



January 2013

Vol. 30, No. 1

# THE DICTA

## The Docket

January 11 (Friday)  
DAYL Social Committee Meeting  
Noon, Manny's Uptown

January 12 (Saturday)  
DAYL Generation Generosity Event  
11:00 a.m., Dallas SoupMobile

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

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

January 19 (Saturday)  
DBA Inauguration of Sally Crawford  
6:30 p.m., Westin Galleria Hotel

January 21 (Monday)  
DAYL Teen Leadership Committee Meeting  
6:00 p.m.

January 22 (Tuesday)  
DAYL Healthy Cooking Program  
Noon, My Private Chef

January 24 (Thursday)  
DAYL Lunch and Learn CLE  
Noon, Belo Mansion

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

January 28 (Monday)  
DAYL Solo & Small Firm Committee Meeting  
Noon, Belo Mansion

January 29 (Tuesday)  
DAYL Aid to the Homeless Committee Meeting  
Noon, Belo Mansion

January 31 (Thursday)  
DAYL Social  
6:00 p.m., Kung Fu Saloon

February 2 (Saturday)  
DAYL Generation Generosity Event  
9:00 a.m., North Texas Food Bank

February 5 (Tuesday)  
DAYL Board of Directors Meeting  
6:00 p.m., Belo Mansion

### DAYL ONE TO WATCH

**Lené Alley DeRudder** has been selected as the January 2013 DAYL One to Watch! To find out why, visit [www.dayl.com](http://www.dayl.com).

## Flashback to the 80s at the January Social

**K**ick off 2013 at the January DAYL Social at **Kung Fu Saloon on Thursday, January 31<sup>st</sup>**, beginning at 6:00 p.m. **Alliance Legal Staffing** will sponsor this event as we flashback to the 80s with vintage arcade games like Ms. Pacman, Galaga, Connect Four, and Skee Ball. They also have karaoke rooms, should the mood strike.

Alliance Legal Staffing is a full service boutique staffing agency. Their primary focus is relationship building on an individual basis and their motivation is not just on today – they are driven by the satisfaction of

placing their candidates in a platform that will help them achieve their individual work/life goals. Whether your ambition is to make partner, to go in-house or to work part time as a contract attorney – they will help you get there! For over 19 years they have built and maintained a reputation of just that. Contact Attorney Recruiter **Krisztina Klein** at [kklein@alliancelegal.com](mailto:kklein@alliancelegal.com) or visit their website [www.alliancelegal.com](http://www.alliancelegal.com) for more information.

The cost to attend is only \$3 for DAYL members and \$5 for non-members, which includes two drinks and some light appetizers. We hope to see you there.

## How to Be a Good Associate

**J**oin DAYL at noon on **January 24, 2013** at the Belo Mansion for a CLE presentation on *What Every Young Lawyer Should Know About ... How to Be a Good Associate*. Every lawyer starts off somewhere - whether it be opening up your own practice, in-house, or at a firm. No matter where you begin, you need to learn how to be a good associate. It will help you in all of your legal relationships. Come hear from partners and associates who have been there as new attorneys, worked with new attorneys, and mentored new attorneys. Learn what to

do and what not to do.

Panelists members **Aaron Tobin** (Anderson Tobin PLLC), **Allison Grossman** (Anderson Tobin PLLC), **Shonn Brown** (Gruber Hurst Johansen Hail Shank LLP), and **Chris Simmons** (Gruber Hurst Johansen Hail Shank LLP) will discuss questions, helpful hints, hurdles, and other aspects of life as an associate and how to be the best.

There is no charge for DAYL members to attend; RSVP to **Cherie Harris** ([cherieh@dayl.com](mailto:cherieh@dayl.com)) to ensure that there are enough seats available. Lunch is available for purchase at the Belo Mansion.

## Generation Generosity Kicks Off 2013 at the Dallas SoupMobile

**L**ast year was the inaugural year for Generation Generosity, a program that offers monthly service opportunities for DAYL members. Over 200 DAYL members participated, many participated at several events, and several hundreds of volunteer hours were logged in. Its success and popularity makes it one

of DAYL's new flagship programs and we're excited to continue it in 2013.

January's volunteer project will be at the Dallas SoupMobile on Saturday, **January 12, 2013** from 11:00 a.m. – 1:00 p.m. Volunteers will make sandwiches for the homeless. If you are interested in volunteering, please contact **Cherie Harris** ([cherieh@dayl.com](mailto:cherieh@dayl.com)).

# THE DICTA

Paul Simon, Editor

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Copy Deadline for February Issue:

**January 10, 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

# Resolve to Let DAYL Help You Be a Better Lawyer in 2013



Sarah Rogers

**T**he Texas Lawyers Creed begins with a simple statement, “I am a lawyer.” While we are lawyers, we are also neighbors, spouses, parents, citizens, friends and colleagues. The daily interactions in our lives mold us into the lawyers that we are today. My challenge to the DAYL membership for 2013 is to let DAYL help you make a new year’s resolution for 2013: Resolve to be able to say at this time next year, “I am a **better** lawyer.”

Undoubtedly, this resolution is something that we should all strive to do: be a better lawyer. But what does that mean? First, it means the obvious – perfecting your practical skills such as negotiating, taking depositions, analyzing contracts, and making effective presentations to the court and your clients. However, being a better lawyer goes beyond the practical skills. It means being a better member of the community. It means being a leader and mentor. It means taking care of yourself. If you take a look around at the people you admire in this profession, I guarantee that you will find many different aspects that make them outstanding lawyers.

DAYL can help you resolve to be a better lawyer.

First and foremost, DAYL offers monthly opportunities to improve your professional skills. Each month features a **Lunch and Learn** CLE program. DAYL will also offer practical skills CLEs. On February 28<sup>th</sup>, DAYL will partner with Charles River & Associates to offer a half-day **Expert Witness Deposition Skills CLE**. The afternoon will begin with a presentation about how to take and defend an expert witness deposition. Afterwards, attendees will actually take and defend an expert witness deposition to practice what they learned.

DAYL also provides countless opportunities for leadership. For the past sixteen years,

DAYL has organized a **Leadership Class**, teaching the lawyer-participants how to lead – not only within the organized bar, but also within the community. There are many ways for young lawyers to become leaders within DAYL by serving as committee co-chairs, organizing programs and initiatives, or by serving on its Board of Directors. In addition, DAYL will present **INroads**, a new initiative in which members of DAYL can volunteer to be a leader to a new member and help him or her meet other members and learn about the opportunities DAYL offers.

In addition to leadership opportunities, DAYL provides opportunities to give back to the community. Last year was the inaugural year of **Generation Generosity**, a grass roots initiative for DAYL members to provide hands-on community service to various groups in need. Generation Generosity will continue this year, as DAYL will offer a monthly community service project. DAYL’s community outreach doesn’t begin or end with Generation Generosity, as there are many other opportunities to give back to the community through committee-specific initiatives.

Finally, DAYL is kicking off a **Wellness Program** focusing on overall wellness for young attorneys. Wellness means a healthy balance of mind, body, and spirit. We can all improve the balance in our lives. DAYL wants to help, and will offer a series of programs on physical and mental wellness for attorneys.

Over the next year, DAYL wants to provide you with tools that can help you become a better lawyer. I challenge each of you to become involved, to take advantage of the opportunities provided by DAYL, and to make your resolution for 2013 - to be a better lawyer. I look forward to working and serving with you this year, as we all strive to become better lawyers.

## DAYL Accepting Nominations for Prestigious Awards

**D**AYL is accepting nominations for its Outstanding Young Lawyer Award, the Liberty Bell Award, and the Outstanding Mentor Award. The recipients will be presented with their awards at the DBA Annual Law Day Luncheon. Each winner will then be submitted to the Texas Young Lawyers Association for statewide consideration.

### Outstanding Young Lawyer Award

To be eligible for selection as the DAYL's Outstanding Young Lawyer, nominees must have been 36 years of age or younger as of June 1, 2012. In addition, nominees must be licensed to practice law in Texas and be members in good standing of the State Bar. The Awards Committee will consider all outstanding qualities of a nominee, including (1) exemplified professional proficiency; (2) service to the profession; and

(3) service to the community.

### Liberty Bell Award

The Liberty Bell Award recognizes a non-lawyer of any age who has made a selfless contribution to the community by strengthening the effectiveness of the American system of justice. The categories of community service to be considered include activities that (1) promote a better understanding of our form of government, especially the Bill of Rights; (2) encourage greater respect for the law and the courts; (3) stimulate a deeper sense of individual responsibility; (4) contribute to the effective functioning of our institutes of government; and (5) instill a better understanding and appreciation of the rule of law. Non-lawyers of any age are eligible to receive this award.

### Outstanding Mentor Award

The DAYL Outstanding Mentor Award is awarded to a lawyer in Dallas

who has consistently demonstrated a commitment to mentoring young lawyers in his or her legal community. Nominees must be licensed to practice law in Texas, have paid membership dues prescribed by the Supreme Court of Texas and be members in good standing of the State Bar. The DAYL Awards Committee will consider all outstanding qualities of a nominee, including (1) service as a role model to young lawyers in the legal community; (2) fostering the development of young lawyers; and (3) significant contributions to the profession and/or the community.

Nominations for each award may be made by individuals, groups of individuals, or organizations. If you would like to nominate someone for an award, contact **Meyling Ly** (mly@littler.com or 214.880.8122). The deadline for submitting nominations is **March 11, 2013**.

## DAYL Offers Free Healthy Cooking Class in January

**S**tart your commitment to being a better lawyer on **January 22, 2013**. DAYL's new Wellness Committee invites you to attend a cooking demonstration at **My Private Chef**, 2901 Elm Street, Dallas, Texas 75226, from 12:00 p.m. to 1:00 p.m. Join **Holly Muller**, My Private Chef's founder and chef, as she

demonstrates how to make healthy, quick dinner options for the always on the go lawyer. Chef Muller will provide tasting portions to all attendees. Attendance is free for all DAYL members. Space is limited to 30 participants, so you must RSVP to **Cherie Harris** at cherieh@dayl.com. Registration is on a first come, first served basis.

If you're not able to attend but would like information about My Private Chef, please visit [www.my-privatechef.com](http://www.my-privatechef.com). They have provided a special offer for DAYL members - three meals a day, five times a week for \$125.00.

This program is funded by a grant from the **Texas Young Lawyers Association**.

## ABA Hosts New Partner Workshop in Dallas

**T**he American Bar Association is coming to town on February 7<sup>th</sup> through February 9<sup>th</sup>, and there are many free opportunities, including CLEs, socials, and section meetings, available for young lawyers in Dallas, even if you're not an ABA member. For a full schedule of events, visit [www.americanbar.org/calendar/midyear.html](http://www.americanbar.org/calendar/midyear.html).

One of the highlights will be a joint social hosted by the young lawyers division of the ABA, along with DAYL, at Kung Fu Saloon on **February 7<sup>th</sup>**,

beginning at 8:00 p.m. All DAYL members are invited to attend and network with young lawyers from around the country.

Another program highlight is the **New Partner Workshop** that will be held on February 8<sup>th</sup> from 8:30 a.m. – 4:00 p.m. While there is no registration fee for the Midyear Meeting, the New Partner Workshop has an early-bird registration rate of \$199. Register for the meeting and purchase your workshop ticket by 5:00 p.m., Friday, January 15<sup>th</sup>. Visit [www.ambar.org/newpartner](http://www.ambar.org/newpartner) for details.

The New Partner Workshop program is ideal for:

- New Partners who need to rapidly build up their book of business;
- Attorneys who aspire to become a Partner and want to learn how to generate new clients; and
- Attorneys who have launched their own firm and need help finding effective marketing strategies.

The workshop provides a full day of interactive learning and networking opportunities that will surely put you on the right business track.

# DAYL Basketball League to Form in January

**T**he 2013 DAYL basketball season will tip-off in January, with games being played at St. Mark Presbyterian Church, 9999 Ferguson Road in Dallas. There are three different leagues. Games will be played on Monday, Tuesday or Wednesday nights.

The entry fee is \$650 per team and is due by January 18th, 2013. Payment must be received by January 22, 2013 in order to be put on the schedule. DAYL membership is required for league play.

Send your roster and entry fee to the address listed on the registration form. Schedules will be distributed the week of January 22nd with games to begin the week of January 28th. League preferences will be accommodated on a first-come, first-served basis, by date of payment.

Please contact **Scott Drake** (sdrake@fulbright.com or 214.855.8341) or **Adam Boyd** (aboyn@fulbright.com or 214.855.7426) for more information.

**2013 DAYL Basketball Registration Form**

Team Name: \_\_\_\_\_  
 Captain: \_\_\_\_\_  
 Team Colors (required): \_\_\_\_\_  
 Captain's Telephone No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Captain's Business Address: \_\_\_\_\_  
 League (list three choices in order of preference): A (Wed) \_\_\_ B (Tues) \_\_\_ C (Mon) \_\_\_

TEAM ROSTER (attach additional page, if necessary)

Player Name	DAYL Member	Law Student	Waiver Signed?
_____	_____	_____	_____
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The registration fee is \$650 and is due by January 18, 2013. **Payment must be received by January 22, 2013 in order to be put on the schedule.** League preferences will be accommodated on a first-come, first-served basis *by date of payment*. Return form with payment (registration forms will not be accepted without payment) to Adam Boyd, Fulbright & Jaworski, 2200 Ross Avenue, Ste. 2800, Dallas Texas 75201. Contact Adam Boyd (aboyn@fulbright.com or 214.855.7426) for more information.

# DAYL Coordinates Tech Toy and Teddy Bear Drive

**T**he DAYL Lawyers Serving Children Committee recently held its annual teddy bear and tech toy drive benefiting Texas Scottish Rite Hospital, where toys, teddy bears, and over \$4,300 was collected and donated to the hospital.

Special thanks to **Kimberly Wilson, Dawn Whalen Theiss, Lisa Prather, and Vicki Wanjura** for coordinating the effort behind this project, which always puts a smile on the children's faces. The committee thanks the following firms for their significant contributions: **Hermes Sargent Bates, Passman & Jones, Thompson & Knight, Vinson & Elkins, and WINSTEAD.**

Texas Scottish Rite Hospital is a world leader in the treatment of pediatric orthopedic conditions, having treated over 210,000 children since 1921. For information, visit [www.tsrh.org](http://www.tsrh.org).



(l to r) Kimberly Wilson, Lisa Prather, Dawn Whalen Theiss, and Vicki Wanjura coordinated efforts that raised over \$4,300 and collected many toys and stuffed animals for Texas Scottish Rite Hospital.

# DAYL Foundation Hosts Fellows Luncheon

**T**he DAYL Foundation held its annual luncheon on December 13, 2012. Over 140 people attended the luncheon, which featured remarks by **Texas Supreme Court Justice Eva Guzman**, who spoke to attendees about the importance of community service and giving back. Dallas Attorney **Mark Melton** was presented with the annual Award of Excellence to recognize his continued

commitment to community outreach. Last year's recipient, **J. Scott Chase**, introduced Mr. Melton and presented him with the award. In further recognition of community outreach, the DAYL Foundation recognized two law students, **Lauren Olson** from SMU Dedman School of Law and **Adam Swartz** from Texas Wesleyan University School of Law, with a scholarship award for their dedication to community service and out-

reach. The award will be applied to their spring law school tuition.

The DAYL Foundation is a 501(c)(3) organization established for charitable and educational purposes. It has given over \$140,000 to organizations that support legal education and causes. For more information about the DAYL Foundation or to inquire about the granting process, please contact **Cherie Harris** (cherieh@dayl.com).



*Rebecca Greenan, Director of SMU's Public Service Program and Dean Arturo Errisuriz, TWU's Acting Assistant Dean of Admissions, Scholarships & Career Services helped facilitate the scholarship process at their respective school.*



*(l to r) DAYL Foundation Award of Excellence Recipient Mark Melton, DAYL Foundation Trustee Aaron Tobin, DAYL Foundation Fellows Chair Dena DeNooyer Stroh, DAYL Foundation Fellows Vice-Chair David Kent, Texas Supreme Court Justice Eva Guzman, DAYL Foundation Trustee Dave Schulte, DAYL Foundation Chair Meyling Ly, DAYL Foundation Trustee Judge Chris Wilmoth, and DAYL Foundation Trustee Becky Niederstadt.*

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The DAYL Law Student Assistance Committee is seeking volunteers on the evenings of February 6<sup>th</sup> and 7<sup>th</sup>, from 5:00 - 8:00 p.m. Volunteers will conduct Mock Interviews for law students at SMU Dedman School of Law. Dinner will be provided.

Contact Nathan Nichols (nnichols@sullivanholston.com) for additional information or to volunteer for this fun event.

The DAYL Trivia Bowl registration deadline is February 15<sup>th</sup>. Weekly games will be held on Tuesdays beginning in March through May. Up to six people are allowed per team with a maximum of three players per game. The cost is \$100 per team.

NEW THIS YEAR

Teams will be divided into two leagues (competitive and non-competitive) and will be limited to eight teams per league. First come, first-served, so sign up now! Visit [www.dayl.com/pdf/triviabowl.pdf](http://www.dayl.com/pdf/triviabowl.pdf) for a registration form.

## 2011 Leadership Class Hosts Professional Development Series for Seventh- and Eighth-Graders

**C**ongratulations to the 2011 DAYL Leadership Class for organizing a successful professional development program with the students of KIPP Charter School. KIPP is a national network of free, open-enrollment, college-preparatory public charter schools serving more than 41,000 students in 20 states.

The 2011 Leadership Class began its involvement with KIPP in the Spring of 2012 with sports equipment drive for the

students. Throughout the summer, class members worked with KIPP to develop a seven-week professional development series beginning in October and covering topics such as defining professionalism, professional presentation, general business etiquette, dining etiquette, interview skills, impromptu public speaking, and prepared speeches.

The program was very well-received by the participating 7<sup>th</sup>- and 8<sup>th</sup>-graders who were preparing for interviews

with prestigious high schools. The professional development program culminated on December 18, 2012 with a luncheon at which the **Honorable Roberto Cañas** (Country Criminal Court at Law Number 10) spoke to the kids about the importance of professionalism and where two students were selected to discuss how they benefited from the program and were given a chance to demonstrate some of the skills that were learned.



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DAYL's Ask-A-Lawyer Committee, the Dallas Asian American Bar Association, and DVAP are teaming up to provide free legal advice to the Dallas community. The groups will host an advice-only clinic at the North Garland Public Library (3845 N. Garland Ave) on Saturday, February 9 from 11:00 a.m.-1:00 p.m.

Lawyers are needed to provide advice about small claims court, contract disputes, estate planning, and family law. To volunteer or receive emails about upcoming opportunities, contact Leslie Chaggarris at [leslie.chaggarris@rgmfir.com](mailto:leslie.chaggarris@rgmfir.com).

## Making Partner Before 30: Thinking Outside of the Billable Hour Box

by Erin M. Bogdanowicz

**W**hen you decide to become a lawyer, one of the goals you may set for yourself is to make partner. The title alone is an achievement, not to mention the all-encompassing responsibility that comes with the title.

To some, it might feel like the Everest of the practice, seeming unattainable and certainly a distant goal for many associates. However, thanks to my thinking outside the box and due to the many positive influences in my life, including my husband, my fellow attorneys (now my partners), and my family, I reached this goal at the age of 29. In order to reach this goal at such an early age, in addition to cultivating a growing book of business, I adopted a different mindset for the practice of law.

### Billable Hours Are Not the Be All and End All

As a young attorney, you start your practice believing that the way to measure your worth and productivity in a firm is by how many hours you bill. This is the first mistake young lawyers make. Billing hours is a part of the practice; it's essential, but it's the basics. There's no way around it - you have to put in the billable hours and pay your way, but that's only the beginning. Along with billing hours, there are many other things you have to keep in mind.

### Collections—Show Me The Money!

One of the biggest mistakes I see young lawyers make is inputting time into the billing software and thinking it ends there. Trust me, this couldn't be further from the reality. Once you enter that time, there are prebills, editing, sending the bill to the client, ensuring approval of the bill by the client, handling any questions over the charges with the client, following up for payment, and finally (hopefully) collecting the payment. That billable hour you enter is worthless unless it's collected. What does this mean for a young lawyer? **Care about the collection efforts.** Your partners have to face this task once a month, if not more often. If you can help them with this part of the process, you demonstrate two qualities essential to being a partner: (1) you're a team player who cares about the finances and economic success of the firm, and (2) you show the partners that you have business sense. Bottom

line, act like an owner even when you're not one.

So, how does one actually care about collections? First, some things to keep in mind: If you're at a civil firm, know the difference in the billing practices of the different types of civil law; plaintiff or subrogation work that's paid on contingency versus defense work that's hourly. In a plaintiff or subrogation case paid on contingency, it's not going to help anyone for you to bill the hell out of the file when the claim and possible recovery from such claim will never be enough to cover your billable hours! For example, if the firm stands to recover a maximum of \$15,000 from the case, why would you bill the equivalent of \$200,000 in attorney time to the file? This may seem obvious, but this is a mistake young lawyers make all the time. Yes, at the end of the year, your billable hours will be up, but the profitability of the firm won't be. At the end of the day, this will be noticed by the partners and all it will show is that you're clueless when it comes to the business aspect of the firm.

If your firm is one that represents insurance companies, corporations, or any other entities that have very specific billing requirements and parameters, KNOW AND FOLLOW THEM! Sometimes after you hit "send" on that billing entry, you might not see it again, but if the entry doesn't follow the client's parameters, rest assured the partner on the file will see it again. Whether the partner has to reword it, delete it, cut it, or defend it, the "send" button doesn't mean it will be paid. When the partner on the file gets a bill back from the client declining payment of entries because it's not properly within the client's parameters, nobody's happy.

Finally, let's assume you've moved to the point in your career where you have your own clients. You think to yourself, "I have my own clients now, so I'm almost there." Wrong. You're only half way there. A billable hour is only worth the money that is paid for the billable hour. If you cannot collect the billed funds from your client, it's a completely useless endeavor. How can you take this into the end zone? Simple. This brings me to my next point...

### The Practice of Law is a Business First

Understand that there is more than the practice of law going on at your firm. There are accounting issues, personnel concerns, dealing with overhead responsibilities, computer and IT issues, day-to-day activities, and more that the partners are tasked with every day. For example, at 5:20pm when you realize you have a deadline at midnight and you ask your secretary to stay late to assist you in meeting this goal, do you think about what that means economically for the firm? How about the secretary's overtime pay? Could you have avoided that extra cost to the firm by having better time management? This change in mindset is essential before you will be seen as a lawyer who should have partnership status.

So, the next question is how to be good at the business side of the practice. First of all, understand and embrace that we are selling a product. It might not be a tangible product like a pair of shoes or a house, but it is a product nonetheless. Would you go to dinner then inform the waiter that you will not be paying for it at this time? Of course not. So, why would we allow clients to do this with our services? Don't be afraid to contact your clients and be blunt about payment. Inform them that they have an obligation to pay for the services and be clear about your expectations for their payment. Again, a billable hour is not worth anything if it is not paid.

My final suggestion is on the management of others. When a firm is looking at young lawyers for promotion to partner, they want to see that you can move from being a follower to being a leader. Hone your management skills; this is an art that must be practiced. Take the time to craft it. There is no shortage of books, advice, leadership groups, and other resources available on developing a management style. Take advantage of these opportunities, as they will pay off tenfold. Find out what kind of leader you are, what your leadership strengths are, and the skills you still need to work on to effectively lead people - because at the end of the day, a partner is someone who understands the business aspect of practicing law, who can effectively motivate and lead others, and who is not scared to take risks: they think outside the billable hour.

# DAYL 2013 Committee Chairs

## Aid to the Homeless

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## Basketball Commissioners

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