



July 2017

Vol. 34, No. 7

THE DICTA

The Docket

- July 10 (Monday)
DAYL Freedom Run Committee Meeting
Noon, Belo Mansion
- July 10 (Monday)
DAYL Charity Ball Committee Meeting
6:30 p.m., Duffee + Eitzen
- July 11 (Tuesday)
DAYL Board of Directors Meeting
6:00 p.m., Belo Mansion
- July 12 (Wednesday)
DAYL CLE: Ethical Issues That Arise in Transactional Work
Noon, Belo Mansion
- July 12 (Wednesday)
DAYL Moms in Law Special Interest Group Meeting
Noon, Morton's
- July 12 (Wednesday)
DAYL Judiciary Committee Meeting
Noon, Belo Mansion
- July 12 (Wednesday)
DAYL Solo & Small Firm Networking Happy Hour
6:00 p.m., People's Last Stand
- July 12 (Wednesday)
DAYL Law Student Assistance Committee Meeting
6:30 p.m., Manny's Uptown
- July 13 (Thursday)
DAYL Pro Bono Partners Committee Meeting
Noon, Belo Mansion
- July 18 (Tuesday)
DAYL Elder Law Committee Meeting
Noon, Belo Mansion
- July 18 (Tuesday)
DAYL Aid to the Homeless Committee Meeting
6:00 p.m., Belo Mansion
- July 18 (Tuesday)
DAYL Politically Aware Committee Meeting
6:30 p.m., Belo Mansion
- July 19 (Wednesday)
DAYL Beyond the Book Club Meeting
6:30 p.m.
- July 19 (Wednesday)
DAYL Animal Welfare Committee Happy Hour
6:00 p.m.
- July 20 (Thursday)
DAYL Animal Welfare Committee
Noon, Belo Mansion
- July 20 (Thursday)
DAYL Dinner & Dialogue
6:00 p.m., Belo Mansion
- July 21 (Friday)
DAYL Lawyers Against Domestic Violence
Noon, Belo Mansion

Sister Bar Social at Tippy Alchemist

Join DAYL and its sister bars on **Thursday, July 27** from 6:00 – 8:00 p.m. for a Social at the **Tippy Alchemist**.

The Tippy Alchemist is located at 2101 Cedar Springs Rd in Dallas. Enjoy specialty cocktails and hors d'oeuvres compliments of **RSM US, LLP**.

RSM is the fifth largest CPA firm in the United States and the leading provider of audit, tax, and consulting services focused on the middle market, guiding their clients through business challenges by understanding their needs and bringing together the right team to address them. With 9,000 professionals and associates in 90 cities nationwide (in Texas – Dallas, Houston, Austin, and San Antonio) and

access to more than 41,000 people in 120 countries through their membership in RSM international, RSM can meet their client's needs wherever in the world their clients do business.

Participating sister bar organizations include **Dallas Asian American Bar Association, Dallas Hispanic Bar Association, Dallas Women Lawyers Association, J.L. Turner Legal Association, Dallas LGBT Bar Association, Dallas Trial Lawyers Association,** and the **Dallas Bar Association**. The cost to attend is \$3.00 for members of any participating bar and \$5.00 for non-members and guests. This will be a fun opportunity to cross-network with other members of our local bar associations!

Ethical Issues That Arise in Transactional Work

Calling all transactional attorneys! Join the DAYL at noon on **Wednesday, July 12** for a CLE discussion regarding ethical issues that can arise in transactional work. This one-hour CLE will focus on tips, practical advice and the interpretation of the Texas Disciplinary Rules of Professional Conduct as they apply to situations that transactional lawyers often face, such as: identifying and knowing your client, ethical questions that may emerge during the

course of negotiations, and communications with unrepresented parties.

The CLE will be presented by **Amy Lott** of Carrington, Coleman, Sloman & Blumenthal, L.L.P., **Mark Melton** of Hunton and Williams LLP, and **Emmanuel Obi** of the Obi Law Firm, PLLC and will take place at the Belo Mansion. It is free for DAYL members. Non-members may attend for \$10.

RSVP to **Cherie Harris** at cherieh@dayl.com.

The Docket (continued)

- July 24 (Monday)
DAYL Membership Committee Meeting
Noon, Belo Mansion
- July 24 (Monday)
DAYL Elder Law Mental Illness CLE
Noon, Belo Mansion
- July 24 (Monday)
DAYL Charity Ball Committee Meeting
6:30 p.m., Duffee + Eitzen
- July 25 (Tuesday)
DAYL Lawyers Promoting Diversity Committee
Noon, Belo Mansion

- July 26 (Wednesday)
DAYL Dallas Ripple Committee Meeting
6:00 p.m., Manny's Uptown
- July 27 (Thursday)
DAYL CLE Committee Meeting
Noon, Belo Mansion
- July 27 (Thursday)
DAYL CLE Committee Meeting
Noon, Belo Mansion
- July 28 (Friday)
DAYL Solo & Small Firm Committee Meeting
Noon, Belo Mansion

THE DICTA

Alex Bolton, Editor

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Copy Deadline for August Issue:

July 15, 2017

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From the President

DAYL Mid-Year Report

As we enter July, the DAYL year is at its midpoint with me as president. DAYL is an incredibly busy volunteer organization that is recognized annually at the state and national levels. Already in these first six months, DAYL has been busy and at it again. The amount DAYL has done is too onerous for this column, but I wanted to give you a glimpse and recognize some very active committees.

In June, the **Trial Skills Boot Camp Committee** completed its third annual litigation boot camp. More than 120 young lawyers participated in the Opening and Closing Arguments boot camp. Opening arguments demonstrations were done by **Shonn Brown** and **Carmen Mitchell**. **Trey Cox** and **Trey Crawford** demonstrated closing arguments. Co-chairs **Leslie Chaggaris**, **Alex More**, **Debrán O'Neil**, **Crystal Woods**, and Board Liaison **Jennifer Ryback** did a phenomenal job. Thank you to the committee members and numerous "seasoned" lawyers who critiqued the young lawyer participants. A special thank you to **Judge Martin Hoffman** for his continued support and guidance on this program as well as the fourteen state and federal judges who provided feedback to the participants.

Also in June, the **Equal Access to Justice Committee** organized DAYL's annual Wine Tasting benefitting the Dallas Volunteer Attorney Program (DVAP). The event was held at the Sammons Center for the Arts and featured wines from Argentina. **Y. Jack Fan** was presented with the DAYL Pro Bono Service Award for his outstanding contribution to pro bono service. This year's top sponsors of the event were **Jackson Walker, Winston & Strawn, LLP**, **Bloomberg Law**, and **Baker Botts**. This



Paul W. Simon

event is not possible without the tireless work of co-chairs **Megan LaDriere**, **Tiffany Talamantez**, **Chris Bankler**, **Jayla Wilkerson**, **Jenna Carl Jabara**, and Board Liaison **Helen Hutton**.

While DAYL has accomplished a lot in this short amount of time, DAYL is gearing up for several of its signature projects in the fall. On September 16, 2017, DAYL is hosting the 17th Annual Freedom Run benefitting the Assist the Officer Foundation. Registration is open so lace up your shoes and sign up at <http://www.freedomrun.com/register>. As a charity race, we are also in need of sponsorships. If you or your firm is interested in sponsoring, please contact **Cherie Harris** at cherieh@dayl.com. Thank you to this year's co-chairs and Board Liaison (**Justin Gobert**, **Crystal Moore**, **Jose Espinosa**, **John Lynch**, **Hannah Lavy**, and **Janet Smith**) for continuing the tradition! #LetFreedomRun

Lastly, on November 11, 2017, DAYL is again hosting the **Charity Ball "Another Epic Night."** The Charity Ball is a gala that raises money for the DAYL Foundation. This year Charity Ball is moving to the trendy Fashion Industry Gallery (f.i.g.). The Charity Ball committee is currently seeking sponsorships and shortly will announce when individual tickets may be purchased. You will not want to miss Another Epic Night. For more information, please contact one of Charity Ball's awesome co-chairs, **Alex Bolton**, **Nicole Munoz**, **Whitney Keltch**, **Janet Smith**, **Andrea Perez**, **Aubrey Boswell**, and **Jennifer Ryback**.

Paul W. Simon is a Founding Partner at Simon Paschal PLLC practicing in Labor & Employment Law.

DAYL's Lawyers Promoting Diversity Committee

invites you to the 12th Annual Dinner & Dialogue

"Pipeline Diversity - Tackling Diversity from the Ground Up"

Thursday, July 20, 2017 | 6:00 - 8:30 p.m.
Belo Mansion - 2101 Ross Avenue, Dallas, Texas 75201

\$10 (includes dinner, a drink ticket, and a cash bar).
1.5 hours CLE credit, including 1.0 hour ethics

With opening remarks by **The Honorable Royal Furgeson**, Founding Dean, UNT Dallas College of Law and closing remarks by **The Honorable Sam Lindsay**, United States District Court for the Northern District of Texas. In addition, **Dr. Jack Manhire**, Director of Program Development at Texas A&M School of Law, will give a cutting-edge presentation on his extensive pipeline diversity research.

We cannot provide our clients with the diverse teams they demand without having a diverse pipeline feeding into our law schools. Pipeline diversity is one of the hottest subjects being discussed in the legal market and this year's Dinner and Dialogue is going to take the issue head on. We're going to debate what pipeline diversity really means, why it is vitally important to serving our client's needs, the glaring lack of pipeline diversity, and, most importantly, methods for tackling the lack of pipeline diversity.

Register by July 18 by visiting <http://dayl.com/dinner-and-dialogue>.

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DAYL Foundation Grant Spotlight

by Kevin Segler and Leslie Chaggaris

One of the primary focuses of the DAYL Foundation is to serve as a granting organization to non-profit organizations. One recent recipient was **Mosaic Family Services, Inc.**, which provides free legal services to survivors of domestic violence and human trafficking, including representing clients in family court proceedings.

Last year's grant to Mosaic was used to establish a litigation fund to cover the

costs of interpreters, private process servers, expert witnesses, and notary fees in pending cases. Those services were especially critical when a client's abusive husband petitioned for an annulment, alleging that his spouse engaged in immigration fraud by marrying him. Using funds from the DAYL Foundation grant, Mosaic hired an immigration expert witness whose testimony helped drive the Court's ruling against the abusive spouse, preserv-

ing the client's immigration benefits and residence in the United States. For more information about the DAYL Foundation, visit www.daylfoundation.org.

DAYL ONE TO WATCH

Katharine Roberson has been selected as the July 2017 DAYL One to Watch! To find out why, visit www.dayl.com.

DAYL Moms in Law Group Combines Forces with the DBA

DAYL's Moms in Law special interest group has had such great success this past year that they have decided to join forces with the DBA to expand the group. Starting in September, the groups will combine with their first joint lunch at the Belo Mansion on Fri-

day, **September 15, 2017**, at noon. Quarterly, there will be lunches at the Belo Mansion. During all other months, there will be two lunches offered in either Dallas or North Dallas. The lunches around town will be divided based on children's ages, but moms or moms-to-be are welcome to attend

whichever one best fits their schedule.

If you're interested in becoming a member of Moms in Law (for fun, support, and networking), please contact **Christine Leatherberry** at christine@connatserfamilylaw.com to get on the email distribution list and to be invited to the Facebook group.



DAYL Elder Law Committee and DVAP Organize Mental Illness CLE

On **Monday, July 24**, at noon at the Belo Mansion, the **Honorable Margaret Jones-Johnson** of Dallas County Probate Court #3 and the Mental Illness Court will be presenting a Mental Illness and Involuntary Commitment Process CLE. This informative overview of the involuntary commitment process and mental illness court will enable attorneys to recognize when commitment may be appro-

priate and to understand the resources and process involved.

This program has been approved for 1.00 hour ethics CLE credit and is co-sponsored by the DAYL Elder Law Committee and the Dallas Volunteer Attorney Program. It is free for lawyers who are currently participating or who agree to participate in DVAP.

Contact **Dominick Vallejo** at vallejod@lanwt.org with any questions and RSVP [here](#).

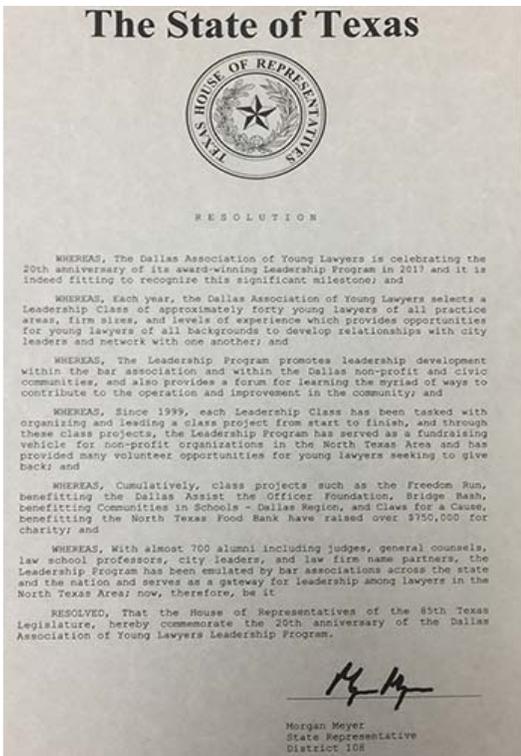
DAYL's Ask-A-Lawyer Committee is seeking volunteers to give free legal advice to the community on **Saturday, August 12** from **11:00 a.m. – 1:00 p.m.** in **Lakewood**.

If you're interested in helping or if you need additional information on areas of practice needed, please email **Cherie Harris** at cherieh@dayl.com.



A great group of volunteers participated in DAYL's Generation Generosity Committee's June 17th volunteer event at Ability Connection, a non-profit organization that serves individuals with disabilities and special needs, for a community cookout event for Ability Connection's clients and their families. We played bingo, grilled hot dogs and hamburgers, and had a great time with some amazing individuals. Thank you to everyone who participated.

DAYL Leadership Program Recognized by the 85th Texas Legislature



WHEREAS, The Dallas Association of Young Lawyers is celebrating the 20th anniversary of its award-winning Leadership Program in 2017 and it is indeed fitting to recognize this significant milestone; and

WHEREAS, Each year, the Dallas Association of Young Lawyers selects a Leadership Class of approximately forty young lawyers of all practice areas, firm sizes, and levels of experience which provides opportunities for young lawyers of all backgrounds to develop relationships with city leaders and network with one another; and

WHEREAS, The Leadership Program promotes leadership development within the bar association and within the Dallas non-profit and civic communities, and also provides a forum for learning the myriad of ways to contribute to the operation and improvement in the community; and

WHEREAS, Since 1999, each Leadership Class has been tasked with organizing and leading a class project from start to finish, and through these class projects, the Leadership Program has served as a vehicle for non-profit organizations in the North Texas Area and has provided many volunteer opportunities for young lawyers seeking to give back; and

WHEREAS, Cumulatively, class projects such as the Freedom Run, benefitting the Dallas Assist the Officer Foundation, Bridge Bash, benefitting Communities in Schools – Dallas Region, and Claws for a Cause, benefitting the North Texas Food Bank have raised over \$750,000 for charity; and

WHEREAS, With almost 700 alumni including judges, general counsels, law school professors, city leaders, and law firm name partners, the Leadership Program has been emulated by bar associations across the state and the nation and serves as a gateway for leadership among lawyers in the North Texas Area; now, therefore, be it

RESOLVED, That the House of Representatives of the 85th Texas Legislature, hereby commemorate the 20th anniversary of the Dallas Association of Young Lawyers Leadership Program.

SAVE THE DATE

IT'S CHERIE'S
25TH ANNIVERSARY WITH PAY!



JOIN US FOR A ROCKIN' GOOD TIME.

THURSDAY, OCTOBER 26TH

6-10 PM

2616 COMMERCE

COSTUMES WELCOME, HAPPY OWL-O-WEEN!

MORE DETAILS TO FOLLOW!



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How to Seek and Serve Your Clients - Business Development Tips with an Emphasis on Women Attorneys

DAYL, Moms in Law, DWLA, and Mentoring Circles join forces to invite you to hear **Mary Emma (Ackels) Karam** speak about client development on **Tuesday, August 15**, at noon at the Belo Mansion.

Mary Emma Karam is the partner in charge of Business Development and Marketing for Jackson Walker and was the first female associate at Jackson Walker promoted to partner. She was profiled by Law360 last year as part of its Rainmaker Q&A Series about what skills are

necessary to become a rainmaker, attract clients, and maintain a status as a rainmaker.

Ms. Karam will speak about "*How to Seek and Serve Your Clients - Business Development Tips With an Emphasis on Women Attorneys*" (CLE credit pending approval).

RSVP [here](#).

First Phase to Enhance the Look and Feel of Mosaic Family Shelter Complete

by Ford Harmon

DAYL's Lawyers Against Domestic Violence Committee (LADV) has focused much of its energy this year on working with **Mosaic Family Services Shelter** - Mosaic House - a local shelter for refugees, unaccompanied minors, and survivors of family violence, and/or human trafficking.

Mosaic seeks to embody a place where people can begin experiencing a life free from whatever traumatic experiences brought them there in the first place. LADV has been working with Mosaic to further the shelter's goal of providing a welcoming, comforting, and positive environment so that the very look and feel of its grounds may help survivors feel a bit more at ease when arriving at an unfamiliar place after having been through so much.

With this in mind, LADV members spent a recent Saturday volunteering at Mosaic. Members painted the facility's basketball court a bright, greenish-blue hue, transforming

the look and feel of the previously gray surface into a more cheerful, positive space for the children of Mosaic to play. Additionally, Committee members im-

proved Mosaic's landscaping by restoring a gravelly strip of land, which cut through an otherwise uninterrupted grassy field, by removing the gravel and planting new grass seed. All of this would not be possible without the help of our wonderful sponsors – **Dane Kustes** of DPR Construction, **Josh Christensen** of Five Start Painting, **Jesus Rivera** of Behr Paint, and **Home Depot**. LADV is very grateful for their support!

This was just the first phase of the LADV's action plan this year for enhancing Mosaic's facilities. Remaining phases of the project include getting a playground built on the grounds for the children of Mosaic to use, while also building and establishing an animal shelter onsite so that survivors can keep their pets with them when they come to Mosaic. The remaining projects will require significant fundraising. You can contribute by participating our upcoming fundraising events or by contributing directly to our

fundraising link, which can be located at <https://www.classy.org/checkout/donation?eid=134158>.



LADV Committee Members spent a recent Saturday volunteering their time to help improve the Mosaic grounds. Front row (l to r) Jessica Gutierrez, Janet Smith, Lindzi Timberlake, Anna Rupani, and Brandi Agnev. Back row (l to r) Ford Harmon and Matthew Agnev. Not pictured: Barbara Pelaez.

In Case You Missed It... Ethically Interacting with Opposing Counsel

On June 14, 2017, **Judge Maricela Moore, Michael K. Hurst, and Tricia DeLeon**, with **Heather Davis** moderating, spoke at a DAYL CLE titled, *He Said/She Said: Ethically Interacting with Opposing Counsel*. Here are some important takeaways:

1. Set the tone by the way you respond. It's not always necessary to match aggression with aggression. Finesse can be a more powerful show of strength and confidence.

2. Be easy to get along with but hard to beat.

- 3. Judges like to see practical solutions – certificates of conference for a reason.
- 4. Be passionate, but compassionate.

- 5. This is a profession, not a brawl. It isn't necessary to treat every exchange like a schoolyard tussle.



Never Miss a Deadline (Again)

by Jennifer Ryback

If you're like me, at least once in your career you have missed a deadline. While we are all human and mistakes certainly happen sometimes, I have implemented a few checks and balances in my practice that make it less likely for me to miss a deadline. This article specifically addresses cases filed in state court, but many of these tips also may apply in federal court.

1. Determine Your Discovery Level. The first step in determining which deadlines apply in your case is to figure out which discovery control plan governs. There are three discovery control plans – (1) Level 1, under Rule 190.2, for expedited actions; (2) Level 3, under Rule 190.4, for cases in which the court enters a scheduling order tailored to the case; and (3) Level 2, under Rule 190.3, for all other cases. Calendaring deadlines in a Level 3 case is the most simple because the court does the calendaring for you, and you just need to make sure the deadlines make it from the scheduling order to your calendar. Calendaring deadlines in Level 1 and Level 2 cases requires more time and attention, for some of the reasons discussed below.

2. Calendar the Automatic Deadlines. Many young lawyers do not realize that the clock begins to run for certain deadlines established by the TEXAS RULES OF CIVIL PROCEDURE as soon as a case is filed.

If your case is under Level 1, discovery begins when the case is filed and continues until “180 days after the date the first request for discovery of any kind is served on a party.” TEX. R. CIV. P. 190.2. This means you should calendar the discovery deadline when you first send or receive a discovery request.

If your case is under Level 2, discovery begins when the case is filed and continues until the earlier of “30 days before the date set for trial” or “nine months after the earlier of the date of the first oral deposition or the due date of the

first response to written discovery.” TEX. R. CIV. P. 190.3 (for cases under the Family Code, the discovery deadline is 30 days before the trial date). This means you should calendar the discovery deadline when any of the triggers in Rule 190.3 occur, and you should verify the discovery deadline if another of the triggers occurs later. For example, if you get set for trial, you should calendar your discovery deadline for 30 days before the trial setting. Then, if you or your opponent sends written discovery, you should calculate nine months after the due date of the response and determine if that date is earlier. If so, then you should update your calendar to reflect that new discovery deadline (since Rule 190.3 provides for the “earlier of”).

Once you calendar the discovery deadline, you should calendar the expert designation deadlines. Under Rule 195.2, a party must designate experts by the later of 30 days after a request for disclosure is served or for experts testifying for a party seeking affirmative relief, 90 days before the close of discovery or for all other experts, 60 days before the close of discovery. In my practice, the later of these deadlines is almost never 30 days after a request for disclosure because such requests are usually exchanged early on in the case. Therefore, I always calendar the deadline for either 90 days before the close of discovery (if I am seeking affirmative relief) or 60 days before the close of discovery (if I am not). Note that if the court includes these deadlines in the scheduling order, then the scheduling order will trump Rule 195.2.

3. Know the Import of Including a Request for Disclosure. Often, lawyers include a request for disclosure in their petition or answer, as a routine. Before doing so, know what that means for the discovery period in your case. Remember from above that your discovery deadline may be triggered by the due date of the first response to written discovery. Therefore, if you include a request for

disclosure in your petition or answer, you are starting that clock. Strategically, that may be advantageous for your client, but sometimes it may not be. This is especially true if your case falls under the expedited rules, and the discovery period is already shortened.

4. Calendar the Deadlines in the Local Rules. In addition to the deadlines in the TEXAS RULES OF CIVIL PROCEDURE, there are also deadlines in the Dallas County Local Rules that you should review and calendar, as appropriate. Also, when you get started on a new lawsuit, always review the court's policies and procedures (“local local rules”) and calendar any deadlines included therein. For example, many of the Dallas County District Courts require that dispositive motions be heard 30 days before trial.

5. Think Ahead. After I calendar any hard deadline in a case, I always calendar an earlier soft deadline to trigger some action on my part to ensure that I am prepared to comply with the hard deadline. Almost always, this will prevent a last-minute emergency that requires you to count on the mercy of your opponent or judge.

Jennifer Ryback is a litigator at McGuire, Craddock & Strother, P.C. with broad experience representing plaintiffs and defendants in state and federal venues in commercial litigation, construction litigation, and employment litigation. Jennifer can be reached at jryback@mcsllaw.com.

DAYL Freedom Run
September 16, 2017
8:00 a.m. Fun Run
8:30 a.m. 5K
Ron Kirk Pedestrian Bridge in
Trinity Groves

Early Bird Registration
Deadline
August 4, 2017

www.freedomrun.com



DAYL Coffee with the Court with Judge Sam Lindsay, held on June 8, 2017.



DAYL Young In House Counsel CLE held on June 7, 2017. (L to R) Taylor Wilson, organizer, panelists Micah Brooks with On-Target Supplies & Logistics, David O'Hara with Half Price Books, Shruti Krishnan with Ziosk, and moderator Becky Palm with Essilor of America.



Members of the DAYL Aid to the Homeless Committee volunteered with the Salvation Army to serve lunch to the homeless on June 2.



DAYL and DWLA picked up some hardware during the State Bar of Texas Annual Meeting on June 23 – a Star of Achievement, one of only five given statewide – for their joint initiative: Women's Mentoring Circles. (L to R) Stephanie Osteen, DWLA President-Elect, Angela Zambrano, DWLA Imm. Past President, Stephanie Gause, DAYL Imm. Past President, Frank Stevenson, State Bar Imm. Past President, and Dena Stroh, DWLA President.



DAYL's Politically Aware Committee ("PAC") presented Discussing Dallas: Shaping our City's Development on June 26. (L to R) Panelist Kourtny Garrett, PAC member Matt Mims, panelist Nolan Marshall, President of Uptown Dallas Inc., PAC member Ryan Brown, moderator Candace Carlisle, Senior Reporter for the Dallas Business Journal, and PAC member Justin Gobert.