



April 2014

Vol. 31, No. 4

THE DICTA

The Docket

April 8 (Tuesday)
DAYL Lawyers Promoting Diversity Committee Meeting
Noon, Belo Mansion

April 9 (Wednesday)
DAYL Attorneys Serving the Troops Committee Meeting
Noon, Café Express Mockingbird Station

April 9 (Wednesday)
DAYL Lunch and Learn CLE
Noon, Belo Mansion

April 9 (Wednesday)
DAYL Solo / Small Firm Roundtable Program
6:00 p.m., Stoneleigh P

April 9 (Wednesday)
DAYL Law Student Assistance Committee Meeting
6:30 p.m., Capital Pub

April 10 (Thursday)
DAYL Get Involved Luncheon
Noon, Belo Mansion

April 10 (Thursday)
DAYL Lawyers Serving Children Committee Meeting
Noon, Belo Mansion

April 12 (Saturday)
DAYL Generation Generosity
8:30 a.m., Bike Rodeo for Texas Scottish Rite Hospital

April 15 (Tuesday)
DAYL Elder Law Committee Meeting
Noon, Belo Mansion

April 16 (Wednesday)
DAYL Aid to the Homeless Dwell with Dignity Event
5:30 p.m.

April 17 (Thursday)
DAYL Animal Welfare Committee Meeting
Noon, Belo Mansion

April 21 (Monday)
DAYL Elder Law Committee Senior Community Visit
6:00 p.m.

April 22 (Tuesday)
DAYL Solo / Small Firm CLE
Noon, Belo Mansion

April 23 (Wednesday)
DAYL Membership Committee Meeting
6:30 p.m., The Londoner

April 24 (Thursday)
DAYL Social with the Judges
5:30 p.m., The City Club

DAYL ONE TO WATCH

Ann Chao has been selected as the April 2014 DAYL One to Watch! To find out why, visit www.dayl.com.

DAYL Social with the Judges

DAYL's April Social will be a special event co-organized by the DAYL Judiciary Committee. The DAYL Social with the Judges will be held from 5:30 - 7:30 p.m. on **Thursday, April 24, 2014** at the City Club. The City Club is located on the 69th Floor of Bank of America Plaza, 901 Main Street. The Social with

the Judges will provide a unique opportunity for DAYL members to socialize with many of Dallas's judiciary. There is no charge to attend. Heavy hors d'oeuvres will be provided, along with two drink tickets. This event is sponsored by many local law firms. A complete list of sponsors can be found at www.dayl.com/social. We look forward to seeing you there!

DAYL Invites YOU to Get Involved

Whether you are new to DAYL or you are just deciding to get involved, the DAYL Membership Committee invites you to join us for our annual "How to Get Involved" luncheon on **Thursday, April 10th** at noon at the Belo Mansion.

Join us to hear how you can get involved with one (or more!) of our com-

mittees. No matter your interests and passions, there's sure to be at least one committee that will offer you the opportunity to further pursue those passions and give back to our profession and the community as a whole.

There is no charge to attend and lunch will be available for a nominal fee. RSVP to **Cherie Harris** (cherieh@dayl.com).

Be Part of A Legacy of Leadership

Leadership DAYL applications are now available.

Application deadline is June 6, 2014

Contact Cherie Harris (cherieh@dayl.com) for information or see insert in this month's DICTA.

The Docket (continued)

April 25 (Friday)
DAYL CLE Committee Meeting
Noon, Belo Mansion

April 25 (Friday)
DAYL Pro Bono Service Award Deadline

April 28 (Monday)
DAYL Solo / Small Firm Committee Meeting
Noon, Belo Mansion

April 28 (Monday)
DAYL Foundation Grant Application Deadline

April 29 (Tuesday)
DAYL Aid to the Homeless Committee Meeting
Noon, Meso Mayo

April 30 (Wednesday)
DAYL Equal Access to Justice Committee Meeting
Noon, Belo Mansion

April 30 (Wednesday)
DAYL Legislative Update CLE
Noon, Belo Mansion

May 3 (Saturday)
DAYL Generation Generosity
9:00 a.m., Buckner Shoes for Orphaned Souls

THE DICTA

Jennifer Lee, Editor

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Copy Deadline for May Issue:

April 15, 2014

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From the President

Make it . . . Sprinkle



Meyling Ly

One of the fun things that the president of the DAYL gets to do is come up with themes or special projects that they want to focus on during their year of presidency. One of my projects for this year is to encourage and enable young lawyers to manage their own careers and “make it sprinkle.”

Obviously, “making it sprinkle” lacks the certain je nais se quoi that “make it rain” does, but I’m trying to keep it real. For some of us, we barely got our job and every day is a prayer not to commit malpractice so “making it rain” is as likely as starring in our own personal rap video. I promise you – I get it. But from my personal experience, whenever I’ve brought my head up from the drone of counting my time in six minute increments, I’ve noticed that the lawyers who are calling the shots (and who have the freedom to take real two-week vacations) are usually the ones with a significant book of business. Through the years, I also began noticing some of my colleagues working their you-know-what off – but getting passed up on partnership or some having to transition to other firms altogether...the dreaded horror stories of “up or out.”

This really got me thinking...how can young lawyers ever get “there” if we’re too busy sitting behind our desks with laser-sharp focus on fulfilling our billables? Don’t get me wrong – billables are what they are (and certainly need to be met) – but at some point, this systematic tunnel vision is stunting our professional growth as we focus on the illusive carrot of “guaranteed” partnership and forget to

personally manage our careers. Bottomline? You’ve got to make some time to invest in your own career.

Now that you’ve got the “why” of why it’s one of my focuses, here’s the how. Hopefully, you were able to attend the CLE committee’s Lunch and Learn on January 23, where we had a panel of rain-makers discuss their tips for young lawyers. If you missed it, there’s a great recap in the February DICTA. Last month, the Young In-House Counsel committee presented a panel of general counsel who shared how they got their job (want to move in-house anyone?) and how to get and keep their business. Check out the recap in this issue.

If you missed these events, no worries – because we have more programming in the works! Save the date for the Young Partners committee’s panel on May 8, where young partners will share their tips on what it took for them to get where they are and what they wish they knew as young lawyers. We also have a women’s business development event planned for July 10 at Times Ten Cellar, where a panel of women from different size firms and practice areas (and a consultant) will share their tips. After the panel, there will be opportunity to “practice” the tips shared with shopping for a cause. Finally, we will have a speed networking event in October and a final CLE on ethically engaging clients in December. Of course, if you have any ideas for programming on how young lawyers can “make it rain,” I’d love to hear it. In the meantime, I hope that you’ll take advantage of the programming we’re offering this year – and work on making it sprinkle.

Strut Your Mutt with DAYL and the SPCA of Texas

by Eliot Walker

On Saturday, May 17th, at 8:00 a.m., the SPCA will hold its 9th Annual “Strut Your Mutt” 3K & 5K run / walk at Fair Park. In support of the SPCA, the DAYL Animal Welfare Committee is once again organizing a team for anyone to join or sponsor. So come out with your pup on a spring morning to

run a 5K or walk a 3K. While you’re there, get some free food, a free t-shirt, and all sorts of perks for your pet from participating sponsors and vendors. Your participation will help raise funds for the SPCA of Texas’s rescue and shelter programs. You can sign up to join or sponsor the DAYL’s team here: <http://sym2014.kintera.org/dayl>.



Join the DAYL at the Bike Rodeo and Child Safety Day at Scottish Rite

by Carling Nguyen

April’s Generation Generosity volunteer project will be at the Bike Rodeo and Child Safety Day at Texas Scottish Rite Hospital for Children on Saturday, **April 12, 2014**, from 8:30 a.m. – 1:00 p.m.

A survey of Texas students revealed 92% of children under the age of 15 who

ride bicycles almost never or rarely wore a helmet. Children in attendance will have their bikes inspected and receive a complimentary bike helmet. Please join us for a fun and informative event to teach children about general safety, as well as traffic safety.

Volunteers will manage various stations at the bike rodeo and child safety day and

will help educate children about general safety (including poison control and fire and water safety) and traffic safety. Volunteers will also serve popcorn and assist with face-painting. Lunch will be provided. Please contact **Cherie Harris** at cherieh@dayl.com if you are interested in participating.

Hear from the Clerks at April’s Lunch and Learn CLE

Please join DAYL for a one-hour e-filing CLE from the perspective of the clerks and young lawyers. Ever since the new e-filing rules became effective, many young lawyers have been struggling to figure out the new system.

This CLE program will provide an opportunity to hear directly from the

clerks about how to e-file correctly and the clerks will also answer some of the most common questions that have arisen since the new procedures became effective.

The CLE will be held at noon on **Wednesday, April 9**, at the Belo Mansion. Panelists include **John Burkhead**, The Law Offices of Frank L. Branson, P.C.; **Sandra Sifford**, Dallas County Dis-

trict Civil/Family Court Operations Manager; and **Hector Faulk**, Dallas County Civil/Family File Desk Supervisor.

The program is free for DAYL members and is \$10 for non-members. Lunch is available for purchase.

RSVP to **Cherie Harris** (cherieh@dayl.com) so we can ensure enough seating.

2013 Legislative Animal Law Update and What’s in Store for 2015

On **April 30**, at noon at the Belo Mansion, the DAYL Animal Welfare Committee will present a CLE program that will cover the 83rd Texas Legislative Session in depth with respect to all of the animal-related bills brought during the session.

The presenters will give a brief background to the 2013 Texas legislature, including the breakdown of Republicans/Democrats, and the numbers of bills brought, passed and vetoed. They will focus on the

successful bills that relate to animals, and how those bills change existing law. The course will also review the animal-related bills that did not pass (approximately 40 animal related bills not including deer/hunting bills) and those that will likely be brought next session. This list includes but is not limited to a number of animal shelter regulations, shark finning and amendments to the Dangerous Wild Animal Act of 2001.

The presenters will be **Shelby L. Bobosky**, Esq., Vice President, Leg-

islative Chair and Board Member of Texas Humane Legislation Network and **Katie Jarl**, Texas Director, The Humane Society of the United States. This program has been approved for 1.00 hour CLE credit, including .5 hours ethics credit.

There is no charge for DAYL members to attend; the non-member fee is \$10. Lunch is available for purchase and parking is available for a small fee at the Belo Mansion. RSVP to **Cherie Harris** (cherieh@dayl.com) to ensure we have enough seats.

DAYL Summer Softball Sign-Ups

It's that time of year again, time for another exciting season of DAYL Softball. But first, congratulations are in order for last year's champions. After five second-place finishes, Dedman Walked was crowned men's league champion, having beaten the law students of Slapping Pitches. In the Co-ed league Friedman & Feiger beat out Quilling Selander to win the coveted co-ed title for 2013.

To the right is an application for the 2014 softball season which will begin in early May. The application deadline is **April 21, 2014** and the cost per team is \$650. Get the gloves oiled up, break out the bats and let's play ball. But first, get your application and payment in by the deadline.

For information, contact **Matt Daniel** (mdaniel@lawyerworks.com).

How to Market and Make Your Name

Looking to hang up your own shingle? Or are you there and want some tips? Join the DAYL Solo & Small Firm Committee in their next installment of the How To Series with *How to Market and Make Your Name* on Tuesday, **April 22, 2014** at noon at the Belo Mansion.

John DeGroot from John DeGroot Services, LLC, **Ben Randall** from Agency Entourage and **Benson Varghese** from Plan A and B will be speaking about how to get your name out there and build your reputation. We will explore the how's and why's of getting clients and building your practice, as well as the ethical guidelines you need to follow while building your firm. Remember, in law, you live off of your name; learn how to make it as strong as possible!

There is no charge for DAYL members to attend; the non-member fee is \$10. Lunch is available for purchase. RSVP to **Cherie Harris** (cherieh@dayl.com).

-2014 DAYL Softball Application-

Firm Name: _____
Team Name: _____
Team Manager: _____
Manager's Work Address: _____
Manager's Email Address: _____
Work Phone : _____ **Fax:** _____
League Preference
Men's Competitive **Non-Competitive** **Co-Ed**

Return this form along with payment of \$650.00 (payable to DAYL) to Cherie Harris, DAYL, 2101 Ross Avenue, Dallas, Texas 75201 no later than **Monday, April 21, 2014**. Contact Matt Daniel (mdaniel@lawyerworks.com) for information.

TEAM ROSTER (attach additional page, if necessary)

Player Name	DAYL Member	Clerk	Non-Attorney
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SAVE THE DATE

The 2013 DAYL Leadership Class is proud to present:



DAYL CHARITY BALL

ONE EPIC NIGHT
at
TRINITY GROVES

Benefiting EPIC and Dallas Area Habitat for Humanity

Saturday, November 15, 2014
Dallas, Texas

More information to follow via email and Facebook

DAYL Foundation Accepting Grant Applications

The DAYL Foundation, a 501(c)(3) organization, is accepting grant applications for law-related projects and charitable organizations that meet one or more of the following criteria: 1) Law-related scholarship and education promoting knowledge and awareness of the rule of law; 2) Charitable and legal aid for the public, including improving the delivery of legal services to the indigent and im-

proving the administration of justice; 3) Foster honor, integrity and public confidence in the profession of law; 4) Assist the legal profession by enhancing the quality of client services and improving the self-regulation of the profession; and/or 5) Historical preservation and observances.

Grants typically range from \$500 - \$2,000. Organizations that have received DAYL Foundation grants in the past include: DOORS, Dallas CASA, Dallas Law

Magnet, Workers' Defense Project, Aberg Center for Literacy, Texas Legal Services Center, Human Rights Initiative, and Mosaic Family Services, to list a few.

If you are aware of an organization that could benefit from a DAYL Foundation grant, please have them contact **Cherie Harris** (cherieh@dayl.com) for additional information. The grant application deadline for the DAYL Foundation is **April 28, 2014**.

**Mark Your Calendar for the 14th Annual Freedom Run
Thursday, September 11, 2014
6:30 p.m., Dallas City Hall**

Q&A With Dallas Probate Court

by Steven Hallbauer

The DAYL Elder Law Committee and member **Judge Chris Wilmoth**, judge in Dallas County Probate Court No. 2, teamed up to host a "Question & Answer Session" on the morning of Friday, February 21. Coffee and donuts were provided courtesy of the Elder Law Committee, and Judge Wilmoth opened up the courtroom in order to answer attorney questions pertaining to any aspect of probate and guardianship law.

In addition to questions about the new Estates Code that went into effect Janu-

ary 1st, there were many questions from attorneys about the Dallas County e-filing procedures. An aspect of e-filing that is unique to the probate practice is the requirement that an original will must still be filed in person with the court within three days of e-filing an Application to Probate. Therefore, the probate process is not completely "electronic" as of yet, a situation that gives rise to issues that are very practice-specific.

Judge Wilmoth, joined by Probate Court No. 3 Auditor **Melanie Baloga**, answered attendee questions on both the

legal issues presented by e-filing as well as the practical, "nut and bolts" aspects of the process. The attorneys who attended the event were very appreciative of the time extended by the court in order to directly assist with resolving issues and problems that the bar has encountered during these first few months of mandatory e-filing in Dallas County.

The Elder Law Committee is grateful to its members who assisted with the planning and implementation of this event and to Judge Wilmoth and Melanie Baloga for their participation.





Dallas Association of Young Lawyers 2014 DAYL Leadership Class Application Application Deadline: Monday, June 9, 2014

The DAYL Leadership Class enables lawyers of all backgrounds to meet each other and other leaders in the city, community, and Bar to not only network, but also to develop their leadership skills and explore how attorneys can make a difference in their profession and community. Each year the DAYL selects a Class of about 40 (forty) members from applications submitted by lawyers of all practice areas, firm sizes, and levels of experience.

The 2014 Class will meet for an **overnight, out-of-town, mandatory Leadership Retreat from 7:00 a.m. on Friday, August 22 to 10:00 p.m. on Saturday, August 23**. A series of luncheons will follow, featuring local and state leaders speaking on their personal experiences in leadership positions, and leadership opportunities for young lawyers. Participation in the Leadership Class will greatly enhance your business contacts, and will provide opportunities that would not have existed otherwise. At the completion of the program, the Class traditionally organizes a community-service project.

Name (attorneys only): _____

Firm and Mailing Address: _____

Telephone: _____ Cell: _____ Number of Years in Practice: _____

E-Mail Address: _____ Area(s) of Practice: _____

Are you a DAYL member? (membership required)? Yes Can you attend the mandatory retreat as noted above? Yes

How did you hear about the DAYL Leadership Class? _____

The 2014 Leadership Class will meet promptly from 11:30 a.m. - 1:00 p.m. on the following dates: **September 9, September 30, October 21, November 11, December 2, January 13 (2015), and February 3 (2015)**. There will also be a class happy hour on **August 7** from 6:00 - 8:00 p.m., as well as a class activity on **October 15** from 4:00 - 9:00 p.m. Be prepared to attend all class lunches and events.

I. Attach your résumé, which shall include bar association, business/professional and civic activities in which you have participated. List any awards or special recognitions you have received. Also separately attach (preferably via email) a professional photo that can be used in Class materials.

II. On a separate sheet of paper, briefly describe: (a) what leadership means to you; (b) why you wish to participate in this program; and (c) and how you expect to use your experience in this program.

III. Please provide a letter of recommendation from someone who has known you for at least two years.

IV. There is a \$550.00 administrative/enrollment fee. This fee covers the retreat, all lunches, and materials. If necessary, the \$550 may be made in installments, with \$250 due before the retreat, and \$300 due by October 15. Partial scholarships may be available to those who need assistance. Please indicate your need on an additional sheet of paper.

V. Applicants are requested, but not required, to provide the following information. Please indicate which of the following categories utilized by the EEOC best describes you (circle one):

- | | | | |
|-------|---------------------------|---|-----------------------------------|
| Asian | Black or African American | Hispanic or Latino | American Indian or Alaskan Native |
| White | Two or More Races | Native Hawaiian or Other Pacific Islander | |

VI. I represent that the information provided herein and on the attached pages is true and correct. Also, by signing below, I indicate that I understand that the DAYL Leadership Class will require a substantial time commitment and participation on my part. I will be an active participant of the 2014 Leadership Class, which includes attending the required retreat, luncheons connected to the program as stated above, will participate in small group meetings which will be periodically throughout the class, and will participate in the Class project.

Signature of applicant: _____ Date: _____

Mail, fax, or email this application (**as one document**) to: Cherie Harris, Executive Director • cherieh@dayl.com
Dallas Association of Young Lawyers • 2101 Ross Avenue • Dallas, Texas 75201 • 214.220.7420 phone • 214.220.7422 fax

In Case You Missed It . . . I Have to Pay What?!?

by Jodi McShan



When starting a new practice, there are thousands of considerations – where to office, define your color scheme, target market, etc. What should be the first and most important question is how do I form my firm? **Stephen Beck** (Meadows, Collier, Reed, Cousins, Crouch & Ungerman, L.L.P.), **Chris Cunningham** (Christopher Alan Cunnigham, PLLC), and **Orly Mazur** (Assistant Professor at SMU Dedman School of Law) discussed the types of business formations and what you should consider when deciding how to set up your practice.

The panel touched on the 6 different entities: sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company, and corporation. In a sole proprietorship, you just start practice. It is the most straightforward but exposes you to the most liability. You pay taxes through your personal 1040, but you put all of your personal assets on the line. General partnerships are not better in terms of liability. While you now have a partner, you have joint and several liability, claim taxes on your 1040, and you remain personally li-

able for the actions of the entity. These can be formed inadvertently through lack of filing of another entity.

A limited partnership only protects the limited partner(s) and leaves the general partner(s) with the same liability as a general partnership. You must file this with the state, but it is not a preferred organization in terms of liability. However, one word can mean so much. A limited liability partnership grants all partners limited liability; furthermore, the entity, after filing with the state, can choose to either file taxes like a partnership or a corporation. It is much more flexible and provides the liability protection. The limited liability company is very similar to the limited liability partnership, and all shareholders have those same options as the partners in the LLP.

A corporations must be organized through the state, pay taxes as a corporation, and protect shareholders from liability. You can file as an S-corp (flow-through taxation like a partnership) or a C-corp (taxes paid by the company but may lead to double taxation). Double taxation can be avoided by paying reasonable salaries and cutting down on the dividends paid out. For attorneys, there

is a flat tax of 35% due to it being a personal service corporation (note that you will need to compare this to your own tax rate to make an informed decision). For all entities, the “P” designation before the entity type designates it as a professional entity, owned by licensed professionals.

Finally, the panel discussed hiring support staff and compared the independent contractor to the employee, discussing the pro’s and con’s of each. While each election has benefits, you must be very careful in your designation of your staff. If you incorrectly designate the staff, you can face heavy penalties from the state, including criminal charges if all steps are not correctly followed. You should check with the IRS and ensure you are correctly designating all staff instead of assuming you are right and not following through.

The panel provided a great deal of information regarding the formation of entities and the hiring of staff. While this brief overview touches on the topics discussed, if you are considering forming your own entity or hiring staff, please consult someone with experience in the field to help ensure you are setting up everything legally.

DAYL's Aid to the Homeless Committee is seeking volunteers to help with its upcoming Dwell with Dignity service project. Dwell with Dignity is a non-profit organization dedicated to creating inspiring homes for families struggling with homelessness and poverty.

WHEN: Wednesday, April 16, 2014 from 5:30 p.m.– 8:30 p.m.

WHERE: DWD Studio, 915 Slocum Street, Dallas, Texas 75207

RSVP: Pam Sieja (psieja@birlaw.com) by April 9, 2014

Nominations are currently being accepted for the DAYL 2014 Pro Bono Service Award. The award will recognize the public service or legal aid performed by an individual young lawyer who in the previous year has provided outstanding contributions and access to justice to those in need of legal services.

The award will be presented at the DAYL annual Wine Tasting on June 5, 2014.

The nomination deadline is April 25, 2014.

To receive a nomination form, contact Cherie Harris at cherieh@dayl.com.

Beyond Basic Business Formation: Planning for Your Client's Small Business

by Sarah R. Duff

Entrepreneurs often seek legal advice on business formation, taxes, and the like. Besides advising clients on whether an LLC or partnership is a more advantageous choice, one additional consideration for business owners is an estate plan for the business.

Real Reasons to Consider Future Planning for a Business

Why on Earth would any young entrepreneur consider estate planning when starting a new business? Consider this scenario: a small store operates like clockwork with a single owner and one trustworthy store manager and several employees. The store owner has a heart attack and dies, leaving the store manager to run the show. But, assuming the business owner dies intestate and without any type of guidance in the operating agreement, who owns the store? Who will handle payroll or open the store the next day? Assuming the manager wants to buy the store and carry on the business, how would this be paid for? These are questions I recently had to answer in my practice when helping out-of-state clients wind up their son's small business.

In a nutshell, if the owner was not married and had no children, then the owner's parents, if they are alive, would inherit a store—not necessarily something older parents are prepared to handle. If the owner is married, a widow or widower could inherit the business. If the

store employed several people, a temporary administration may be necessary. This can be an expensive and potentially complicated process. When advising our clients regarding business formation, it is essential that we consider the whole picture and look to the future of the business.

Anticipate the Scenario: Provide a Contingency Plan in Business Formation Documents

The first and best way to insure that your entrepreneur client protects his business is to include any kind of future planning in the business formation documents when starting the business. In addition to designating when meetings will take place and who the officers of the business are, be sure to anticipate who will handle payroll, who will operate the store, and whether the company itself has the authority to appoint someone with those powers in the event of a death of the owner. The documentation may anticipate a kind of chain of command in the event of a death. For instance, a supervisor may be authorized to handle payroll while a high level manager may be authorized to open the store. If the company itself rather than an individual has the power to make these appointments and decisions, then the potential delays and breakdowns in the normal business cycle will most likely be reduced if not eliminated altogether.

Consider Key Person Insurance

In the scenario where one partner dies

and one is left running the business, the deceased partner's family may not necessarily wish to own half a business. The living partner can buy out the business interest from the family if they have cash or an insurance policy to pay for the deceased partner's interest in the business. A key person insurance plan allows a business partner to take a life insurance policy out on the other business partner in the event of such a situation. Life insurance agents can offer additional and in-depth details of key person insurance policies and the requirements for such.

At the Very Least, Draft a Will

At the very least, encourage your client to draft a will to anticipate what should happen to the business in the event of the owner's death. Or consider placing the business in a trust with a successor trustee who could run the business in the event of the owner's death.

When forming a business for your client, think beyond the basic documentation and discuss your client's business plan as a whole. With a complete plan in place, your client will be better able to focus on developing and running the business and will appreciate an attorney who considers the future of the business.

Sarah R. Duff is the managing attorney at The Duff Law Firm in McKinney, Texas. Ms. Duff focuses her practice on estate planning, probate, guardianship, and family law matters.

DAYL is Pleased to Announce the Recipients of its Recent Awards.

**Outstanding Mentor Award: Michael K. Hurst of Gruber Hurst Johansen Hail Shank LLP
Outstanding Young Lawyer Award: Mandisa Price of Weil, Gotshal & Manges, LLP
Liberty Bell Award: Adrian Cook of the Rees-Jones Foundation**

The recipients will be presented with his or her award at the DBA annual Law Day Luncheon on May 2, 2014 at the Belo Mansion.
For ticket information, visit www.dallasbar.com.

In Case You Missed It...Experienced In-House Counsels Share the Secret to Being an Effective Business Partner

by Jaime Ramos

On March 20, 2014, DAYL's In-House Counsel Committee invited panelists, **Erin K. Barta** (General Counsel at Mannatech), **Christine Son** (Vice President and Corporate Counsel at Xerox), and **PJ Putnam** (General Counsel at Calvet Companies), to share their insight on how in-house and outside counsels can become effective business partners. In-House Counsel Co-Chair **Ron Rohde** (General Counsel at CP Homes) moderated the panel.

The panelists brought diverse industry backgrounds to the table, highlighting their experience in litigation, international law, and various markets in nutrition, retail stores, and software businesses. The panel emphasized that although laws and regulations vary by industry, all in-house attorneys share a common factor—learning the requisite skill of com-

municating effectively with business counterparts to minimize risks. The company may not always agree with counsel's advice or vice versa, but it is important for the attorney to provide alternative recommendations. A hard "no" should rarely be the answer, since counsel and business leaders are on the same side. To foster a cooperative environment, Ms. Son encourages an open-door policy, which allows business leaders to freely discuss options in reaching the overarching goal of benefitting the company as a whole.

Panelists also urged both in-house and outside counsels to know the business. This is especially essential for outside attorneys looking to become a solid business partner. For example, Mr. Putnam shared that a law firm offered to visit a company on a Saturday to explore a video game developed by that company.

Because the firm took the extra step in learning more about the company's business, Mr. Putnam hired the firm. The law firm later became a business partner in Mr. Putnam's subsequent positions in other in-house roles.

In further insistence of attorneys knowing the business, Ms. Barta advised attorneys to join trade associations (outside of legal organizations) related to the business. The company will see value in attorneys who are engaged and knowledgeable. The attorneys will also be better equipped with an arsenal of new contacts from these associations to better serve the company.

In closing, Mr. Rohde asked the panelists to turn back time and offer advice to their former, inexperienced personas. Few said they had no regrets and one expressed the need for more networking.



The DAYL Attorneys Serving Troops Committee is seeking volunteers to assist with resume and interview counseling at the Hiring Our Heroes job fair on May 12 in Arlington. Volunteers will provide resume reviews and mock interviews for veterans, active duty military, and military reservists attending the hiring fair. The event will last from 10:30 a.m. until approximately 1:00 p.m. If you are interested, please contact Chris Hodge at chodge@ccsb.com.

In Case You Missed It...E-Discovery

by Bill Richmond

In case you missed it, DAYL's CLE Committee hosted a discussion on electronic discovery on February 11, 2014 at the Belo Mansion. The presentation itself was more entertaining than the usual CLE lecture as it was a "fly on the wall" view of client interactions on both sides in preparation for dealing with the various issues that come with handling electronic production and discovery requests. The group included: **Judge Martin Hoffman** (Dallas County 68th District Court); former DBA President **Paul Stafford**; **Rachel Ratcliff** of Stroz Friedberg, **Angelina LaPenotiere** of Carrington Coleman Sloman & Blumenthal, LLP, and **Chris Simmons** of Deans & Lyons. Here are a few of the high points:

1. Authorities. In Texas, electronic discovery is largely addressed in Rule 196.4 and by the seminal opinion in *In re Weekley Homes, L.P.*, 295 S.W.3d 309, 322 (Tex. 2009). Read them. Learn them. Love them.

2. Survey the Landscape Thoroughly. E-discovery is tough because there are so many different nooks and crannies one must consider and probe in order to thoroughly request electronically-stored information ("ESI") and adequately respond

to ESI requests. These areas include emails, cell phones, tablets, external drives, flash drives, Google Glass, fitness/GPS watches, server data, text messages, in-application messages, social media, websites, metadata in documents, metadata in emails, cloud data, photos, videos, internet history, etc. Third parties may also have relevant ESI, including social media company servers, cloud computing host servers, cloud-based email servers, and iOS/Android app servers.

3. The Devil's Advocate. Clients often mean well and believe they are being completely forthright about the various sources of relevant e-discovery in their case, but a lawyer must play the devil's advocate to

leave no stone unturned that could spell disaster later in the case or at trial. What ESI do you have? What ESI did you have that you got rid of? How did you get rid of it? Who did you forward the information to? What social media sites are you involved in? What applications do you use on your mobile devices and tablets?

4. Specificity. When seeking ESI, the requesting party must make specific requests for information. Additionally information as to what form you want it in will assist in clarifying your request to avoid issues down the road. This can include PDF, TIF, native, and document management system load files (Summation, Kroll OnTrack, Relativity, etc.).



In Case You Missed It ... Coffee with Judge Hale

by Jennifer Larson

On March 13, the DAYL Judiciary Committee hosted its first Coffee with the Court of the year, continuing this successful program started in 2013. This time DAYL members had coffee with United States Bankruptcy Judge Harlin D. "Cooter" Hale. Judge Hale provided the twenty-five DAYL members in attendance with an overview of the bankruptcy process. He also discussed the typical docket and schedule of a bankruptcy judge, highlighting some interest-

ing matters he has heard over the years. Because Judge Hale often hears adversary proceedings that may arise out of a bankruptcy, he explained how some lawyers who do not typically practice bankruptcy law might end up in his Court.

Judge Hale provided some practical tips for those instances, including his preference for lawyers to try to work things out when it comes to scheduling and discovery matters. Judge Hale also provided some practical advice for all young lawyers, including make sure to get involved in bar organiza-

tions and don't forget to be nice to opposing counsel, the clerks, and anyone else you may run across in the courthouse. At the conclusion of the program, young lawyers had the opportunity to ask Judge Hale questions in a relaxed setting. As a result of this great event, the young lawyers (whether bankruptcy practitioners or not) left with a better understanding of how Judge Hale approaches his cases and some practical tips for appearing in his Court. Be sure to watch *The Dicta* for upcoming Coffee with the Court events.



Thank you to our February Generation Generosity Volunteers! #NorthTexasFoodBank



March's Generation Generosity volunteers braved the cold to clean up White Rock Lake.