



February 2013

Vol. 30, No. 2

# THE DICTA

## The Docket

- February 6 (Wednesday)  
DAYL Judiciary Committee Meeting  
Noon, Belo Mansion
- February 7 (Thursday)  
ABA YLD Welcome Reception  
8:30 p.m., Kung Fu Saloon
- February 12 (Tuesday)  
DAYL Lawyers Promoting Diversity  
Noon, Belo Mansion
- February 13 (Wednesday)  
DAYL Lunch and Learn  
Noon, Belo Mansion
- February 13 (Wednesday)  
DAYL Membership Committee Meeting  
6:30 p.m., The Londoner
- February 18 – 23 (Monday – Saturday)  
DAYL Fitness Camp with Rockstar Fitness  
Various Locations
- February 19 (Tuesday)  
DAYL Elder Law Committee Meeting  
Noon, Belo Mansion
- February 19 (Tuesday)  
DAYL Food for Thought Committee Meeting  
6:30 p.m.
- February 21 (Thursday)  
DAYL Animal Welfare Committee Meeting  
Noon, Belo Mansion
- February 22 (Friday)  
DAYL CLE Committee Meeting  
Noon, Belo Mansion
- February 25 (Monday)  
DAYL Solo & Small Firm Committee Meeting  
Noon, Belo Mansion
- February 26 (Tuesday)  
DAYL Aid to the Homeless Committee Meeting  
Noon, Belo Mansion
- February 27 (Wednesday)  
DAYL Foundation Board of Trustees Meeting  
Noon, Belo Mansion
- February 27 (Wednesday)  
DAYL Young In-House Counsel Committee Meeting  
Noon, Gordon Biersch
- February 28 (Thursday)  
DAYL Expert Witness Deposition Training  
11:30 a.m., Haynes and Boone
- February 28 (Thursday)  
DAYL Social  
6:00 p.m., The Foundation Room

## DAYL Social at The Foundation Room

**J**oin DAYL and **Charles River Associates** for the February DAYL Social at The Foundation Room, beginning at 6:00 p.m. on **February 28<sup>th</sup>**. The February DAYL Social will be the culmination of months of planning the DAYL *Expert Witness Deposition Training CLE* that will be held earlier in the day. You do not need to attend the CLE to attend the DAYL Social.

The cost is \$3 for DAYL members and \$5 for non-members and includes two drinks and light appetizers. The Foundation Room is a private club, located at

the House of Blues in Dallas. Valet parking is available for \$5 (only if you mention DAYL) and parking is available in nearby lots and, to the extent it is available, on the street.

The DAYL thanks Charles River Associates ([www.crai.com](http://www.crai.com)) for sponsoring both the DAYL Social and the Expert Witness Deposition CLE program. Charles River Associates is a leading global consulting firm that offers economic, financial, and business management expertise to major law firms, corporations, accounting firms, and governments around the world.

## DAYL Expert Witness Deposition Training

**O**ne could argue that no profession conjures up more emotion than law - unless it is economics, finance, or accounting. As companies become more sophisticated, so do their disputes and the calculations supporting the financial damages they seek. As such, financial experts and their calculations are also becoming more challenging. These are the very issues that trial lawyers must understand and confront. Depositions are often the first, and possibly the most important, step in that process.

On **Thursday, February 28<sup>th</sup>**, DAYL will present an Expert Witness Deposition Training program. During this half-day 5.25-hour CLE, you will hear from renowned experts in law, accounting, and finance regarding best practices in taking financial expert depositions. You will also get hands-on experience by deposing and defending an expert based on a short case study.

The program will begin with a one hour lunchtime CLE on the *Do's and Don'ts* during Financial Expert Depositions. The program will be moderated by **Jeff Matthews** (Charles River Associates) and will include panel members **Quentin**

**Brogdon** (The Law Offices of Frank L. Branson), **Richard A. "Dick" Sayles** (Sayles Werbner), and **Lewis Sifford** (Sifford, Anderson & Co., P.C.). Following the lunchtime program, attendees will have the opportunity to get experience deposing and defending an expert based on an executive summary (as opposed to the standard 200+ pages) of *Vending Operator, Incorporated v. Nita Department of Transportation*.

The program will close with a one-hour ethics program entitled, *War of the Worlds - When Attorneys and Financial Experts Collide*. In this discussion, our panel will examine various ethical dilemmas that arise during depositions as well as professional responsibilities and situations that may cause "a collision." The panel will be moderated by **Jeff Matthews** and will feature **Laura Benitez Geisler** (The Geisler Law Firm), **Bill Morrison** (Haynes and Boone), and **Rebecca Szelc** (Charles River Associates).

The cost to attend this CLE is \$20 for DAYL members and \$30 for non-members. Seating is limited. For more information or to register, visit [www.dayl.com](http://www.dayl.com).

# THE DICTA

Stephanie Gause, Editor

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Copy Deadline for March Issue:

**February 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

# Develop Your Professional and Networking Skills

**T**his month, DAYL offers several unique opportunities for members to develop professional and networking skills. One of DAYL's goals for this year is to offer more hands-on practical skills CLEs. This month, I am proud to announce our first new program in this series: **DAYL Expert Witness Deposition Workshop**, which will take place during the afternoon of Thursday, February 28<sup>th</sup>.

DAYL has partnered with **Charles River Associates** to present a substantive CLE on best practices and pitfalls in taking and defending financial expert witness depositions. After the CLE, attendees will have the opportunity to take and defend an expert deposition using an abbreviated case study. The day will end with an entertaining CLE about ethical considerations when attorney and expert witness positions collide. I would like to give a special thank you to Charles River Associates who is graciously sponsoring both the afternoon of CLE and the monthly Social, as well as providing the expert witnesses to be deposed. I also want to thank the law firms of **Haynes and Boone** and **Thompson Coe** who are also generous sponsors of this event.

DAYL has also partnered with the American Bar Association Young Lawyers Division (ABA YLD) as it comes to Dallas with young lawyers from across the country for the Midyear meeting. This year, the Chair of the ABA YLD is **Chris Rogers**, an attorney at Haynes and Boone and DAYL member. The ABA Midyear Meeting takes place February 7<sup>th</sup> – 9<sup>th</sup> and offers free CLE targeted at young lawyers, including sessions about the legal issues in disaster recovery, a CLE on the legal issues associated with the sale of alcohol, and a discussion of innova-



Sarah Rogers

tive alternative dispute resolution techniques.

If you are a more senior young lawyer or have recently started your own law firm, you should consider attending the **ABA YLD New Partner Workshop** on Friday February 7<sup>th</sup>. The conference is geared towards new partners, senior associates, and other law firm owners who want to learn about generating business and effective marketing strategies.

If you prefer to develop your networking skills in a social setting, consider attending the DAYL and ABA YLD social events. There will be a Welcome Reception open to all ABA or DAYL members on Thursday February 7<sup>th</sup> beginning at 8:30 p.m., at the Kung Fu Saloon, hosted by DAYL and the ABA YLD. This event is free to attend and will provide a way to meet young lawyers from across the country. There is also an ABA YLD young lawyer gala on February 8<sup>th</sup> at the Old Red Courthouse (ticket required). Finally, we will have the DAYL monthly social on Thursday, February 28<sup>th</sup> at the Foundation Room at the House of Blues. More information about the ABA YLD Midyear Meeting is available at [www.ambar.org/younglawyers](http://www.ambar.org/younglawyers).

I hope each of you will choose to attend at least one of these events – whether your focus is networking, learning how to develop your own book of business, or figuring out how to take an expert witness deposition – so that you can develop your skills and become a better lawyer.

## DAYL ONE TO WATCH

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

# What Every Young Lawyer Should Know About ... M&A Due Diligence

by Tim Hardesty

**A**s Valentine's Day approaches, the thoughts of young lawyers everywhere turn towards Mergers and Acquisitions. However, before the two companies can become one, there's a lot of due diligence that must be done. Join the DAYL at noon on **Wednesday, Feb-**

**ruary 13<sup>th</sup>** at the Belo Mansion for a presentation on *What Every Young Lawyer Should Know About ... M&A Due Diligence*.

**Stephanie Gause**, a senior transactional associate Bell Nunnally & Martin LLP, and **Jim Chester**, managing attorney at Chester PLLC, will discuss general M&A due diligence and then focus on

specific problems and considerations for IP due diligence in mergers and acquisitions.

This program has been approved for 1.00 hour CLE credit and is free for DAYL members. The non-member fee is \$10.00. RSVP to **Cherie Harris** (cherieh@dayl.com).

## DALLAS ASSOCIATION OF YOUNG LAWYERS 2013 SUMMER JUDICIAL INTERN PROGRAM

The Dallas Association of Young Lawyers invites first and second year law students to apply for this summer's Judicial Intern Program. Judges from Dallas-area civil, criminal, probate, family and appellate courts will be participating. Applicants must have completed first-year civil procedure and legal writing courses before June 2013. Courses in evidence and criminal or appellate procedure are helpful but not required.

Internship selections will be made by the participating judges starting in March. Applicants must be willing to commit to a six-week, full-time voluntary internship during the summer months and are expected to honor any commitments made to the judges. The internship is unpaid, and individual schedules will be determined by the judges. Students selected to participate in the program must attend a mandatory orientation taught by participating judges. The location and time of the orientation will be provided at a later date.

For more information, visit [www.dayl.com](http://www.dayl.com).

The application deadline is **February 15, 2013**.

## 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.

### 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 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 com-

mitment 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 **Mey Ly** (mly@littler.com or 214.880.8122). The deadline for submitting nominations is **March 11, 2013**.

## Guiding Slight - Don't be That Guy

by Christian Kelso

**A** long time before I became a lawyer, I began asking questions about how our community works. Even before law school, I decided to educate myself on the unwritten rules that lawyers live by. Questions like, “Where do lawyers hang out?” “Who are the centers of influence?” and “When is it appropriate to ask for a job?” were always on my mind. Of course, I’m an extravert, so that’s how I approach life.

I remember the first time I came to the Belo. I was a 2L in law school and I came alone. It was intimidating and I had lots of practical questions. I didn’t know how to get there, where to park, how to pay, where to sit, what to say or even if they would let me through the front gate—I was sure there would be a very mean security guard checking ID’s and only letting the very shiniest gold-plated rocket cars through.

I’m a bit more comfortable at the Belo these days and I’ve learned how to interact with my colleagues around town. But I often see others making the same newbie mistakes I made as they try to figure our world out. Even though most lawyers I know are happy to help, we all hate to ask a silly question.

So I had an idea. Why not write a column to help people understand these rules and be better members of our community? I picked “Guiding Slight” as the name for the column because it gets right to the point. I want to focus on the little things and give out tips rather than preach about this or that. The tone is meant to be light and provide a monotony breaker from the workday. I also hope that readers will write in with questions or comments.

With that said, here goes. Enjoy!

### Don't be That Guy

Have you ever been in this situation? It’s 1:15 and you’re late getting out of the garage following a lunchtime CLE at the Belo. Other cars zip straight through the gate onto Olive Street, but the guy in front of you stops his car. He presents his ticket but doesn’t drive on. You watch as he fumbles for, then through, his wallet, looking for cash but eventually producing a credit card. As the parking attendant runs the card, you watch the cars on Olive fly past the

exit, flaunting their freedom oh so flagrantly. You think to yourself that the entire Turkey Trot could have gone by in the time it took to get ‘that guy’ out of the garage.

*Don't be that guy.*

It doesn’t take too many trips to the Belo garage to realize that there are a few tricks to getting out quickly. The easiest way to get out quickly is to pay for your parking when you pay for your meal. Typically, the servers will take your parking ticket with your meal payment. They’ll add the parking charge to the final bill and stamp your parking ticket so the attendant knows it’s been prepaid. Don’t forget to get that ticket back from your server.

If you’re not having lunch, have no fear. They’ve got you covered as well. Just go to the administrative booth by the main buffet line (across from the bar). The attendant there will be happy to stamp your ticket as well.

Now, I am regularly vexed by forgetfulness that would make Professor Ned Brainard proud. This particularly annoying defect from which I suffer more often than never results in me leaving my parking ticket in the car when I go up to lunch. Sadly, I have been ‘that guy’ more than a few times because I left my ticket in my car. A few other times, I have actually gone down to my car to get my ticket and brought it back upstairs for payment. I now know that this was wasted effort.

If you forget your ticket, just tell the server or the person at the administrative booth. They will give you a little card or a sticky note indi-

cating that you have paid for your parking. Pointing and laughing at someone who has a purple sticky note on their bill is optional, but remember that they are letting you get out of the garage more quickly.

One final trick that I know of is simply to avoid parking in the dungeons Belo garage. A partner at my firm thinks this is the only way to go, but he’s from Ft. Worth, where they are more used to the heat—I think Kurt Cobain was dead before they got air conditioning over there, but I digress. If you can find street parking, it’s sure to be quicker and cheaper. You can also park at the Cathedral at the corner of Ross and Pearl. But if you want to keep your precious foreign SUV out of the sun, the garage is your best bet.

Of course, paying for your parking before you leave the Belo garage is self-serving. You get out more quickly that way. But more importantly, so do your colleagues. We are all in a hurry after our business at the Belo and the staff there has implemented some simple, effective procedures to get us on our way more quickly. You should take advantage of these for your own sake, but for God’s sake, don’t make the rest of us suffer. Don’t be ‘that guy.’

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*Christian S. Kelso, Esq. is of counsel at Malouf, Lynch, Jackson & Swinson, P.C. He practices primarily in the areas of estate and tax planning. If you have a comment or suggestion for Guiding Slight, please email Christian at ckelso@mljs.net.*

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## Steven Hill: Worth Looking Look Up To

by Chip Brooker

**I**f you have ever been to a DAYL event—any DAYL event—then chances are high that you have seen him. He is always one of the tallest people in the room. He likely has a smile on his face, and he is probably laughing jovially with a group of people that he just met. Once you meet him, it does not take long for him to start advocating the virtues of DAYL. He is truly one of this organization's greatest and most consistent ambassadors. Because of this, it is my honor to recognize **Steven Hill** as DAYL's Outstanding Director for 2012.

Steven has been a mainstay in DAYL for years now. He has co-chaired or been the Board's liaison for too many committees to list here. I first had the opportunity to meet Steven when we were classmates together in the 2006 Leadership Class. While planning our Leadership Class project, I first observed Steven display the type of leadership skills that became his trademark during five years of service as a DAYL Director.

Despite being the life of parties or other social events, Steven's manner of service employs a quiet, consistent, and humble leadership. He does not jockey for the highest profile projects. Instead, he has often chosen the less glamorous projects and breathed new life into them. In 2012, Steven served as the Board's Liaison to the Elder Law Committee and was a co-chair for the Membership and Teen Leadership Committees. Steven was a driving force behind DAYL's Teen Leadership Academy,

which in 2012 hosted thirty incoming high schools seniors for a three-day crash course in leadership, civic education, and public service. But, more importantly, Steven always shows up whether it is his project or yours, whether he has to be there or not.



In 2012, DAYL tackled one of its most aggressive projects to date, Generation Generosity. Through its One Day's Work projects, Generation Generosity allowed DAYL members to roll-up their sleeves once a month, get their hands dirty, and work side-by-side to make a small impact on the greater Dallas community. In 2012, Steven Hill was the only DAYL member who showed up to every Generation Generosity project. As we got Generation Generosity off the ground, I knew early on that I could count on Steven. If I called, he answered. If I asked, he said yes. And, if I

needed him somewhere, he was probably planning on being there already.

My father used to tell me that 80 percent of community involvement was simply showing up. He believed this because, if you show up consistently, you will meet a lot of people and build a base of support. If you have supporters, you will end up in leadership. And, if you end up in leadership, then you have a chance to make a difference. That is Steven's story. His supporters are many, and the difference that he has made is tangible. And, at the end of the day, Steven's consistency, dependability, and quiet, humble leadership are the real reasons why I look up to him. Thanks for an outstanding year, Steven!

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DAYL thanks The City Club for sponsoring the 2013 Committee Chair Orientation on January 16, 2013. The City Club, located at the top of 901 Main Street, is one of Dallas oldest and most prestigious clubs.

It offers private dining and greatly reduced membership fees for members of the Dallas Association of Young Lawyers.

For information, contact Cherie Harris (cherieh@dayl.com).

# In Case You Missed It... How to be a Good Associate

by Jodi McShan

**L**ast month, the DAYL CLE Committee hosted **Shonn Brown** (Gruber Hurst Johansen Hail Shank, LLP), **Aaron Tobin** (Anderson Tobin, PLLC), **Chris Simmons** (Gruber Hurst Johansen Hail Shank, LLP), and **Allison Grossman** (Anderson Tobin, PLLC) on the *How to be a Good Associate* panel. The panelists had many great tips for young attorneys as they begin the practice of law. First and foremost, many problems faced by younger attorneys can be resolved with responsiveness. This means responsiveness to clients, partners, and the court. Associates should stay in close contact and ensure that everyone is informed.

When you make a mistake (and you will, we all do), inform your partner immediately. Own up to your mistakes, and the majority of the time they can be remedied. Everyone will be much better off knowing what happened immediately rather than learning about it when it is too

late to be fixed.

Take ownership of your practice. This can mean everything from admitting your mistakes to asking for more responsibility. If you want to do something like argue a motion you drafted, ask; even if it is a “no,” the fact that you asked shows your interest and commitment. Complete every task and document as if you are the last person to see it before it goes to the court or the client.

At the same time, you may have to say that you cannot work on a project, and there is an appropriate way to explain it. Ask your supervising attorney to help you prioritize your tasks – you may be able to do them all, just in a different order. “I’m busy” is not a good answer; instead, express concerns about deadlines and ask for help.

You are part of the firm. You are part of the team working for the clients, and you need to keep in mind that you all work together to get the job done. This

comes into play when looking at vacation and business development. While you can take vacation, you just need to be sure to be aware of deadlines and others’ vacations when looking at scheduling your own. Also, every member of the firm is part of the business development team. Your connections and networking benefits the firm, and you represent the firm to the public. Remember, you are part of the team and need to be a team player.

Finally, mentors are key – inside and outside of your firm. Young attorneys need to be proactive in finding a mentor. You can learn something unique from each person you take on as a mentor. Be respectful of your mentors’ time, but be aggressive in seeking out a mentor and setting up meetings. There are many opportunities in the community and in DAYL for mentoring others and for being a mentee.

Thank you again to all of our panelists for giving your time and advice!

## Camp Gladiator Offers Free Classes for DAYL Members in February

by Jamie Jackman

**D**AYL's Wellness Committee is continuing a year of exciting events with a week-long fitness bootcamp sponsored by Camp Gladiator. During the week of February 18-23, 2013 DAYL members may frequent Camp Gladiator as many times as possible during that week for FREE!

If you would like to register for camp, CG is generously offering a discount for all DAYL members - camp is only \$69! (normally \$170). Check out locations and times or sign-up online at [www.campgladiator.com](http://www.campgladiator.com) with coupon code DAYL (expires February 28, 2013).

Camp Gladiator is the national leader in group fitness and is the most dynamic fitness program available. Camp Gladiator's mission is to positively impact the physical fitness and

ultimately the lives of as many people as possible. Camp Gladiator is a four week adult fitness boot camp that promises a motivating and challenging

environment where men and women of all ages and fitness levels can push themselves. For more information on what Camp Gladiator is all about, visit: <http://vimeo.com/56604891>.

We hope to see you at Camp Gladiator in February! If you would like to get

involved with DAYL's Wellness Committee or the Camp Gladiator offer, please contact **Jamie Jackman** ([jjackman@thompsoncoe.com](mailto:jjackman@thompsoncoe.com)).

**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.**

# Don't Move for Judgment Against Yourself!

by Jennie Knapp

**T**he jury decided against your client in an arduous three-week trial. Your client is pushing you to appeal, certain he is going to win the second time around. But it has been months, and there is no final judgment. Finally, you proactively file a motion for final judgment. The judge duly signs it. In turn, you file a notice appeal and a masterful appellate brief. When the appellee brief arrives, your stomach catches in your throat. The other side argues that the entire appeal is waived because you requested the judgment.

Unfortunately for many appellants, Texas law is clear that an unqualified motion to enter judgment constitutes a waiver of the right to attack the judgment on appeal.<sup>1</sup> Not because the party consented to the judgment, but because the judgment that was entered was what the party requested.

You can prevent this nightmare by stating in the motion for entry of judgment that your client agrees only with the form of the judgment and note disagreement with the judgment's content and result. As recognized by the Texas Supreme Court, parties are allowed to make these qualified motions without waiving appeal because there "must be a method by which a party who desires to initiate the appellate process may move the trial court to render judgment without being bound by its terms."<sup>2</sup> A disclaimer worded this way was found sufficient to preserve appellate rights:

While Plaintiffs disagree with the findings of the jury and feel there is a fatal defect which will support a new trial, in the event the Court is not inclined to grant a new trial prior to the entry of judgment, Plaintiffs pray the Court enter the following judgment. Plaintiffs agree only as to the form of the judgment but disagree and should not be construed as concurring with the content and result.<sup>3</sup>

This reservation language is an "appropriate exercise" of the appellant's right to move for judgment without being bound by the terms of the judgment.

Admittedly, there is a difference between asking for a specific judgment and sending the trial court a written memorialization of the court's previous announced holdings. As held by many Texas courts, "merely provid[ing] a draft judgment to conform to what the court had announced would be its judgment" is a ministerial act and does not result in waiver of the appeal.<sup>4</sup> A party should not be estopped from appealing a written order that the party believes the court already verbally ruled.<sup>5</sup>

But even submission of a judgment that has been previously announced requires thought. You should be careful that the submitted judgment does not contain any portions that the court has not previously decided. If it does, the party who submitted the judgment does more than a ministerial act. Through this procedural faux pas, parties have waived

appeal of entire causes of action.<sup>6</sup> An especially tricky area is damages (including attorney's fees and prejudgment and postjudgment interest). Unless the court has already given an express ruling on each aspect of damages, do not unreservedly include any damages against your client in a motion for judgment.<sup>7</sup> To preserve your clients' appellate rights, include qualifying language in any submitted order or judgment that includes any decisions the court has not previously made on the record.

<sup>1</sup>*Casu v. Marathon Refining Co.*, 896 S.W.2d 388, 390 (Tex. App. – Houston [1st Dist.] 1995, writ denied).

<sup>2</sup>*First Nat'l Bank of Beeville v. Fojtik*, 775 S.W.2d 632, 633 (Tex. 1989).

<sup>3</sup>*Id.*

<sup>4</sup>*See, e.g., John Masek Corp. v. Davis*, 848 S.W.2d 170, 174-75 (Tex. App. – Houston [1st Dist.] 1992, writ denied).

<sup>5</sup>*In re Babn*, 13 S.W.3d 865, 875 (Tex. App. – Fort Worth 2000, orig. proceeding, no pet.).

<sup>6</sup>*See Bray v. Tejas Toyota, Inc.*, 363 S.W.3d 777, 786-87 (Tex. App. – Austin 2012, no pet.).

<sup>7</sup>*See, e.g., McAdams v. McAdams*, No. 07-01-0343-CV, 2002 WL 342639 (Tex. App. – Amarillo March 1, 2002, no pet.) (prejudgment interest); *D/FW Commercial Roofing Co. v. Mebra*, 854 S.W.2d 182, 190 (Tex. App. – Dallas 1993, no writ) (attorney's fees).

Jennie Knapp is an attorney at Carrington Coleman who practices a broad array of business litigation matters. Jennie may be reached at [jknapp@ccsb.com](mailto:jknapp@ccsb.com).

## Solo & Small Firm Practice Group

Have you just started your own firm? Are you thinking about starting a firm? Have you been out on your own for a while? Whether you just hung out your shingle, have had one for a while, or are just thinking about it, the DAYL Solo & Small Firm Committee invites you to a DAYL Solo & Small Firm roundtable discussion group. We will be at Craft & Growler, 3601 Parry Ave, Dallas, TX 75219, on Friday, March 1<sup>st</sup> from 5:30 – 7:30 p.m. to informally share our experiences, discuss best practices, and come away with ways to improve our firms.

RSVP to Cherie Harris at [cherieh@dayl.com](mailto:cherieh@dayl.com).

# DAYL 2013 Committee Chair Orientation



*DAYL Executive Committee Paul Simon (Secretary), Sarah Rogers (President), Mey Ly (President-elect) Stephanie Gause (Treasurer), and Jonathan Childers (Vice President)*



*Aaron Burke, Stephanie Bradshaw, Jenna Carl, and John Burkhead*



*Ross Williams, Jennifer Larson, and Mark Melton*



*Alex Fuller, Steven Hill, Moira Chapman, Elisabeth Wilson, and Dustin Paschal*



*Stephanie Gause, Janet Ayyad, Ethan Lange, and Charlie Gearing*



*Andy Jenkins, Chris Cunningham, and Kevin Davidson*