February 2016

Vol. 33, No. 2

# THE DICTA

### The Docket

February 2 (Tuesday) DAYL Board of Directors Meeting 6:00 p.m., Belo Mansion

February 3 (Wednesday) DAYL Wellness Committee Meeting 8:00 a.m., Union Coffee

February 3 (Wednesday) DAYL Judiciary Committee Meeting Noon, Belo Mansion

February 3 (Wednesday)
DAYL Assisting Lawyers in Transition Committee Meeting
1:00 p.m., Belo Mansion

February 3 & 4 (Wednesday & Thursday) DAYL Mock Interview Program 5:00 p.m., SMU Dedman School of Law

February 3 (Wednesday) DAYL Solo & Small Firm Roundtable Happy Hour 6:00 p.m., State and Allen

February 4 (Thursday)
DAYL Generation Generosity Committee Meeting
7:30 a.m., Breadwinners (Uptown location)

February 5 (Friday) DAYL Small Business Symposium Committee Meeting 7:30 a.m., Café Brazil, (Knox / Henderson)

February 5 (Friday)
DAYL Summer Judicial Intern Application Deadline

February 9 (Tuesday) DAYL / TYLA Breaking the Silence CLE Program Noon, Belo Mansion

February 9 (Tuesday)
DAYL Law Student Assistance Committee Meeting
6:30 p.m., The Rustic

February 10 (Wednesday)
DAYL Business & Career Development Committee Meeting
Noon, Belo Mansion

February 10 (Wednesday) DAYL Membership Committee Meeting 6:30 p.m., Stoneleigh P

February 12 (Friday) DAYL Freedom Run Committee Meeting Noon, Belo Mansion

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

February 16 (Tuesday)
DAYL Politically Aware Committee Meeting
6:30 p.m., The Rustic

February 16 & 17 (Tuesday and Wednesday) DAYL Mock Interviews for Texas A&M Law Students 5:30 p.m., Belo Mansion

February 18 (Thursday) DAYL Lunch and Learn CLE Noon, Belo Mansion

## Socialize at the Social House

ome one, come all to DAYL's February Social on **Thursday, February 25**, from 6:00 – 8:00 p.m. at the

Social House. Our sponsor, **Origin Bank**, will provide two drinks per person and some tasty appetizers for a cost of only \$3.00 for DAYL members and \$5.00 for non-members.

Origin Bank started in a small town in Louisiana and is more than a century old. Since 1912, the bank has been committed to serving and helping its communities grow and prosper. With a philosophy to make every customer feel like the only customer, the bank is focused on the relationship and not the transaction.

From checking and savings accounts to home and business loans, Origin Bank offers competitive interest rates with a wide array of individualized services. Operating throughout Louisiana, Mississippi and Texas in 41 locations, Origin Bank is available to meet customers' needs. For more information, please visit their website at www.originbankonline.com.

## **Computer Forensics 101**

oin DAYL on Thursday, February 18, 2016, for "Computer Forensics 101: What Every Lawyer Needs to Know."

The panel will cover the computer forensics toolkit, the role of computer forensics toolkit.

rensics toolkit, the role of computer forensics in litigation (including seeking and defending against requests for access to digital media), and how to effectively present computer forensic evidence to the court and jury. The CLE will be held at noon at the Belo Mansion and has been approved for 1.00 hours of CLE credit.

The panel includes David Greetham,

National Director of Forensics Services at Ricoh; **David Wilson,** CEO and Attorney at D6 Consulting; and **Sara Romine** of Carrington, Coleman, Sloman & Blumenthal.

There is no charge for DAYL members to attend. RSVP to Cherie Harris.

#### DAYL ONE TO WATCH

**Zara Najam** has been selected as the February 2016 DAYL One to Watch! To find out why, visit www.dayl.com.

## The Docket continued

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

February 23 (Tuesday)
DAYL Lawyers Promoting Diversity Committee Meeting
Noon, Belo Mansion

February 24 (Wednesday) DAYL Assisting Lawyers in Transition Committee Program Noon, Belo Mansion

February 24 (Wednesday) DAYL Equal Access to Justice Committee Meeting Noon, Belo Mansion

February 25 (Thursday) DAYL CLE Committee Meeting Noon, Belo Mansion February 25 (Thursday) DAYL Social 6:00 p.m., The Social House

February 27 (Saturday)
DAYL Generation Generosity Volunteer Opportunity
9:30 a.m., Dallas Urban Debate Alliance

February 27 (Saturday) The Check-Up 10:00 a.m., UNT Dallas College of Law

February 29 (Monday) DAYL Solo / Small Firm Committee Meeting Noon, Belo Mansion

# THE DICTA

Justin Gobert, Editor

Published monthly by the
DALLAS ASSOCIATION OF YOUNG LAWYERS
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Dallas, Texas 75201
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Executive Director

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Copy Deadline for March Issue:
February 15, 2016
Justin R. Gobert
Email: justin.r.gobert@gmail.com

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## From the President

# Women's Mentoring Circles



Stephanie K. Gause

omen strides studies

omen attorneys have made great strides in the field of law, but studies show that their progress has largely stalled for more than

a decade. In September 2015, while planning for my term as DAYL President, I approached **Angela Zambrano**, president-elect of the Dallas Women Lawyers Association (DWLA), and Nicole Knox, 2015 president of DWLA, with an idea to form mentoring circles in an effort to provide young female attorneys practicing in Dallas with mentoring opportunities outside of their law firm, company, or other place of work. They immediately agreed my proposed initiative was important to DWLA, and together DAYL and DWLA have partnered to launch Women's Mentoring Circles in 2016.

The statistics are staggering. According to the National Association of Women Lawyers, while women have comprised more than 50 percent of the nation's law students for the last 15 years, only 38 percent of non-equity partners of firms studied were women. Furthermore, the percentage of female equity partners in large firms has increased by only two percent (to 18 percent) in the last ten years. In addition to the disproportionately low number of women in leadership roles at these firms, the gender gap in compensation remains wide, with female equity partners earning 20 percent less than male equity partners.

DAYL and DWLA believe that established female lawyers can serve as valuable role models for Dallas' young lawyers by providing an example of the success and fulfillment that women lawyers can achieve. Rather than focus on one-on-one mentoring, we created Mentoring Circles to enhance the mentorship experience by providing access to wider support circles. Not only will mentees benefit from the guidance provided by their mentors, but

they'll also receive encouragement from their peers in these group settings.

The new initiative is off to a great start more than 100 mentees and 60 mentors signed up to participate. While applications are now closed, we've clearly tapped into a need within the young lawyer community. Each of the 21 Mentoring Circles is comprised of women lawyers in different stages of their careers, with at least three mentors in each Circle. On January 27th, we kicked off Mentoring Circles with a luncheon event featuring Judge Williams as moderator and a panel of women partners in mentor-mentee relationships. The panelists shared their experience in developing their mentor-mentee relationship and the benefits they have reaped. In 2016, the Mentoring Circles will meet several times to discuss pertinent topics of interest to women attornevs.

DAYL and DWLA will host three additional large group events this year for the Mentoring Circle participants—a guided networking event focused on developing women's skills, a breakfast event featuring special guest Linda Hirshman, author of "Sisters in Law: How Sandra Day O'Connor and Ruth Bader Ginsburg went to the Supreme Court and Changed the World," and a panel discussion with renowned Dallas women rainmakers who will share their secrets of success in the art of business development.

As President of DAYL this year, I am committed to having a positive impact on the retention and advancement of young women attorneys. It's time to change the statistics. Together, Dallas' women attorneys can make a real and lasting difference in our legal community.

Stephanie Gause is a Partner at Frost Brown Todd practicing in Real Estate.

### TICKETS ON SALE NOW!

#### DALLAS BRIDGE BASH

Bridging the Education Gap in Dallas Benefiting Communities in Schools' Ketchup Saturday Program

Presented by the Dallas Association of Young Lawyers 2015 Leadership Class April 16, 2016 | The Continental Bridge | Dallas, Texas

Join the DAYL 2015 Leadership Class the evening of April 16, 2016 at the Dallas Bridge Bash, an exciting night of food, drinks, dancing, and entertainment to be held on Dallas' newly-acclaimed Continental Bridge with the iconic Margaret Hunt Hill Bridge and the award-winning Dallas Skyline as its backdrop. For more information or to purchase tickets, visit <a href="https://www.dallasbridgebash.com">www.dallasbridgebash.com</a>.

Questions? Contact us at info@dallasbridgebash.com.



The DAYL Law Student Assistance Committee is seeking volunteers to conduct mock interviews with law students at Texas A&M University School of Law and SMU Dedman School of Law. By serving as a mock interviewer, you will be helping law students prepare for their upcoming interviews for summer internships and clerkships. Sign up for an interview slot to make sure this program is a continued success!

Texas A&M University School of Law Mock Interviews will be held on:

- Tuesday, February 16, 2016 5:30 7:30 p.m.
- Wednesday, February 17, 2016 5:30 7:30 p.m.

Sign up for Texas A&M Mock Interviews here: http://www.signupgenius.com/go/30e0b4eaaac2da1fb6-2016

SMU Dedman School of Law Mock Interviews will be held on:

- Wednesday, February 3, 2016 5:00 p.m. 8:00 p.m.
- Thursday, February 4, 2016 5:00 p.m. 8:00 p.m.

Sign up for SMU Mock Interviews here: http://www.SignUpGenius.com/go/30E0B4CAEAC23A4FF2-2016

Should you have any questions or need additional information regarding the mock interview program, please contact Scott Rogers (slrogers@thompsoncoe.com) for SMU Mock Interviews or Nicole Munoz (nicole.h.munoz@gmail.com) for Texas A&M Mock Interviews.

# DAYL Calls for Nominations for Prestigious Awards

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

#### Outstanding Young Lawyer Award

statewide consideration.

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, 2015. 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 or if you have any questions, please contact **Paul Simon** (paul@simonpaschal.com). A nomination form for each award is available at http://dayl.com/awards/. The deadline for submitting nominations is **March 14th, 2016**.



## #DoYouProBono

Learn more at <a href="http://www.dayl.com/probonoproject">http://www.dayl.com/probonoproject</a>

# DALLAS ASSOCIATION OF YOUNG LAWYERS 2016 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 2016. Courses in evidence and criminal or appellate procedure are helpful, but not required.

Internship selections will be made by the participating judges in February and 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.

For more information, visit http://www.dayl.com/judicial-intern.

The application deadline is February 5, 2016.

# SAVE THE DATE TRIAL SKILLS BOOT CAMP JUNE 18, 2016

The DAYL Trial Skills Boot Camp Committee and Judge Martin Hoffman are planning a reprise of last year's sold-out event, but with a twist. This year, we will focus on oral argument. During this daylong program, attendees will hear presentations on arguments before a judge, before a jury, before an appellate court, and will also have an opportunity to argue a motion for summary judgment before judges and more seasoned lawyers. We are excited to announce that the following speakers have been confirmed:

#### Argument Before a Judge

Judge Martin Hoffman, Dawn Estes, and Leon Carter

#### **Argument Before a Jury**

Mark Lanier and Charla Aldous

#### **Argument Before an Appellate Court**

Chief Justice Carolyn Wright, Justice Molly Francis, Justice Bill Whitehill, Nina Cortell, and David Coale

Stay tuned for more details and sign-up information.

## Breaking the Silence

oin DAYL and TYLA from noon – 1:15 p.m. on **February 9, 2016** for *Breaking the Silence: A Path to Finding Mental Health.* This event is a candid panel

discussion on mental illness and substance abuse and how to recognize and help colleagues who are suffering from mental illness and/or substance abuse. Panelists include **Dr. Bill Edwards**, a licensed psychologist in Dallas; **Jim Frederick**, an associate with Payne & Blanchard in Dallas; and **Sara Gidding**, an associate with Smith, Rose, Finley in San Angelo. The moderator for the event will be Dallas District Court **Judge Ken Molberg**, with the 95th District Court.

The event will take place at the Belo Mansion and qualifies for an hour and fifteen minutes of ethics CLE credit. Lunch is available for purchase. RSVP at http://dayl.com/breaking-the-silence.

## The Road Less Travelled: Lawyers Finding Success in Non-Legal Careers

aving a law degree and a bar card does not mean that you are confined to practicing law for the rest of your life. If you have ever wondered how some lawyers change their direction and passion into a non-legal field, then join the DAYL

Assisting Lawyers in Transition Committee at noon on February 24th for an enlightening panel discussion on this topic.

The feature panelists are **Leah Frazier**, award-winning Fashion Entrepreneur & For more inform please contact of Luke's Locker, and **Michael** (cherieh@dayl.com).

**Peticolas**, Owner of Peticolas Brewing Company. The program will be held at the Belo Mansion and is open to DAYL members. Lunch is available for purchase.

For more information or to RSVP, please contact **Cherie Harris** (cherieh@dayl.com).

#### DAYL Partners with Dallas Urban Debate Alliance

#### What:

DAYL's February Generation Generosity
Volunteer Opportunity

#### When:

Saturday, February 27, 2016 9:30 a.m. - Noon

#### Why:

Inspire debate students by offering helpful critiques and encouragement. No preparation or debate experience needed!

#### How:

RSVP to Cherie Harris (cherieh@dayl.com)

### DAYL Solo & Small Firm Summit

Save the date and join DAYL's Solo & Small Firm Committee on **Saturday, April 9, 2016** for a day of education, discussion, and network-building, specifically designed for solo and small firm attorneys.

The DAYL Solo & Small Firm Summit will be held at UNT Dallas College of Law, located at 1901 Main Street, Dallas, Texas 75201. Registration and breakfast will begin at 8:00 a.m., with opening remarks starting at 9:00 a.m. The day-long program will conclude with a happy hour beginning at 4:30 p.m.

If you are interested in attending or if you have any questions, please contact **Cherie Harris** at cherieh@dayl.com. Registration information and a complete schedule will be made available soon.

# AT&T General Counsel and Senior Executive Vice President David McAtee Speaks at DAYL Foundation Fellows Luncheon

by Paul Simon

he DAYL Foundation's 2015 Fellows Luncheon and Award of Excellence presentation was a fantastic culmination to a successful year for the DAYL Foundation. The Fellows Luncheon was sold out thanks to the generous support of numerous Dallas law firms. After opening remarks by DAYL Foundation Chair Paul Simon, Becky Niederstadt Palm recognized DAYL Foundation's 2015 Law Student Scholarship recipients. Each student received a \$2,000 scholarship. This year's recipients were John Van Buskirk (UNT Dallas College of Law), Jin Shin (SMU Dedman School of Law), and Cielo Fortin-Camacho (Texas A&M University School of Law). Each of these students went above and beyond and the Foundation was honored to provide these scholarships.

Next, Karen D. McCloud introduced the Foundation's 2015 Award of Excellence Recipient Chief Justice Carolyn Wright. Chief Justice Wright graciously accepted this award and gave an extremely moving acceptance speech. Chief Justice Wright truly epitomized the purpose of the Award of Excellence, to recognize community service outside of the legal profession, as was evidenced by the standing ovation she received at the conclusion of her speech.

To conclude the Luncheon, DAYL Foundation Fellows Chair **Krisi Kastl** in-

troduced Keynote Speaker, **David R. McAtee II**, Senior Executive Vice-President and General Counsel at AT&T. Mr. McAtee is no stranger to the Foundation as he previously served as Chair of the Foundation in 2001, as well as President of DAYL in 2003. True to character, Mr. McAtee's speech provided much laughter but really emphasized the tremendous purpose of the Foundation and the greater purpose lawyers should strive for in their community. The Foundation was truly honored that Mr. McAtee accepted the invitation to speak.

A special thank you to the DAYL Foundation Board of Trustees and its Executive Director, **Cherie Harris**, for organizing another successful Fellows Luncheon.



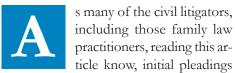






# "What's Wrong with an Associate/Visiting Judge?"

by Alex Bolton



filed in civil and family cases often include a blanket statement that the party objects to the assignment of a matter "to an associate (and/or visiting) judge for a trial on the merits or presiding at a jury trial." I don't necessarily include this statement in every initial pleading I file, but sometimes I know the case will be difficult and include it to ensure continuity for hearings in the case, especially final trial. Being somewhat of a baby lawyer myself, I knew this provision was likely deep-rooted in Texas jurisprudence but did not know the origin of the objection....until the issue recently presented itself in one of my cases. It turns out this statement is derived from Texas Government Code Section 74.053, which explicitly states that if a party files a timely objection to the assignment of a visiting and/or associate judge, the judge SHALL NOT hear the case. Yikes! I remember those days of reading statutes in law school differentiating between the "shall" provisions and the "may" ones. The statute continues by stating the objection "must be filed not later than the seventh day after the date the party receives actual notice of the assignment or before the date the first hearing or trial, including pretrial hearings, commences whichever date occurs earlier." Tex. Gov't Code Ann. § 74.053(c) (West). So if you include this objection in your initial pleading, in most instances you've timely objected for statutory purposes and an associate/visiting judge shall not preside over the case at trial.

Case law further clarifies the statute by holding that if the objection is timely, the assigned judge's disqualification is automatic. See *In re Canales*, 52 S.W.3d 698 (Tex. 2001); *In re Houston Lighting and Power Co.*, 976 S.W2d 671 (Tex. 1998). Indeed, the objection may be made without cause or reason. Id. If a judge is subject to dis-

qualification under Section 74.053 of the Government Code, she is "absolutely without jurisdiction in the case, and any judgment rendered by [her] is void, without effect, and subject to collateral attack." Rosell v. Cent. W. Motor Stages, Inc., 89 S.W.3d 643, 651 (Tex. App.—Dallas 2002, pet. denied). "Any judgment or order entered by the disqualified judge is a nullity." Lewis v. Leftwich, 775 S.W.2d 848, 851 (Tex. App.—Dallas 1989, orig. proceeding). In fact, a judge abuses her discretion by issuing any orders after a timely-filed objection to her assignment is made.

Further, an objection "need only be filed to be effective; it need not be formally sustained;" and "[a]s soon as [an] objection [is] filed, the visiting judge has no further authority to act or preside in the underlying case." In re Cuban, 24 S.W.3d 381, 383 (Tex. App.—Dallas 2000, orig. proceeding). In fact, chapter 74 does not require that the objection even be given to the objected-to judge for it to be effective. Id. As explained by one Court, "what voids the visiting judge's actions subsequent to objection is the objection itself. Through its objection, the party completes the steps necessary to assert its right to a duly elected judge and simultaneously preserves any ensuing error should its assertion be ignored." Nash v. State, 123 S.W.3d 534, 546 (Tex. App.— Fort Worth 2003, pet. ref'd.)1

A "blanket objection" to any visiting judge is often held to be a valid objection under Texas Government Code Section 74.053 and operates as a mandatory disqualification of a visiting judge. See Flores v. Banner, 932 S.W.2d 500 (Tex. 1996). For example, in Amateur Athletic Found. of L.A. v. Hoffman, the Dallas Court of Appeals found that a handwritten objection simply stating, "Plaintiff objects to Visiting Judge," was sufficient to hold that any judgments or orders entered by the judge after the objection were a nullity. 893 S.W.2d 602 (Tex. App.—Dallas 1994, no writ). Not all courts agree regarding blan-

ket objections, though. See Tex. Employment Comm'n v. Alvarez, 915 S.W.2d 161 (Tex. App.—Corpus Christi 1996, orig. proceeding); See also In re Approximately \$17,239.00, 129 S.W.3d 167, 168 (Tex. App.—Houston [14th Dist.] 2003, no pet.); see also Chandler v. Chandler, 991 S.W.2d 367, 383 (Tex. App.—El Paso 1999, pet denied).

So the moral of this story is – be careful what you put in your pleadings as everything in them, even including form language, is usually based on well settled law. Also be sure to note if your opposing counsel has included an objection to an associate/visiting judge as you can assert his/her objection even though it is not your own.

Happy drafting young lawyers!

<sup>1</sup> https://advance.lexis.com/api/document/collection/cases/id/49VD-8770-0039-42R5-00000-00?context=1000516

Alex Bolton is a family law practitioner at Duffee + Eitzen, L.L.P., 4311 Oak Lawn Ave., Dallas, Texas 75219. He can be reached at abolton@duffee-eitzen.com.

DAYL thanks **The City Club** for hosting and underwriting the 2016
DAYL Committee Chair
Orientation on
January 20, 2016.

We appreciate The City Club's many years of support of DAYL!

For discounted City Club membership information, available to DAYL members, email **Cherie Harris** (cherieh@dayl.com).

# Dallas Association of Young Lawyers: Lawyers Promoting Diversity Committee &

### Haynes and Boone, LLP

proudly present

# LAW SCHOOL 1L CHECK-UP

Saturday, February 27, 2016 | 10:00 a.m. – 2:00 p.m. Haynes and Boone, LLP | 2323 Victory Avenue, Suite 700, Dallas, Texas 75219

HOW DO I SUCCEED DURING MY 1L SPRING SEMESTER?

HOW DO METHODS FOR SUCCESS DIFFER FROM THE FALL TO THE SPRING?

WHAT CAN I DO DIFFERENTLY THIS SEMESTER?

Find the answer to these questions and many more!

Join us for panel discussions with young attorneys and law professors, followed by networking and resume review sessions with Dallas attorneys.

\* Please bring 5 copies of your resume if participating in the resume workshop.

BREAKFAST AND LUNCH WILL BE PROVIDED RSVPs required: http://goo.gl/forms/OcL7bvJJcT

Complimentary parking available in the attached parking garage located on Victory Avenue at High Market Street.



DAYL members and friends had a great time volunteering with January's Generation Generation volunteer project - making sandwiches for the SoupMobile to give to Dallas's homeless.



DAYL's 2016 Board of Directors gathered for a full-day retreat to discuss goals for 2016 and ways to achieve them.