



The Advocate



Volume 14 Issue 5

www.smithcountybar.com

November 2011

Association

- President
Deborah Race
- VP/ President-elect
Randall J. Cook
- Secretary
LaKisha Anderson-Sinville
- Treasurer
Ron Stutes
- Directors 2010-12
Wendy Flanigan
Andrea Houston
Reeve Jackson
Beau Sinclair
Jamy Skaggs
- Directors 2011-13
Lindsay Stansberry
Jason Mazingo
Jeff Sanders
Rex Thompson
Alesha Williams

Foundation

- President
T. M. "Mick" Alleman
- VP/ President-elect
Michael C. Coker
- Secretary
Rick Allen
- Treasurer
Michael Gross
- Directors 2009-12
Kelly Ireland
Mary Elizabeth Jackson
- Directors 2010-13
Ralph E. Allen
Tina Brumbelow
Honorable John Love
Dr. Howard Patterson
Brent Ratekin
Stan Springerley
VaLita Waits
- Directors 2011-14
Dana Bias
Shannon Dacus
Jim Huggler
Joey Seeber
Ron Vickery
Ruth Yeager



President's Letter

Dear Member:

Well, here come the Holidays and with them, lots of opportunities to participate in the Smith County Bar Association. Our Joint Luncheon is coming up on November 15th at Hollytree Country Club. Justice Nathan Hecht of the Texas Supreme Court will be our guest speaker. Then we have our holiday party so generously hosted by Roberts & Roberts on December 2nd. The Women's Section is also planning a holiday gathering on Thursday, December 15.

In addition to the fun things planned, SCBA is in the process of organizing several projects that will give our members an easy opportunity to volunteer. Among those are Texas Lawyers for Texas Veterans which has already started in many communities and provides free legal clinics for our veterans. We are also finalizing plans to start a new mentoring program where new lawyers will be paired with experienced lawyers who can be there to help or answer questions as needed. Please let us know if you are interested in working with either of these worthwhile

projects.

Also, another new opportunity that I just learned about and have not even taken to the board yet, is the Veteran's History Project which the State Bar has recently implemented with the Texas Court Reporters. Here lawyers will volunteer to interview a veteran for anywhere between half an hour to two hours and a court reporter will volunteer to transcribe the interview. Thereafter, the interview will be sent to the Library of Congress. They are anxious to interview World War II and Korean War veterans first. If you know any veterans or would like to volunteer, please let me or Cristy know and we can put you in contact with the right people to set up an interview with a reporter present. Anyway, lots of thing going on with the SCBA.

And here is wishing everyone of you a wonderful holiday season.

Deborah Race
drace@icklaw.com

“Top 10 Things Every Lawyer Should Know About...”

Thanks to the hard work of the SCBA CLE committee the “Top 10...” CLE was again a great success. SCBA President **Deborah Race** and CLE Chair **Randy Cook** introduced the following speakers: **Charles Ainsworth, Bruce Bain, Chuck Cowan, Hon. Leonard Davis, Will Farrar, Lucy Hebron, Hon. Brian Hoyle, Jim Huggler, Rep. Bryan Hughes, Rosemary Jones, Hon. Christi J. Kennedy, Jim Knowles, Jill Kotvis, Hon. Kerry Russell and Greg Smith.** Thank you all for volunteering your time to speak.

Sponsors **Deposition Resources, Lexis Nexis and Collins Investigation** provided the lunch and the morning and afternoon breaks. Thank you to each of the sponsors and to **Ron Stutes** for contacting them.

CLE committee members in addition to Deborah, Randy and Ron who made this event a success included **LaVern Campbell, Rosemary S. Jones, Jill Kotvis, Walter Lackey, Shane McGuire, Holly Monk, Wes Volberding, and Robert Wilson.** Thank you to everyone who made this CLE a great event!

November

Family Law Section

Free CLE

“Retirement Benefits and QUADRO: Protect Your A\$SETS”

**Kristin Senkyr
Sinclair Law Office**

Noon

Wednesday, November 16

**321st District Courtroom,
Smith County Courthouse**

Brown Bag Lunch

Course #901232528

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE for 1.0 hours credit

2011 Holiday Project

DECK THE SHELVES!

New and gently used children’s books are being collected by SCBA through December 21

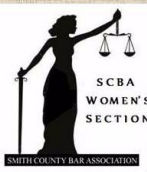
The books will be donated to fill a bookshelf in the victim’s service division of the Smith County District Attorneys Office

Children affected by crime will choose a book to take home with them

Donated books may be delivered to the Law Library

Checks are also accepted and should be made payable to SCBA

SCBA Womens’ Section Social Lunch



**Thursday, November 17
Villa Montez**

11:45 – 1pm

Dutch Treat

*Open to All Women Attorneys and Judges
(please reply if attending online)*



SCBA Womens’ Section Christmas Party

**Thursday, December 15
Home of Marisa Schouten**

Bring a *White Elephant Gift* under \$20
and

Donation to *Children’s Advocacy Center-Rainbow Room*
(Items Requested: Diapers, Pullups, Wipes, Detergent, Dishwashing Soap)



November CLE

“Texas Legislative Update”

Representative Bryan Hughes

Friday, November 4, 2011

Buffet served at 11:30 a.m. Program at noon

FREE CLE

Lunch Buffet \$20.00 Paid at the door

Walk ins for buffet lunch cannot be guaranteed
and are available *only* if space permits

For reservations
click on the link at www.smithcountybar.com
call 903 526-2700
or email cristy@smithcountybar.com

Willow Brook Country Club

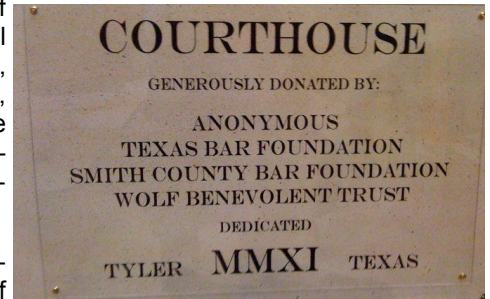
3205 W Erwin St., Tyler, Texas

Course #901234390

SCBA is an accredited sponsor, approved by the State Bar of Texas, Committee on MCLE
This course has been approved in the amount of one credit hour of participatory credit.

Discovery Science Place Courthouse Exhibit Opening

On October 27th, the Discovery Science Place unveiled its latest exhibit, a replica of the historic Smith County Courthouse. The courthouse, a scale replica of the original building, is now the centerpiece of the science center's permanent exhibit hall, Hometown, USA. It includes a courtroom complete with a judge's bench and robes, a witness stand, an attorneys' desk and suit jackets, and other relevant props. The courtroom is decorated with large copies of the Declaration of Independence, Constitution, and Bill of Rights along with interactive displays explaining the rights and responsibilities promised to, and expected of, all citizens.



Judge Judith Guthrie who presided over the dedication of the building, noted that, "The Bedrock of civil society is the administration of justice that is fair and impartial," and this exhibit will help expose children to that concept. This was a theme echoed by Ron Vickery, who spoke on behalf of the Smith County Bar Foundation, and noted that this project provided an opportunity to further educate children on our judicial system, a goal of great importance both to him personally and to the Foundation as a whole.

However, as Jim Huggler noted, speaking on behalf of the Texas Bar foundation added, the exhibit is not only an educational experience, but will also "provide an opportunity to prepare children who must appear in court under stressful and emotional times." This is accomplished as a result of a first-in-the-nation of its kind partnership between Discovery Science Place and the Children's Advocacy Center and CASA. These groups will be provided access to the exhibit outside of normal museum hours for the purpose of providing a safe environment in which to introduce children who must appear in court to the judicial process and courtroom set-up.



The exhibit was funded through an anonymous donation and the financial support of the Texas Bar Foundation, the Smith County Bar Foundation, and the Wolf Benevolent trust.

Submitted by Reeve Jackson

WHY I SUPPORT THE SMITH COUNTY BAR FOUNDATION (SCBF)

The question has often been asked of me, "Why do I support the Smith County Bar Foundation?" My reasons are many and varied.

Most of you know that my practice is devoted to criminal and juvenile defense. The Bar Foundation has funded a law student intern to assist the felony contract attorneys each summer for the last five years. These eleven attorneys have a staggering caseload and the recognition of this fact very early by the Foundation is important and gratifying. Through this program the Foundation directly provides support for these attorneys and supports us.

I do not know how many times I have seen pro se clients in court who are clearly uncomfortable and cannot make it through a "simple" divorce prove-up without assistance. We are one of three counties in the state who has employed a reference attorney to assist pro se litigants with uncontested divorce decrees. This support from the Bar Foundation allows these cases to proceed more smoothly and helps us.

Have you been into the law library? Did you know that there are computers there with access to Westlaw and LEXIS that are available for our members? The library can and has been used for everything from client conferences in our courthouse to attorneys checking emails and looking for resources not available in their own office. The Bar Foundation provides an annual gift to the law library which means they support us.

Recently, I took my younger daughter to a birthday party at the Discovery Science Place. She walked in and saw the new court-

house exhibit and said "Daddy, this is where you work." She then told all her friends that this was where her Daddy worked. A five year old really doesn't understand what the practice of law is other than long hours away from the family and that I am something called a lawyer who helps people. The Bar Foundation's gift to the Discovery Science Place will help my daughter and children from across the region understand what we do, and this helps us.

In 2008, I was part of a wonderful team which planned our celebration of 75 years of legal history. Part of that celebration included the beginning of the Judge John Hannah Lecture Series with a wonderful evening with his good friend, the late Congressman Charlie Wilson of Lufkin. That series was continued this year by with the celebration of Constitution Day and a lecture by Senior Judge Thomas Reavley of the Fifth Court of Appeals. Attorneys, college and high school students from across the area listened to Judge Reavley that evening. If a few of those students were inspired to become attorneys as a result of that night, our profession will be richer and that helps all of us.

We are fortunate to have a professional, honorable bar whose members respect each other. The Smith County Bar Foundation exists to further justice and the rule of law. Perhaps the question is not why do I support the Bar Foundation, but rather, why don't you?

Jim Huggler, SCBF Board of Directors

The Officers and Directors of the

Smith County Bar Association

And the

Smith County Young Lawyers

Invite you, your guest and staff to the annual

**Holiday
Extravaganza**

Friday, December 2, 2011

5:00 to 7:30 p.m.

Offices of

Roberts & Roberts

118 West Fourth St

Complimentary Hors d'oeuvres and Spirits

***THE party and
not to be missed event of the
year!***

Thanks to **Sunbelt Reporting**
and these generous sponsors

**Roberts & Roberts
Findlay Craft LLP**

Mike Patterson Mediation

Ramey Flock PC

**Bain, Files, Jarrett,
Bain & Harrison, PC**

Flowers Davis PLLC

Hossley Embry

Clark & Porter

Michael K. Hogan PC

Sinclair Law Office

Cowles & Thompson

Robert P. Dougherty, Jr.

Honorable Brian Hoyle

David Hudson

Honorable Kerry L. Russell

Yarbrough Wilcox PLLC

Dr. C.W. Alworth

Edward H. Carrette

Perdue, Brandon, Fielder, Collins & Mott LLP

As of 10-28-11

Reference Attorney Report

By Holly Monk

Though it is hard to believe, December 1st will be the two-year anniversary of the Reference Attorney Program. This is a good time to send out a reminder of what the program is and what it is not. The program was created by the Law Library and the Smith County Bar Foundation to assist self-represented litigants in uncontested family law cases only. The program benefits the court and attorneys by assuring that the documents that the self-represented litigant present to the Court at the final hearing are in the correct format, with the essential procedural information included. The SRL's are also given information on what to expect in court and the proper decorum. I generally do not see the self-represented litigant until it is time to review the final order. Everyone who comes to the Law Library for information is informed that it is always to his or her advantage to retain an attorney. If they still want to represent themselves then they are given information about the Texas Law Help website where they can download the instructions and forms for themselves or they are sold the packages that have been printed from the website. They are also given information on how to contact the Reference Attorney to review the final decree/order. All information given is procedural and informational, not substantive and not specific to the individual litigant's situation. They are given information on the Lawyer Referral Service and Lone Star Legal Aid if they need specific legal advice. If anyone wants more information about the program, please contact me at holly@smithcountybar.com or 903-952-1107.

Smith County Bar Foundation

Memorial donations to the Foundation were made in honor of Alex Beall by: Adams & Coker, PC, Kent Good Anderson & Bush PC, Michael J. McNally, and Ramey & Flock, PC

Thank you to the following for recently donating as SCBF Fellows : Robert S. Davis, Celia C. Flowers, and Alan R. Jackson.



The Smith County Young Lawyers Association is pleased to announce the addition of Christopher Sbrusch to its Board of Directors. Christopher is an Anderson County native and graduated as part of a class of twenty students at Slocum High School. From there, he journeyed to Austin where he obtained his Bachelor of Arts in psychology from The University of Texas before pursuing his law degree at South Texas College of Law. When not engaged in his work as an

associate at the Tyler law firm of Starr, Schoenbrun, Comte, McGuire, where he focus primarily on civil litigation, probate and family law matters, Christopher enjoys spending time with his family, wife Adriann, a local RN, and his two young sons Carter and Canon.

Indigent Defense Counsel list

Calling all attorneys presently on or interested in being on the Indigent Defense Counsel list. Please allow this to serve as a reminder to those presently on the list that you are required to:

1) Submit verification annually that you are in compliance with the CLE requirements in order to continue to receive misdemeanor appointments. It is mandatory that you successfully complete a minimum of six (6) hours of training in State Bar of Texas and/or Smith County Council of Judges approved training in criminal law, ethics, evidence or trial practice. Please see the Annual Reporting Affidavit on the Smith County Bar Website www.smithcountybar.com ; and

2) All counsel must also submit a new Appointment Application each year as well. The Appointment Application is also on the Smith County Bar Website www.smithcountybar.com.

It is essential that you submit a new application and proof of compliance on or before December 14, 2011 in order to avoid suspension from or to be considered for placement on the Misdemeanor Court Appointment list.

If you have questions, please contact Laurita Vodak at 903-590-1691.

Thirty-Eighth Annual Joint Luncheon

hosted by the

*Smith County Bar Association,
Smith County Young Lawyers Association, and
Tyler Area Association of Legal Professionals*

Honoring Area Judges

Guest Speaker:

**Justice Nathan Hecht
Texas Supreme Court**

Hollytree Country Club
Tuesday, November 15, 2011
11:30 a.m. to 1:30 p.m.
Cost: \$24.00

**Reservation and sponsorship deadline:
Friday, November 4, 2011**

Please make checks payable to: *Smith County Joint Luncheon*

Mail payment to:

**Kerri McLen
Wilson, Robertson & Cornelius, P.C.
909 ESE Loop 323, Suite 400
Tyler, Texas 75701**

For more information, including how to sponsor the event, please contact
Kerri McLen at 903-509-5000 or kmclen@wilsonlawfirm.com



Providing professional development, education and service programs for the legal profession.

Revised 10-24-07

**Published monthly by
the Smith County Bar Association**
903 526-2700 or email: cristy@smithcountybar.com
Web site: www.smithcountybar.com

Employment

The Tyler Area Association of Legal Professionals' Job Bank is a free service for members. If you have a position open in your firm, (e.g. receptionist, legal secretary, legal assistant or office manager), please contact:

Sharon Sherrill, CLA,
Ireland, Carroll & Kelley, P.C.
6101 S. Broadway, Suite 500
Tyler, TX 75703
(903) 561-1600 or sharon@icklaw.com

Membership is not required to post a job opening with TAALP.

Volunteer to work with University Students

The Smith County Bar Association is seeking volunteer attorneys to assist in a new program designed to provide guidance and/or direction to local college students who have a legal question. Attorneys who participate will be asked to have their name placed on a "call list" which will be provided by the University to the student who wishes to participate in the program.

Lawyers are NOT asked to represent the student, and will only be asked to spend a few minute with the student in an effort to provide guidance. The goal is to help the student quickly resolve issues where possible, before the issue becomes a legal problem. The student may need to be advised to seek legal representation. However, the volunteer is not being asked to provide pro bono legal representation.

If you are willing to participate, and allow your name to be included on the volunteer list, please contact Alicia Barkley at 903 597-5663 with you contact information. Thank you, in advance for participating in this very worthy program.

LAW FIRM MERCHANT ACCOUNT

>> *designed for client - attorney transactions*



- Properly Process Credit Cards
- Attract Clients & Win Business
- Safeguard & Separate Client Funds
- Reduce Collections & Improve Cash Flow
- Provide Payment Flexibility & Convenience

VISA



For more information please contact our preferred provider AMS at 866.376.0950 or visit our website at www.smithcountybar.com/creditcards.

"Merchance Merchant Solutions," a registered ISO/MSP in association with Bank of America, N. A.

2011 Smith County Courthouse closings

The Courthouse is closed for Veteran's Day on Friday, November 11.

Thanksgiving holidays will be November 24 and 25.

Christmas Holiday will be Friday, December 23 through Monday, December 26

The New Year Holiday will be observed on Monday, January 2, 2012.