNOTE SPEAKER: CARL E. STEWART, JUDGE, U.S. 5TH CIRCUIT CRT. OF APPEALS**

**Special Guests: Judges from Nueces and surrounding Counties**

11:30 a.m.: Music by Latin Talk

11:45 a.m.: Program Begins

**Cost: (Judges Are Complimentary) Members \$25.00 per person (Non-Members \$30.00) if reserved by Tuesday, May 1, 2007. Call the Bar Office at 883-4022 to RSVP or e-mail us at [sgonzales@corpusbar.com](mailto:sgonzales@corpusbar.com). All reservations must be paid for. Reservations made after that date are \$30.00 per person for Members (Non-Members \$35.00). Cost at the door for Members will be \$30.00 per person (\$35.00 for Non-Members).**



# Newsletter

May 2007

## Law Day Speaker First African American Appointed to 5th Circuit Court of Appeals

President Bill Clinton made history in January 1994 when he appointed our Law Day Speaker, Judge Carl E. Stewart, to the U. S. Fifth Circuit Court of Appeals. Never before had an African American been a judge on the Fifth Circuit. Judge Stewart's public service is long standing. He served as member of the Army Judge Advocate General's Corps in Viet Nam. Following that, he served as an Assistant U. S. Attorney in the Western District of Texas. Judge Stewart began his judicial career when was elected a State District Judge in Shreveport, Louisiana, in 1991. He was elected to the Louisiana Second Circuit Court of Appeals in 1994. Judge Stewart has also served as the Lay Leader of the United Methodist Church in Louisiana, and he has received many legal and humanitarian awards.

## Judge Mike Westergren's Recent Case Summaries

IN THE INTEREST OF  
A.M. AND B.M., CHILDREN  
SUPREME COURT OF TEXAS  
192 S.W.3d 570; 2006 – Supreme Court reverses the 13<sup>th</sup> Court in child support case. The intermediate court had ruled that the Attorney General did not have standing to defend mother against reimbursement claim. The highest court said that he did.

RANDY M. ROMAN v.  
AUGUSTA N. ROMAN  
COURT OF APPEALS OF TEXAS,

FIRST DISTRICT, HOUSTON  
193 S.W.3d 40; 2006, no review pending but possible negative appellate history – The trial court's refusal to follow the parties written agreement to destroy embryo in the event of a divorce is reversed. It seems strange that no petition for review was filed but perhaps the appellant wants to build a better record in the remanded case regardless of the second outcome.

GERBRILE DWAYNE DAVIS v.  
THE STATE OF TEXAS  
COURT OF APPEALS OF TEXAS,  
FOURTEENTH DISTRICT, HOUSTON  
195 S.W.3d 311; 2006, no subsequent appellate history – Non-security justified handcuffing of defendant resulted in reversal of conviction of aggravated robbery. The trial judge was following a new courthouse security policy. The appellate court found that the handcuffing in front of the jury contributed to his conviction.

Thomas Edwin WALKER v.  
The STATE of Texas  
COURT OF APPEALS OF TEXAS,  
FOURTH DISTRICT, SAN ANTONIO  
195 S.W.3d 250; 2006, no subsequent appellate history – This is a finding of incompetent counsel. Here is what he failed to do: 1) failed to ask any questions in voir dire about potential bias; 2) failed to investigate or interview defendant in detail about criminal history or prior contact with arresting officer; 3) failure to seek discovery from the State; 4) failure to file and obtain rulings on a motion in limine to require the State to raise extraneous matters outside the presence of the jury; 5) failure to prepare defendant to testify; 6) failure to object to evidence of inadmissible extraneous matter during the guilt phase. There is more but you get the picture.

IN RE DENNIS DRAKE, Robert and Nancy Shivers; and Lance Fulton Casper  
COURT OF APPEALS OF TEXAS,  
FOURTH DISTRICT, SAN ANTONIO  
195 S.W.3d 232; 2006, no subsequent appellate history – This a mandamus case in which trial court disqualification of counsel is set aside by appellate court. Attorney had previously represented the Bexar County Appraisal District. The current representation of a taxpayer was unrelated to the prior representation. The appellate court emphasizes that attorney gained no confidential information with respect to the current matter. It might be interesting to find out if he ever represents the appraisal district again.

## Michael George Honored for Pro Bono Work

The State Bar of Texas Pro Bono College recently honored Michael George for his

ten-year membership. In order to be a member of the Pro Bono College, a lawyer must provide a significant number of eligible pro bono hours during the prior year. Mr. George has met that standard for ten straight years. He accepts cases from the Texas RioGrande Legal Aid and the State Bar of Texas Pro Bono Project. Mr. George was one of only twelve who were so honored statewide.

## Advanced Civil Trial Law Seminar Held Friday April 20th

The 2007 Advanced Civil Trial Law Seminar was held Friday, April 20th, at the Ortiz Center. Sixty-five lawyers attended, and once again it garnered rave reviews. **Special thanks go to David Bright and John Gsanger, the course directors, who brought in such an array of highly respected and talented speakers.**



## WANT TO BUILD YOUR PRACTICE?

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## Board Actions

The CCBA Board met April 24th and took the following actions:

Approved the Judicial Evaluation form and procedures  
Agreed to move June Board Meeting to Tuesday, June 19th

## 34th Annual Estate Planning Seminar Monday, May 14th

The Corpus Christi Estate Planning Council's "34th Annual Estate Planning Seminar" will be Monday, May 14th, at University Center, Texas A&M University — Corpus Christi. It will cover recent case and legislative updates, avoiding common non-tax errors, estate planning for non-human family members, elder law, ethics, Texas Multi-Party Accounts, and drafting engagement agreements. This seminar is co-sponsored by the College of Business, TAMUCC. May 4th is the deadline for early registration. The

cost for CCEPC members will be \$160.00. Non-members will have to pay \$185.00. After May 12th, add \$20.00 for the registration cost. For more information, call 825-2434 or e-mail [pamela.stokes@tamucc.edu](mailto:pamela.stokes@tamucc.edu). Send checks payable to "CCEPC" to Pamela Stokes, College of Business, Texas A&M University — Corpus Christi, 6300 Ocean Drive, Corpus Christi, TX 78412.

## CCBA New Members

We welcome the following new members:

**James L. Post**, phone 903-2419

**Martin Perez**, with Jesus Sotelo & Associates, Pharr, phone (956)283-8484

**Jerry Reyes**, who is with Waller and Reyes, phone 814-2301

## Pictorial Directory Corrections

**Bourlon, Bobby I.**  
Office, 361-664-1000

**Cason, Benny M.**  
E-Mail, [benny@wcctx.law.com](mailto:benny@wcctx.law.com)

**Cervantes, Gabriel "Marc"**  
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**Chapa, Priscilla Y.**  
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**Huerta, C. Lisa**  
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**Raub, Timothy**  
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**Rodriguez, Debra M.**  
713 Ayers (78404)

**Webb, Charles C.**  
E-Mail, [charlie@cctx.law.com](mailto:charlie@cctx.law.com)

**Yanta, Virgil**  
(Karol)  
Yanta Law Firm  
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Fax, 210-579-6625  
E-Mail, [virgil@yantlaw.com](mailto:virgil@yantlaw.com)

## 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.

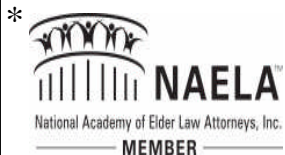
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For more information contact

**Angie Flores**

[aflores@landlord-resources.com](mailto:aflores@landlord-resources.com)

## Judge Klager Speaks at Criminal Defense Luncheon

Judge James E. Klager was the guest speaker at the Criminal Defense's April Luncheon. His topic was "The Direction



Judge James E. Klager speaks at the Criminal Defense Section's April Luncheon

of the Criminal Courts." Judge Klager also provided a legislative update on the pending legislation that can have an affect on lawyers and the courts. Over twenty were in attendance.

## CCYLA Co-Sponsors "They Had a Dream Too" with CCISD

The Corpus Christi Young Lawyers joined with the Corpus Christi Independent School District to bring the Texas Young Lawyers Association's "They Had a Dream Too: Young Leaders of the Civil Rights Movement" program to Corpus Christi. "They Had a Dream Too" is a 11th and 12th grade curriculum project. It is designed challenge and inspire students and help build future leaders. It consists of a twenty-eight minute DVD highlighting the achievements of a few of the thousands of youth who made a difference in the 1950's and 1960's when the struggle for civil rights reached its peak in the United States. The DVD also

contains a component that educates students about civil rights struggles that have occurred since the 1960's and challenges young people to become leaders today. Over 50 DVD's and curriculum guides were provided to CCISD. CCYLA also offered to be present during the airing of the DVD to answer questions of the students about the legal aspects relevant to the DVD. One school, the Collegiate High School, followed up with a request for a speaker. In response,



Frank Gonzales, member of the CCYLA Board, answers a question posed by a member of the CCISD Collegiate High School at the airing of "They Had a Dream Too" DVD.

Frank Gonzales attended the airing of the DVD on April 25th. All who participated found the video very inspiring and truly appreciated Mr. Gonzales answers to their questions and comments on how they can work within the system for change including voting and taking an active role in government.

## SBOT President Speaks at CCBA Annual Meeting

Martha S. Dickie, President of the State Bar of Texas, was the guest speaker at the Corpus Christi Bar Association's Annual Meeting on April 11th. Ms. Dickie's presentation focused on helping colleagues suffering mental disorders, especially those suffering from depression. She presented a short DVD during which lawyers who suffered from depression discussed their experiences and how seeking medical aid had helped them. She also provided a summary of legislation pending in the Texas State Legislature that could affect lawyers and courts.

# Family Matters

Education for Families in Transition

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**Texas Family Code §105.009**  
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Board of Judges.

[www.ParentsForever.org](http://www.ParentsForever.org)

Ms. Dickie was accompanied by Holly Wilkerson who is responsible for the State Bar of Texas' liaison with local bar associations.



Martha S. Dickie, State Bar of Texas President, addresses the CCBA Annual Meeting

The President's Annual Report and the Board of Directors' Nominating Committee's Report were published during the meeting, and the meeting was opened for nominations from the floor.

## Donald M. Feferman, J.D., C.P.A. Attorney At Law

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University of Pennsylvania-1962  
Harvard Law School-1965

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<http://www.fefermanlaw.com>

## Mark Your Calendars

(Changes and seminars noted in **Bold**)

### May 2007

- 3 — Law Day Reception, 5:30 p.m. to 7:30 p.m., Ortiz Center
- 4 — Law Day Luncheon, 11:30 a.m. Ortiz Center, Judge Carl E. Stewart, 5<sup>th</sup> Circuit Court of Appeals
- 16 — Criminal Defense Section Luncheon, Katz 21**
- 18 — Criminal Law Seminar**
- 22 — Board of Directors Meeting
- 28 — Holiday, Office Closed

### June 2007

- Docket Call,
- 20 — **Criminal Defense Section Luncheon, Katz 21**
- 21 — **Baseball with the Bench**
- 21 — 22 State Bar Annual Meeting
- 19 — **Board of Directors Joint Meeting with new Board**

## Mediation Services

Family Law  
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Civil Actions

\$395 per party, full day

\$250 per party, half day

## F. Lakhani

Attorney-Mediator

1205 Airline Rd.

Corpus Christi, TX 78412

361.993.1313

## CCBA March Docket Call

Cassidy's Irish Pub was the site of the



Judge Bonner Dorsey, Cynthia Morales, and Judge Tom Greenwell

Corpus Christi Bar Association's March Docket Call. Once again the event was



Doug Tinker and Jim McKibben

an overwhelming success. Over 80 judges and lawyers and their guests were



Mike Elliott, Russell Manning, and Rebecca Kieschnick

unanimous in their evaluation of the venue and the event as outstanding. Those absent will have to wait until June to experience what they missed in March. Les Cassidy is to be thanked for helping to make the event a success.

## CCYLA Kids Law Library

The Corpus Christi Young Lawyers Association Kids Law Library at Los Encinos Elementary School was dedicated April 13th. Seventy-two children's books about our legal system were donated to the school. The collection includes fiction and non-fiction books on a wide variety of topics including famous lawyers and judges, famous trials and appellate



Judges Nelva Gonzales Ramos and Bobby Galvan look on as the dedication ceremony is begun

cases, the United States Constitution, civil rights, forensic science and detective work, and the importance of trial by jury. Judges Nelva Gonzales Ramos and Bobby Galvan took part in the dedication ceremonies. Special thanks go to Brian Miller who coordinated the library project.

## Ethics Seminar a Success

The Corpus Christi Bar Association's first Ethics Seminar was praised by those in attendance. The three-hour seminar was presented to assist those in need of ethics CLE hours. Over 50 lawyers attended. The seminar was taped and will be placed on a DVD. Once that is completed, the DVD will be available to provide ethics CLE for those who were unable to attend the seminar. Additionally, the seminar will be repeated next year.

**The course directors, Jerry Dorsey and Audrey Mullert Vicknair, are thanked for a job well-done.**

Texas A&M University-Corpus Christi, Department of Accounting and Business Law in the College of Business, invites applications for one tenure-track Assistant/Associate Professor position in Business Law beginning in Fall 2007. Applicants should hold the Juris Doctorate from an accredited institution and should have a strong commitment to scholarly research and teaching excellence. Legal practice experience in business-related areas and university-level teaching experience are preferred. Salary is competitive. Please send applications to: Janet W. Tillinger, Chair of Business Law Search Committee, College of Business, Texas A&M University-Corpus Christi, 6300 Ocean Drive Unit # 5808, Corpus Christi, Texas 78412-5808; or email: [Janet.Tillinger@tamucc.edu](mailto:Janet.Tillinger@tamucc.edu). For more information on the positions and the University go to [www.cob.tamucc.edu](http://www.cob.tamucc.edu). Texas A&M University-Corpus Christi is an Affirmative Action/Equal Employment Opportunity employer committed to excellence (<http://www.tamucc.edu/~hrweb/>). The College of Business undergraduate and graduate business programs are accredited by AACSB International.

## Judicial Evaluation Is Coming

The Corpus Christi Bar Association Judicial Evaluation will be mailed in the first week of May. Once again CCBA members will be asked to rate the local judiciary in various categories. Unlike previous years, the evaluations will be mailed directly to the State Bar of Texas for tabulation and analysis. In the past they were mailed to the CCBA office and then forwarded unopened to the State Bar. The new procedure is being employed to "cut out the middleman."

**Board Election Ballots  
Due in CCBA Office by  
5:00 p.m. Monday April 30th**

The deadline for submitting ballots in the Corpus Christi Bar Association's Board of Directors election is 5:00 p.m., Monday, April 30th. The ballots must be in the CCBA Office by then. The postmark will not determine the timeliness of the ballot.