



July 2013

Vol. 30, No. 7

THE DICTA

The Docket

July 9 (Tuesday)
DAYL Lawyers Promoting Diversity Committee Meeting
Noon, Belo Mansion

July 9 (Tuesday)
DAYL Board of Directors Meeting
6:00 p.m., Belo Mansion

July 10 (Wednesday)
DAYL Judiciary Committee Meeting
Noon, Belo Mansion

July 10 (Wednesday)
DAYL Lunch and Learn
Noon, Belo Mansion

July 10 (Wednesday)
DAYL Solo & Small Firm Committee Roundtable
5:30 p.m., ACME Food & Beverage

July 10 (Wednesday)
DAYL Membership Committee Meeting
6:30 p.m., The Londoner

July 11 (Thursday)
DAYL Freedom Run Committee Meeting
Noon, Belo Mansion

July 13 (Saturday)
DAYL Generation Generosity
10:00 a.m., Airborne Angel Cadets

July 16 (Tuesday)
DAYL Elder Law Committee Meeting
Noon, Belo Mansion

July 16 (Tuesday)
DAYL Pub Trivia
7:00 p.m., The Londoner

July 18 (Thursday)
DAYL Animal Welfare Committee Meeting
Noon, Belo Mansion

July 18 (Thursday)
DAYL Dinner and Dialogue
6:00 p.m., Belo Mansion

July 20 (Saturday)
DHBA and DAYL Ask-a-Lawyer Event
Need location

July 24 (Wednesday)
DAYL Solo & Small Firm Committee CLE
Noon, Belo Mansion

July 25 (Thursday)
DAYL Social
6:00 p.m., The Social House

July 26 (Friday)
DAYL CLE Committee Meeting
Noon, Belo Mansion

July 29 (Monday)
DAYL Solo & Small Firm Committee Meeting
Noon, Belo Mansion

July 30 (Tuesday)
DAYL Aid to the Homeless Committee Meeting
Noon, Belo Mansion

DAYL Social at the Social House

Join DAYL for our July Social at one of Dallas' newest bars - **The Social House** - on **July 25, 2013** beginning at 6:00 p.m. The Social House is located at 2708 Routh Street, Dallas, Texas 75201. Our gracious sponsor, and Dallas' No. 1 Deposition Service - Complete Legal, will provide appetizers and two drinks per person. The cost to attend is \$3 for DAYL members and \$5 for non-members. Don't miss this great opportunity to check out The Social House! Valet parking is available for \$5.

Complete Legal is an award-winning litigation support team, voted **Best**

Deposition Service in DFW for the past two years in the annual "Texas' Best" survey conducted by Texas Lawyer magazine. The "Complete" team thrives on consistently meeting the ever-changing demands of the legal community, and they have established a record of reliability, flexibility and expertise in a field where clients expect unimpeachable work product and service. Locally owned, but widely known throughout Texas and the U.S., their Complete team of professionals can support you in any jurisdiction that your case takes you, offering industry-leading technology, backed by unrivaled talent, and the kind of professional support that brings peace of mind.

What Every Young Lawyer Should Know About... The Dos and Don'ts of Handling Appeals

by Amy A. Lewis

No matter what your practice area, you may have a client who wants to appeal his or her case. Get prepared by joining DAYL for the Lunch & Learn Series CLE at noon on Wednesday, **July 10th** at the Belo Mansion. The panel discussion will focus on the rules of briefing, tips for oral argument and the Standards for Appellate Practice.

The distinguished panel includes **The Honorable Douglas Lang** of the Fifth District Court of Appeals; **Nina Cortell**, Partner at Haynes and Boone; and **Kirsten Castañeda**, Senior Counsel of Locke Lord.

This program has been approved for 1.0 hour of CLE credit. It is free for DAYL members and \$10 for non-members. RSVP to **Cherie Harris** at cherieh@dayl.com.

DAYL's July Generation Generosity Event Assists the Troops

Join the DAYL Attorneys Serving the Troops Committee for the DAYL July Generation Generosity event starting at 10:00 a.m. on **Saturday, July 13th**. We will be working to put together care packages for Angel Airborne Cadets. The event will last approximately two hours.

Participants must be 16 years old or older and no open toed shoes are allowed. Tax-deductible donations of cash (used to pay for postage to ship the boxes) and/or items to be included in the care package would be greatly appreciated by Angels Airborne Cadets. For more information or to volunteer, please contact **Cherie Harris** (cherieh@dayl.com).

THE DICTA

Paul Simon, *Editor*

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Copy Deadline for August Issue:

July 15, 2013

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The views expressed in The Dicta do not necessarily reflect the views of the Dallas Association of Young Lawyers.

From the President

Taking Time for Yourself

No matter what type of law you practice or where you work, as lawyers, it seems we are always on a deadline. Generally speaking, we are type-A, we often work long hours, and we are constantly subject to a variety of sources of stress. While our jobs take priority, I hope that each of you will make a little time for a different priority this month: yourself.

Take a Vacation – If you can, try to take a day or two off at least a few times a year to “unplug.” While this is easier said than done, you will not feel rested or restored if all you have done on your “vacation” is answer e-mails and phone calls on your smart phone or tablet. Use the “Out of Office” feature to let your clients and opposing counsel know that you will not be able to return their e-mail until you return and provide an alternate contact in case of emergency. Obviously, this depends on your job – be sure to check with your supervisors and your work’s vacation policy – but, if you can, take a few days of vacation and spend time doing something fun and relaxing.

Spend time with your Family – Maybe you can’t take any time off, but you can always make time for your family – kids, parents, grandparents, aunts and uncles. Some might argue that lunch or dinner with family may cause you more stress. Time is short and I promise that in the end, you will be grateful that you set aside time to see them. When you spend time with your family, try to put your work on the backburner for

at least a few hours. Don’t answer e-mails or take calls and maximize on the time you have with them.

Be Active and Eat Well – We have all heard this advice, yet most of us don’t take it. Take time each week to exercise – whether going for a walk with your dog, a run, going to the gym, or attending your favorite yoga class. It will not only keep you healthy, but it will also make you feel better. Eating well, whether cooking at home or trying a new restaurant with healthy options will also give you more energy. This year, DAYL created a Wellness Committee to provide an opportunity each month to promote health and wellness. Try to participate in one of the upcoming events such as the Couch to 5K, or attend the Freedom Run.

Avoid Workplace Stress Injuries – New workplace injuries are plaguing our generation. I recently saw a news item about complaints of thumb injuries (texting thumb), back injuries from hunching over to text or work on your computer, and vision ailments due to failure to take breaks from the computer screen. Taking a few minutes to walk around the office and grab some water, or just standing up for a few seconds will get your blood circulating and provide a break from stress.

Mental wellness is good for your physical health and may also improve your performance at work. Be mindful of your particular situation while taking time for yourself this month.



Sarah Rogers

DAYL Trains Lawyers to Take Pro Bono Domestic Violence Cases

by Brad Nitschke

To kick off its new effort to connect trained pro bono young lawyers with victims of domestic violence who are unable to obtain other civil legal assistance, the Lawyers Against Domestic Violence Committee hosted a Domestic Violence Basics CLE on April 11, 2013 at the Belo Mansion, sponsored by **Jackson Walker LLP** and **Winstead PC**.

Local domestic violence experts **Hon. Roberto Cañas** of County Criminal Court 10, **Carla Bean** of the Dallas County District Attorney's Office Protective Orders Division, and **Ona Foster** of the Vera Institute of Jus-

tice offered comprehensive overviews and practice tips on topics such as client safety planning, post-separation custody and visitation issues, protective order basics, trying cases involving domestic violence, and the criminal justice system's treatment of cases alleging domestic violence. Over 30 young lawyers attended and received this valuable information, many of whom agreed to take on pro bono cases in the near future dealing with such issues.

The Committee's new initiative is a collaboration with the Dallas Volunteer Attorney Program and CitySquare's Legal Action Works. The Committee works with DVAP and com-

munity advocates for victims of domestic violence to provide family law and domestic violence training to interested volunteer attorneys free of charge. After completing training, volunteer attorneys are matched with prospective clients who have sought legal help from Legal Action Works but are unable to access other forms of free civil legal assistance and an experienced Legal Action Works mentor attorney. For more information or to volunteer to help a victim of domestic violence protect her physical safety and legal rights, contact Committee co-chair **Brad Nitschke** at bnitschke@jw.com or (214) 953-6045.



(l to r) Jenna Carl, Tania Loenneker, Rhiannon Kelso, Ona Foster, Carla Bean, Brad Nitschke, Elisabeth Wilson, Mey Ly, and Judge Roberto Cañas

WALK FOR WELLNE\$\$

Dust off and lace up your sneakers! Starting July 9, DAYL's Wellness Committee will be holding Walk for Wellne\$\$, a four-week pedometer challenge. Entry is for FREE for all DAYL members. Each participant will be given a DAYL pedometer to track the amount of steps taken from July 9 to August 2. Weekly updates will be provided and cash prizes will be provided to the top four steppers! To participate, email Paul Simon (paul@simonpaschal.com) or Cherie Harris (cherieh@dayl.com). Let's walk it out....

The project is funded, in part, through a grant from the Texas Young Lawyers Association.

In Case You Missed it ... How to Not Get in the Back of the Bar Journal

by Andy Jenkins

In case you missed it, June's Lunch & Learn was, "Everything the Young Lawyer Needs to Know about Not Getting Your Name in the Back of the Bar Journal." Our panel of highly esteemed ethics attorneys: **Robert Tobey**, Partner at Johnston Tobey, P.C., **Paul Koning**, Partner at Koning Rubarts, LLP, and **Marilea Lewis**, Partner at Godwin Lewis, P.C. presented a number of ways to avoid grievances and malpractice suits. Here are the highlights:

1. Disciplinary problems start with poor client screening. Don't take a matter that is beyond your competency. Don't

take a client who has sued or grieved a previous attorney. And, don't take a client with unrealistic expectations. Trust your instincts.

2. Have a written fee agreement. Clearly set out the scope of the representation and who the client is. The client may not be the person paying the bill. Be clear where your duty lies.

3. Have a trust account and use it correctly. Funds in your trust account are not your money. Mishandling client money can result in criminal prosecution. And, you have to keep your trust account records for five years.

4. Don't submit invoices "For Ser-

vices Rendered." Be detailed in the descriptions of your work. It may be the only written record of a communication you had with the client that he/she is disputing. Which brings us to...

5. Communicate effectively with your client. Return all phone calls within 24 hours. Check in periodically if there is a lull in the matter. And communicate everything that happens in the matter.

The picture the panel painted is that the common grievance is usually a problem that starts small and snowballs. There is usually a failure of normal human behavior and lack of communication is usually only an exasperating factor.

Notice of Reappointment of United States Magistrate Judge

The current term of the office of United States Magistrate Judge Paul D. Stickney at Dallas will expire on March 1, 2014. The United States District Court for the Northern District of Texas is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new eight-year term.

The duties of the magistrate judge position include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pre-trial matters and evidentiary proceedings on referral of the judges of the district court; and (4) trial and disposition of civil cases upon consent of the litigants.

Written comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court. Comments should be received no later than July 19, 2013 and should be sent to: Karen Mitchell, Clerk of Court, United States District Court, Northern District of Texas, 1100 Commerce Street, Room 1452, Dallas Texas 75242.

LAWYERS ROCKIN' FOR PRO BONO

LAW 4 JAM

BLACK DIRT TANGO | BLUE COLLAR CRIME | BIG WHEEL
 THE CATDADDIES | NOAH SNARK | RANDOM BLUE

6 PM
 08.17.13
 GRANADA THEATER
 WWW.DBALAWJAM.ORG
 \$25 EACH OR \$35 AFTER AUG. 2

The Dallas Association of Young Lawyers ("DAYL") Lawyers Promoting Diversity Committee invites you to celebrate diversity by attending the 8th Annual Dinner and Dialogue:

Date: Thursday, July 18, 2013

Time: 6:00 p.m. – 8:30 p.m.

Where: Belo Mansion, 2101 Ross Avenue, Dallas, Texas

Cost: \$10 (includes dinner; cash bar available)

CLE: Approved for 1.50 hour ethics credit

The Committee is dedicated to providing a forum wherein young professionals and the Dallas legal community in general can debate controversial issues regarding diversity in the workplace, including issues related to race, gender, religion, and sexual orientation. To this end, the LPD, together with its sponsors, will host a cocktail reception and dinner at which attendees will discuss several diversity-related "hot topics."

The Committee will address issues such as (1) how to define diversity, (2) the implementation and effect of diversity programs in the workplace, and (3) how to improve diversity in the Dallas legal community. We will converse about such issues in an exceptionally open, yet respectful, forum.

To register for this event, contact Cherie Harris (cherieh@dayl.com) or visit www.dayl.com/pdf/lpd.pdf

DAYL Provides Easy Option For New Lawyers

by Alex Bolton

The Dallas Association of Young Lawyers was pleased to host the 9th biannual Swearing-In Ceremony at

the Belo Mansion on May 15, 2013 for newly licensed attorneys who passed the February 2013 Texas bar exam. Over twenty attorneys were sworn in, many of whom were able to share the special event with friends and family. This Dallas option provides an easy way for new lawyers to be sworn-in without having to make a trip to Austin.

DAYL would especially like to thank **Justice Lana Myers** of the Texas Fifth District Court of Appeals who graciously gave of her time to speak on the importance of professionalism in the practice of law and to swear-in the newly licensed attorneys. Special thanks are also given to **Alex More** of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for speaking about involvement in DAYL and to

Blake Brownshadel of Dentons US L.L.P. for speaking about things to know as a first year associate. Many thanks to the DAYL Law Student Assistance Com-

mittee for planning this event. The DAYL looks forward to another successful swearing in ceremony in the Fall for July bar exam takers.



(l to r) Allison Grossman, Alex Bolton, Mahsa Sobeil, Justice Lana Myers, Joseph Hummel, Blake Brownshadel, Andy Jenkins, and Mey Ly.

Come Join DAYL to Train for the Freedom Run

by Lauren Brown

Each year, DAYL remembers the tragedies of September 11, 2001 and honors our own local first responders through the Freedom Run, a 5K benefiting the Assist the Officers Foundation. This year, the Freedom Run and Wellness Committees are also organizing Couch-to-5K training groups to get DAYL members prepared for the race coming up on September 12, 2013. If you are interested in running your first 5K, are looking to get back in shape, or just want a buddy to run with, come join us!

Here is how it is going to work: we will be following an 8-week training schedule, beginning the week of July 22nd. All training group participants will meet on Tuesdays and Thursdays from 6:00 - 7:00 a.m. and 7:00 - 8:00 p.m. so that you can work out at your own pace. On Saturdays, we will meet at 7:00 a.m. at White Rock Lake in front of the Bath House Cultural Center to run in larger groups based on each runner's preferred pace. A DAYL representative will be at each of these runs to coordinate the groups and answer any questions.

Besides the fitness benefits, participating in a Couch-to-5K group will get you VIP status for the Freedom Run, which includes a discount on your entry fee, t-shirt, and access to food and drinks at the end of the race. So, come join us to get ready for the Freedom Run!

To learn more about the Freedom Run and the Assist the Officers Foundation, go to www.freedomrun.com. If you have any questions about the training groups or if you are interested in participating, please contact **Lauren Brown** at Lauren.Brown@bgllp.com.

Market Your Law Firm within the State Bar Guidelines

Join the DAYL Solo and Small Firm Committee of the DAYL at noon on **Wednesday, July 24th** at the Belo Mansion for a one hour CLE, including .50 hours of ethics credit, and

learn "*How to Effectively Use the Internet to Market a Law Firm Within the Boundaries of the State Bar Rules.*" The presentation will specifically address how to best use websites and social media to market your firm, and is geared towards solo and

small firm attorneys. The speaker will be **Chad Ruback**, Appellate Lawyer. There is no charge for DAYL members to attend; there is a \$10 fee for non-members. RSVP to **Cherie Harris** (cherieh@dayl.com).

DAYL's New INROADS Program is Off to a Great Start

INROADS is a program where new DAYL members can become acquainted with DAYL and all it has to offer including its committees, CLE programs, community service, networking opportunities, and great people. INROADS is a calendar-year program that will match DAYL members who are looking to become more involved (INcomers) with DAYL members who are already involved (INthusiasts).

INcomers are DAYL members who are looking to get more involved in DAYL, whether through volunteering or simply attending certain events, while INthusiasts are DAYL members who are already involved. The goal of INROADS is to match INthusiasts with INcomers in order to offer

a friendly face at DAYL events and to show members what DAYL has to offer.

In June, INcomers and INthusiasts met for an informal happy hour to kick off

the program. Matches are continually being made, so if you are interested in participating in INROADS as either an INcomer or an INthusiast, please contact **Cherie Harris** (cherieh@dayl.com).



The Impact of Juvenile Specialty Courts in Dallas County and Beyond

by Andrea Karch

Today, Texas incarcerates more individuals than any other state in the country, second only to California.¹ Texas also has the second highest number of juveniles in detention facilities.² High incarceration and juvenile detention rates generally come with high price tags for the state and high rates of recidivism, which is especially troublesome for our juvenile population. Consequently, many child advocates have been actively seeking alternatives.

One of the strategies used to combat high incarceration and detention rates has been the establishment of specialty courts, for both adults and juveniles. “Specialty courts” are dockets in which cases are referred to address the underlying causes of a particular offense, through treatment and supervision. For example, juvenile mental health courts serve youth who have undiagnosed or untreated mental health disorders that may have contributed to their delinquent behavior. Juvenile specialty courts provide an alternative route to traditional juvenile processes, often using a multi-disciplinary team of counselors, probation officers, and other professionals who provide wraparound services for the juvenile and their families.

Nationally, statistics suggest that individuals who successfully complete a specialty court program have lower rates of recidivism.³ Similarly, the use of specialty courts is one of several factors that have led to the reduction of incarceration rates in Texas.⁴ The use of juvenile specialty courts in Dallas County may have also had these beneficial results. For example, between 2007 and 2010, juvenile detention rates in Dallas County dropped by nearly 40%, which may be partly attributable to the existence of a juvenile specialty court.⁵

There are twenty-two juvenile specialty courts in Texas, four of which are located

in Dallas County.⁶ These courts include the Juvenile Drug Court, the Juvenile Mental Health Court, the ESTEEM Court, and the Diversion Male Court.

The Dallas County Juvenile Drug Court is the oldest juvenile specialty court in the county, and has been operating since 2002. This court is a diversionary program for first-time offenders or minor drug offenders who voluntarily participate in the program in lieu of traditional juvenile court channels. The Juvenile Mental Health Court, on the other hand, was created in 2011 and seeks to assist juveniles suffering from mental health disorders. An estimated 70% of minors in the juvenile justice system suffer from at least one mental health disorder.⁷ The ESTEEM Court was established in 2012 in partnership with the Letot Center, and seeks to reduce recidivism among high-risk juvenile girls. Finally, the Diversion Male Court, the newest juvenile specialty court in Dallas was created in 2013 and seeks to reduce the disproportionate representation of minority male youth in the Dallas Juvenile Justice System.

Recognizing the success of these specialty courts, the State of Texas passed Senate Bill 92 during the 83rd Legislative Session, which authorizes the creation of juvenile diversion courts for minors who have engaged in high-risk behavior, and who may be the victims of human trafficking.⁸ Passage of this bill marks a huge step in the effort to provide treatment and services, rather than strictly punishing these juveniles.

While specialty courts have been marked with success, some important issues must still be addressed: First, because of their general infancy, it is important to establish monitoring systems that clearly track success rates. Additionally, funding is typically limited, so future research should determine how to effectively establish, fund, and manage these courts. This summer, CHILDREN AT RISK has been generously funded by the Texas Bar Foundation to address many of these issues by researching specialty court models in Texas and

other states, analyzing current laws, and developing policy recommendations for the next legislative session.

¹E. Ann Carson & William J. Sabol, *Prisoners in 2011*, BUREAU OF STATISTICS, U.S. DEPT OF JUSTICE, at 4 (2012), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/p11.pdf>.

²*Reducing Youth Incarceration in the United States*, THE ANNIE E. CASEY FOUNDATION, at 3 (2013), available at <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>.

³*Criminal Justice Advisory Council Report – Recommendations for Texas Specialty Courts*, OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, at I (2013), available at http://governor.state.tx.us/files/cjd/CJAC_Report_January_2013.pdf.

⁴*Id.* at 7.

⁵*See Children Detained by Demographics and Offense Type, 2007-2011*, DALLAS COUNTY JUVENILE DEPARTMENT, available at <http://www.dallascounty.org/department/juvenile/media/ChildrenDetainedDemographicandOffenseType.pdf> (last visited June 5, 2013).

⁶*See Texas Specialty Courts*, OFFICE OF THE GOVERNOR (2013), available at http://governor.state.tx.us/files/cjd/Specialty_Courts_By_County_May_2013.pdf.

⁷*Adolescent Mental Health in the United States*, NATIONAL CENTER FOR CHILDREN IN POVERTY, http://www.nccp.org/publications/pub_878.html. (last visited June 13, 2013).

⁸Act of May 10, 2013, 83rd Leg., S.B. 92, available at <http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=83R&Bill=SB92> (last visited June 5, 2013).

Andrea Karch is third-year law student at SMU Dedman School of Law and a 2013 Summer Law Fellow at CHILDREN AT RISK, is a research and advocacy organization dedicated to improving the quality of life of Texas' children through strategic research, legal action, public-policy analysis, community education, and collaboration. The organization focuses on issues related to the whole child, including education, human trafficking, juvenile justice, mental health, and food insecurity, and parenting. For more information, please visit www.childrenatrisk.org.

Scenes from the June DAYL Social at The Standard Pour

