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SUMMER  
2009

# Docket Call

BAYLOR UNIVERSITY SCHOOL OF LAW



A Matchless  
**Friendship**

“Donate Life | Done Vida”

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Docket Call is published by the Baylor University School of Law for its alumni, faculty, staff, students, supporters and friends.

The Baylor School of Law, established in 1849, was the first law school in Texas and one of the first west of the Mississippi River. Today, the school has more than 6,400 living alumni. It is accredited by the American Bar Association and is a member of the Association of American Law Schools.

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B A Y L O R U N I V E R S I T Y S C H O O L O F L A W M A G A Z I N E



*An unforgettable trip to the nation's capital, the swearing-in ceremony, and a celebration dinner at the historic 1789 Restaurant. Baylor Lawyers talk about the experience.*

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“The King will reply,  
‘Truly I tell you, whatever  
you did for one of the least  
of these brothers & sisters  
of mine, you did for me.’”

~ MATTHEW 25:40

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**Baylor Law School  
alumni, faculty, staff  
and students take  
Christ’s admonition to  
heart when it comes  
to service to others.**

Indeed, serving others is an ideal that I stress when I meet with new law students during orientation – that their clients will come to them with family problems, financial issues, even threats to loss of liberty, and it is their duty to help, to serve.

In this issue of *Docket Call*, readers will learn about service in its many forms, from the exceptional service of alumnus Keith Langston who donated a kidney to his friend and fellow alum Scott Skelton, to the service that goes on behind the curtain, such as Harper Estes’ diligence over the last year as president of the State Bar of Texas, to the introduction to service that Baylor Law is providing students.

Some of these stories will capture the imagination, such as alumnus David Moore’s *pro bono* work that was the subject of the film *American Violet*. Some, like the lifetime of service of Baylor Lawyer of the Year Joe Coleman, will inspire you. And some, like the story of a very unusual law “graduate,” will make you smile.

You also will be thrilled by the successes achieved by Baylor Law faculty, students and alumni during the past academic year. To name but a few, a Baylor mock trial team captured the National Trial Competition; another mock trial team took third in the nation at the AAJ tournament; students achieved the highest pass rate on the February 2009 Texas Bar Exam; and Baylor Law students and graduates are enjoying a record number of judicial clerkships.

You also might be a little surprised (and maybe a little confused, like I was) that Baylor Law is on the cutting edge of finding new ways to communicate our message, especially in the world of social media. In fact, our innovative use of our Twitter feed garnered Baylor Law some recent press. Our admissions office also is using these new communication channels to find the best and brightest recruits for Baylor Law.

You can keep up with the latest news, photos and commentary on the Baylor Law Facebook page or by following Baylor Law on Twitter. You also will continue to receive our e-newsletter, the *Rocket Docket*, which provides alumni and friends with current news from the school. And by winter, look for a very different, vibrant and news-filled website that will engage you.

Enjoy this issue of *Docket Call*. Become inspired by the stories of successes and of service. Be proud to call yourself a Baylor Lawyer.





# A Venerable Profession

**B**efore I decided to attend law school, I recall walking through the Student Union Building on the Baylor campus and seeing a jumble of posters misarranged on a bulletin board targeting postgraduate schools and programs. In my glancing look as I walked by, a phrase caught my eye. It said, "The Law is a Venerable Profession". That impressed me. "Venerable" is defined as respected or worthy of respect. As time passed, this single phrase stuck with me. I kept asking myself, why is the legal profession worthy of respect – what makes it venerable? Intrigued, I began to wonder if this profession held something for me to consider as a career.

As an undergraduate at Baylor I had never before been inside the Law School, but one day not long before I graduated, I walked into the old law school building on 5th Street and climbed the stairs to the second floor. I entered Dean Angus McSwain's office and asked the secretary if the Dean had any time that afternoon. A few minutes later I was seated in front of the Dean, talking with him about Baylor Law School and the legal profession. I asked the Dean if he thought the Law was a venerable profession and if so, why? I can't quote his exact answer, but I'll never forget the message he conveyed. It went something like this: In every town and city you'll find that lawyers are the ones who solve peoples' problems; lawyers help them out when they are in trouble and they don't know what to do. When somebody gets hurt or is mistreated, they call their lawyer. When somebody has only a short time to live and wants to be sure their wishes are followed after they're gone, they call their lawyer. When someone's son or daughter is in jail and the parents can't get a straight answer from the authorities as to what's gone on, they call their lawyer. As a consequence, lawyers often see life's darker side. That is to say, lawyers exist to solve problems through our civil and criminal justice system that supplies the rules, procedures and safeguards which keep society civilized.

No one could have given me a better explanation of what I later found to be accurate and true about our profession. That's why today I can't imagine not being a lawyer. Does every problem get solved? No. Do cases sometimes fall apart unexpectedly? Of course. Do some clients blame you when their mistakes can't be easily and cheaply corrected? Absolutely. However, nowhere else can you feel the tangible fulfillment of helping others succeed where they alone would have surely failed. Nowhere else can you see lives salvaged and enhanced because you gave good advice and sound counsel. Nowhere else can you be the difference



"LAWYERS EXIST TO SOLVE PROBLEMS THROUGH OUR CIVIL AND CRIMINAL JUSTICE SYSTEM THAT SUPPLIES THE RULES, PROCEDURES AND SAFEGUARDS WHICH KEEP SOCIETY CIVILIZED."

between normalcy and catastrophe in the lives of ordinary people. Clearly, this is why there are more lawyers serving in public office than any other profession. This is why every community organization wants the local lawyer to join their group. It is the realization of this fact alone which makes the Law the ultimate service profession.

We come from a tradition of making things function within a framework of rules which impart fundamental fairness to an unfair world. As such, we occasionally get to help bring order and certainty into an often chaotic society. We lawyers are (and always have been) the very spokes and cogs within the mechanism of democracy. Our law school's new graduates will come to learn these things firsthand as they take their places in the various roles and positions that await them within their respective communities. They will come to understand and appreciate why we are all part of a truly venerable profession.

*Rodney Gilstrap is a partner in the Smith & Gilstrap Law Firm in Marshall, Texas. He received his J.D. from Baylor Law School in 1981.*



Baylor Law's National Trial Competition team. Back row: Tim Goines, co-coach Robert Little, Joel Bailey. Front row: Crystal Y'Barbo, Kendall Cockrell, Eric Policastro

# Baylor Teams Excel in Interscholastic Competitions

Sean Hicks and Robert Lopez, winners of the ABA Regional Client Counseling Competition



**A** national championship, a national semifinalist, a sweet 16 appearance. No, we're not talking Baylor tennis, women's basketball or baseball here. Instead, Baylor Law teams have been burning up the court, excuse me, courtroom in interscholastic competition.

During the 2008-2009 academic year, a number of Baylor advocacy teams enjoyed success at various tournaments, including four teams that qualified for prestigious national competitions.

The year had barely gotten started when the team of Stephen Pocsik and Melanie Fry won first place at the 2008 Mack Kidd Moot Court Competition in the first weekend in October. This marked the third straight year that a Baylor team has won the competition and the sixth time in 11 years. Additionally, Pocsik was named Best Speaker. Baylor Law School was well represented by two additional teams of Lauren Braddy and Cassie Hoyer and Patrick Scott and Amy Foster.

Later that same month, a mock trial team captured first place at the ninth annual National Trial Advocacy Competition in East Lansing, Mich. Baylor Law students Joel Bailey, Alex Bell, Kendall Cockrell and Tom Jacob were named champions after defeating a team from Georgia State in the finals.

The invitation-only 2008 NTAC featured 26 teams from law schools across the United States, including five from law schools ranked in the top 50 nationally by *U.S. News & World Report* and an additional nine schools ranked in the top 100. In addition, five Texas law schools sent teams to this tournament,





*National Moot Court Tournament regional winners Ed Cloutman, Brian Garrett and John Hardage*

including the University of Houston, South Texas College of Law, St. Mary's and Southern Methodist University.

In another invitation-only competition, the Tournament of Champions, Baylor law student Eric Policastro won the Best Advocate Award in the preliminary rounds.

In November, a moot court team won the regional tournament of the 59th annual National Moot Court Competition and advanced to the national finals, which took place in early February in New York City. The Baylor team of Ed Cloutman, Brian Garrett and John Hardage competed against a team from South Texas School of Law in the regional final, which was held at Baylor Law School on Nov. 21.

The National Moot Court Tournament is sponsored by the New York City Bar Association and the American College of Trial Lawyers. Every year, more than 150 law school teams compete in the regional rounds throughout the United States. Twenty-eight teams advanced to the final rounds; the Baylor team made the break but lost in the round of 16.

The National Trial Competition, one of the "Big Three" in mock trial competition circles, held its regional tournament in New Orleans in February, and Baylor Law made quite an impression. The teams of Joel Bailey/Eric Policastro and Kendall Cockrell/Tim Goines finished first and second and advanced to the national finals. Once there, they won the whole shooting match (see story page 26). The NTC is sponsored by the American College of Trial Lawyers.

In Client Counseling, the team of Sean Hicks and Robert Lopez won the ABA Regional Client Counseling Competition, which automatically qualified them for the

*Below, Eric Policastro, pictured with Dean Brad Toben, won the Best Advocate Award in the Preliminary rounds at the Tournament of Champions*



The mock trial team of Tom Jacob, James Hatchitt, Blaire Knox and Ed Cloutman tied for third place in the nation at the prestigious Student Trial Advocacy Competition



National Competition that was held in North Carolina in March. The team was coached by Waco attorney and adjunct professor Vik Deivayanayagam. The regional tournament was held at Baylor Feb. 13-14.

In winning the tournament, Lopez and Hicks beat out the teams from SMU and Texas Tech in the final round. A second Baylor team of Anastasia Villescas and Sara LaCour made the break of the top six teams, but lost to SMU in the semi-final round.

Finally, a Baylor Law mock trial team tied for third place in the nation at the prestigious Student Trial Advocacy Competition, sponsored by the American Association for Justice.

The contest, held April 2-5 in West Palm Beach, Fla., featured the 16 regional winners from law schools across the nation. This competition followed on the heels of the nation's other major competition sponsored by the American College of Trial Lawyers, in which Baylor's team won the national championship.

Baylor defeated teams from Stanford, Colorado, New Mexico and Suffolk, before losing in the semi-final round, 2-3, to the team from Samford University's Cumberland School of Law.

Baylor was represented by Ed Cloutman, Tom Jacob, Blaire Knox and James Hatchitt. Coaches were Jim Wren, associate professor of law, and Kathy Serr,

National Trial Advocacy Competition winners Alex Bell, Tom Jacob, Kendall Cockrell and Joel Bailey



adjunct professor of law.

The AAJ competition began with a staggering 248 squads from 147 law schools. The Baylor Mock Trial Team won both first and second place at the regional tournament on March 1. The two Baylor teams won their semi-final trials against the University of Texas and SMU, to close out the competition.

**According to Wren, Baylor has traditionally worked at a disadvantage compared to other law schools with regard to competitions.**

"Unlike Baylor, most other law schools concentrate their resources in the development of a

handful of student competitors, who are sent to numerous mock trial competitions for a year or more before moving to an AAJ or NTC team. And many law schools field their single best team and send it to both (AAJ and NTC) competitions," he said. "Baylor of course has always been committed to putting every one of our students through Practice Court, not just a select few."

Only Jacob, who anchored the Baylor AAJ team, was already a Practice Court graduate. His teammate Cloutman is in Practice Court currently. Of the Baylor teams that competed in the AAJ regional competition, six of the eight were either pre-PC or in their first four weeks of PC.

Patrick Scott, Amy Foster, Steve Pocsik, Melanie Fry, Cassie Hoyer, and Lauren Braddy represented Baylor Law at the 2008 Mack Kidd Moot Court Competition. Fry and Pocsik won the competition.







# Baylor Honors Fred & Princess Cameron with 2009 Founders Medal



**B**aylor Law alumnus Fred Cameron and his wife, Princess, of Houston recently received one of the most distinguished awards given by Baylor University – the Founders Medal. Established in 1969, the

Founders Medal is reserved for men and women whose service and contributions have been unusually significant to the life and future of the university.

“Fred and Princess Cameron express their heart for Baylor University in countless ways,” said Dr. David E. Garland, Baylor’s interim president and dean of George W. Truett Theological Seminary. “So many Baylor students have been touched over the years

by the Camerons’ enthusiastic involvement. Fred and Princess are treasured members of the Baylor family, and we are honored to name them Founders of Baylor University.”

Ever since the Camerons met at Baylor’s Dr Pepper Hour more than 50 years ago, they have continued their contagious spirit of service and devotion to one another and to Baylor.

Fred (BBA ‘60, JD ‘62) and Princess (BA ‘60) have served as leaders in organizations, such as the Baylor Law Alumni Association, Baylor University Women’s Association of Houston and the Houston Baylor Club. Fred is a past chairman of the Baylor Board of Regents and received the W.R. White Meritorious Service Award in 2002 for his outstanding service and loyalty to the university.

In addition, the Camerons support students through endowed scholarship funds in the areas of law, music and athletics and through generous participation in campaigns for some of Baylor’s premier facilities,

such as the Baugh-Reynolds campus of Truett Seminary and the McLane Student Life Center. They are members of the James Huckins Society within the Baylor University Medallion Fellowship, Old Main Society and Baylor Bear Foundation.

Will May, dean of Baylor’s School of Music, lauded the Camerons for the time and resources they have dedicated to the advancement of the School of Music and the university.

“Fred and Princess reflect the attitudes and aspirations for Baylor that our original founders held,” May said.

Fred recently retired from his position as Senior Partner of Fulbright & Jaworski L.L.P., and Princess continues to minister through her role as an English as a Second Language teacher with Tallowood Baptist Church’s literacy program. Dedicated members of Tallowood, Fred has been an active soloist and choir member for many years, and Princess serves on the prayer ministry team and as an adult Bible study teacher.

# Law Graduate Named Baylor Distinguished Alumnus



**T**he Baylor Alumni Association bestowed the Distinguished Alumni Award upon John Lee Hancock, a Baylor Law School alumnus, during a black-tie banquet on Friday, Jan. 16, at the Cashion Academic Center on the Baylor campus. Three other Baylor University graduates – Paul L. Foster of El Paso, Dr. Jerry Marcontell of Rye, Texas, and Alma Rohm of Waco – also received the prestigious award.

Hancock graduated from Baylor in 1979 and from Baylor Law in 1982. After working briefly as an attorney in Houston, he moved to Los Angeles, where he is now a director and screenwriter in the movie industry. He has worked with Clint Eastwood, Dennis Quaid, Billy Bob Thornton and Ron Howard, and he has written the screenplays for and directed a number of films, including *The Alamo*, *Midnight in the Garden of Good and Evil*, *A Perfect World* and *Hard Time Romance*. He also directed *The Rookie*, wrote and directed the TV series *Falcone* and produced the movie, *My Dog Skip*.

A fellow at the Sundance Institute Screenwriting Lab, Hancock has received the ESPY and Family Film Awards, the People’s Choice Award and the Christopher Award.

Cary Gray, president and CEO of the Houston firm of Looper, Reed & McGraw PC and also a Baylor Law School alumnus, introduced Hancock at the banquet.

Presented annually since 1965, the Baylor Distinguished Alumni Award has honored governors and scientists, artists and denominational leaders, educators and entrepreneurs. Past recipients of the award include Baylor Law alumni Price Daniel and Mark White, both former Texas governors; Leon Jaworski, who served as special prosecutor during Watergate; longtime Texas Congressman W.R. Poage; Former F.B.I. Director William Sessions; former Texas Lt. Governor Bob Bullock; and Judge Priscilla Owen of the U.S. Court of Appeals for the Fifth Circuit, among others.

# Once Again, Baylor Law Professor's Amicus Brief Convinces Court



**R**on Beal, professor of law, for the second time convinced a Texas appellate court to modify its final opinion in an appeal. The Austin Third Court of Appeals issued an opinion in the appeal of *Texas Board of Chiropractic Examiners v. Texas Medical Assoc.*, 2008 Tex. App. Lexis 6221, Westlaw 3539980 (Tex. App.-Austin 2008).

The Attorney General's office on behalf of the Board moved for an *en banc* hearing of the Court to reconsider its opinion on the basis that the issues asserted were not ripe for determination by the court and thus, the court lacked subject matter jurisdiction.

Earlier this year, *Texas Lawyer* noted (March 3, 2008, Vol. 23, No. 52, page 1) that Beal was credited with the Texas Supreme Court's modification of its final opinion in the appeal of *El Paso Hospital District v. Texas Health and Human Services* by the filing of an *amicus* brief when the parties had moved for a motion for rehearing.

"Ron Beal once again has shown his scholarly and persuasive prowess in turning the direction of a high-profile case," said Baylor Law Dean Brad Toben. "Professor Beal has a zeal for administrative law and the experience and expertise to indeed be a sort of 'E.F. Hutton voice' in his discipline. Ron is a splendid teacher and scholar and, as always, he has made the Baylor Law community proud."

In the most recent case, Beal submitted an *amicus* brief asserting the court lacked jurisdiction, for as set forth in the opinion, the Court held that the Texas Medical Association could challenge by way of a declaratory judgment action the refusal of the Board to adopt a rule. Beal asserted that controlling statutory authority did not allow a party to challenge an agency's refusal to adopt a rule and the proper procedural vehicle to make such a challenge, if at all, was by way of the Texas Administrative Procedure Act Section 2001.038 and not the Uniform Declaratory Judgment Act. Further, since the Court lacked subject matter jurisdiction to hear the appeal, the Court was violating separation of powers by attempting to review a discretionary power vested in a coordinate branch of the Texas Government. Therefore, not only were the issues

## Baylor Law Professor, Former Students Win Important U.S. Supreme Court Victory

**B**aylor Law School professor Mark Osler and two of his former students won an important victory in the United States Supreme

Court on Jan. 21. In the case of *Steven Spears v. United States*, the Court clarified an earlier opinion and reversed the Eighth Circuit Court of Appeals on an important federal sentencing issue.

At issue in the case was a sentencing judge's decision not to follow the federal sentencing guidelines which required that those convicted of selling crack cocaine receive far harsher

sentences than those who sell powder cocaine. The Eighth Circuit had struck down the sentence, saying that the crack guidelines could not be rejected "categorically."

The Supreme Court, accepting the argument advanced by the Baylor team, held that federal judges do have the ability to categorically reject those guidelines, if they disagree with them for policy reasons. Five of

the nine Justices joined in the opinion. In a dissent, Chief Justice Roberts noted that the summary reversal of the Eighth Circuit was "bitter medicine."

Serving as counsel for Spears, Osler worked with former Baylor law student Dustin Benham, now an attorney with the Brown Law Firm in Dallas. Benham wrote substantial parts of the winning brief, with crucial assistance provided by former





not ripe for determination, the Court had no authority to act.

The Third Court denied the motion for rehearing *en banc* but substituted a new final opinion, *Texas Board of Chiropractic Examiners v. Texas Medical Assoc.*, 2008 Tex. App. Lexis 8871, Westlaw 4997525 (Tex. App.-Austin 2008). The Court first held, noting Beal's *amicus* brief (at footnote 7), that the Texas Medical Association had improperly utilized the Uniform Declaratory Judgment Act to bring this challenge, but that the Association should be able to file an amended complaint on remand when the jurisdictional defect was not incurable.

Second, the Court removed all language from the opinion that the Association's challenge was to the refusal to adopt a rule. Based on further briefing of the parties, the Court concluded that, in fact, one of the rules adopted by the agency arguably included the issue asserted by the Association. Therefore, the action was not to challenge the refusal to adopt a rule, but simply that the rule adopted was outside the scope of its statutory authority which has long been held to be a proper challenge

under Section 2001.038 of the Texas Administrative Procedure Act.

As Beal noted, "The modifications to the final opinion were very significant. Rule challenges simply cannot be asserted under the Uniform Declaratory Judgment Act, and the first opinion allowing the cause of action to proceed was simply wrong and wholly inconsistent with existing precedent. Most importantly, however, it would have caused chaos in administrative law to allow anyone to challenge the refusal to adopt a rule in a court of law. If that was a viable cause of action, we would have the courts usurping the power of the agency to decide what rules should be adopted to regulate a particular industry or profession. It would be a significant modification of separation of powers to allow the courts not only to determine if the law is valid, but to be able to exercise the power to determine what the law should be in the first instance. It is very gratifying to see the Third Court saw the errors of its original holding."

Considered an expert in Texas administrative law, Beal has authored numerous law review articles that have been cited as authoritative by the Texas

"RON BEAL ONCE AGAIN HAS SHOWN HIS SCHOLARLY AND PERSUASIVE PROWESS IN TURNING THE DIRECTION OF A HIGH-PROFILE CASE."

— DEAN BRAD TOBEN

judiciary, taught training courses for administrative law judges and lectured in advanced courses for practicing lawyers. In 1991, he was honored by the State Bar of Texas Administrative and Public Law Council for writing the Outstanding Administrative Law Review Article, and in 1994, Baylor University conferred upon him the award of Outstanding Research Professor. In 1997, he completed a treatise, *Texas Administrative Practice and Procedure*, that is considered the "bible" of Texas administrative law.

Beal earned his law degree from William Mitchell College of Law in 1979 after receiving a bachelor's degree in 1975 from St. Olaf College. After graduation, he was a civil trial lawyer for three years in St. Paul, Minn., at Murnane, Conlin, White, Brandt and Hoffman. Beal then earned an LL.M. at Temple University School of Law in Philadelphia. In 1983, he joined the faculty at Baylor Law School.



"I was especially glad that two of our (former) students were able to play such a significant role in changing the law in an important way."

— Mark Osler

Baylor law student Matthew Acosta, who is now working as a judicial clerk. They began working on the case three years ago, and this is their second win in the Supreme Court for Spears.

The Supreme Court opinion noted that several recent cases have "given the lower courts a good deal to digest over a relatively short period," but concluded that nonetheless "we should therefore promptly remove from

the menu the Eighth Circuit's offering, a smuggled-in dish that is indigestible."

Osler noted that their work on this case was consistent with "what we do" at Baylor Law.

"I was especially glad that two of our (former) students were able to play such a significant role in changing the law in an important way," he said.

Leading sentencing expert Douglas Berman of Ohio State

took note of the decision:

"By taking the important and somewhat surprising step of summarily reversing the Eighth Circuit's decision in Spears, the Supreme Court has sought to reiterate for all the circuit courts that it should not - indeed, must not - second guess the work of sentencing courts if and when a district judge has provided a thoughtful explanation for its sentencing decisions."

Referring to three prior sentencing decisions by the Supreme Court, Henry Bemporad, the Federal Defender for the Western District of Texas, concurred with Berman.

"Spears is an important decision reaffirming the lessons of Booker, Gall and Kimbrough. It's a must-read for anyone working under our advisory guideline system," he said.

# BAYLOR LAW SCHOOL AWARDS

## Jaworski Scholarship

**B**aylor Law School has awarded its prestigious Leon Jaworski Scholarship to Elena Cincione of Chicago. The full-tuition scholarship, named for the Baylor Law alumnus who served as Special Prosecutor during the Watergate crisis, is awarded to incoming law students who have outstanding records in advocacy programs, such as debate, mock trial and moot court.

Cincione, who is in her second quarter of law school, received her bachelor of arts degree with a major in history from the University of Michigan in April 2008 and began classes at Baylor two weeks later. While at Michigan, she was a member of its mock trial team for three years.

"Being on the mock trial team was one of my best experiences from my years at Michigan," Cincione said. "Our mock trial organization was totally student run, which made us close and hard working. We worked with the team about nine to 12 hours per week and went to about six tournaments a year. Because we were a small group, all of us became experienced in different aspects of mock trial. I have played all parts, from expert witness to attorney."

During summer break, Cincione worked with a high school leadership conference that met in Washington, D.C., and the University of California at Berkeley.

Cincione said she always has been interested in litigation, even though her parents are both dentists and an older sister just finished dental school. She learned about Baylor Law from some co-workers who received undergraduate degrees from Baylor. She has not been disappointed in her experience in law school, although the adjustment to Texas has been interesting.

"I like the snow, so I'm sure winter in Texas will be very different for me," she said. "But I love traveling the U.S. and learning about different parts of the country, so I am looking forward to my time here."

She also has found beginning her law school career during the summer to be a good choice.

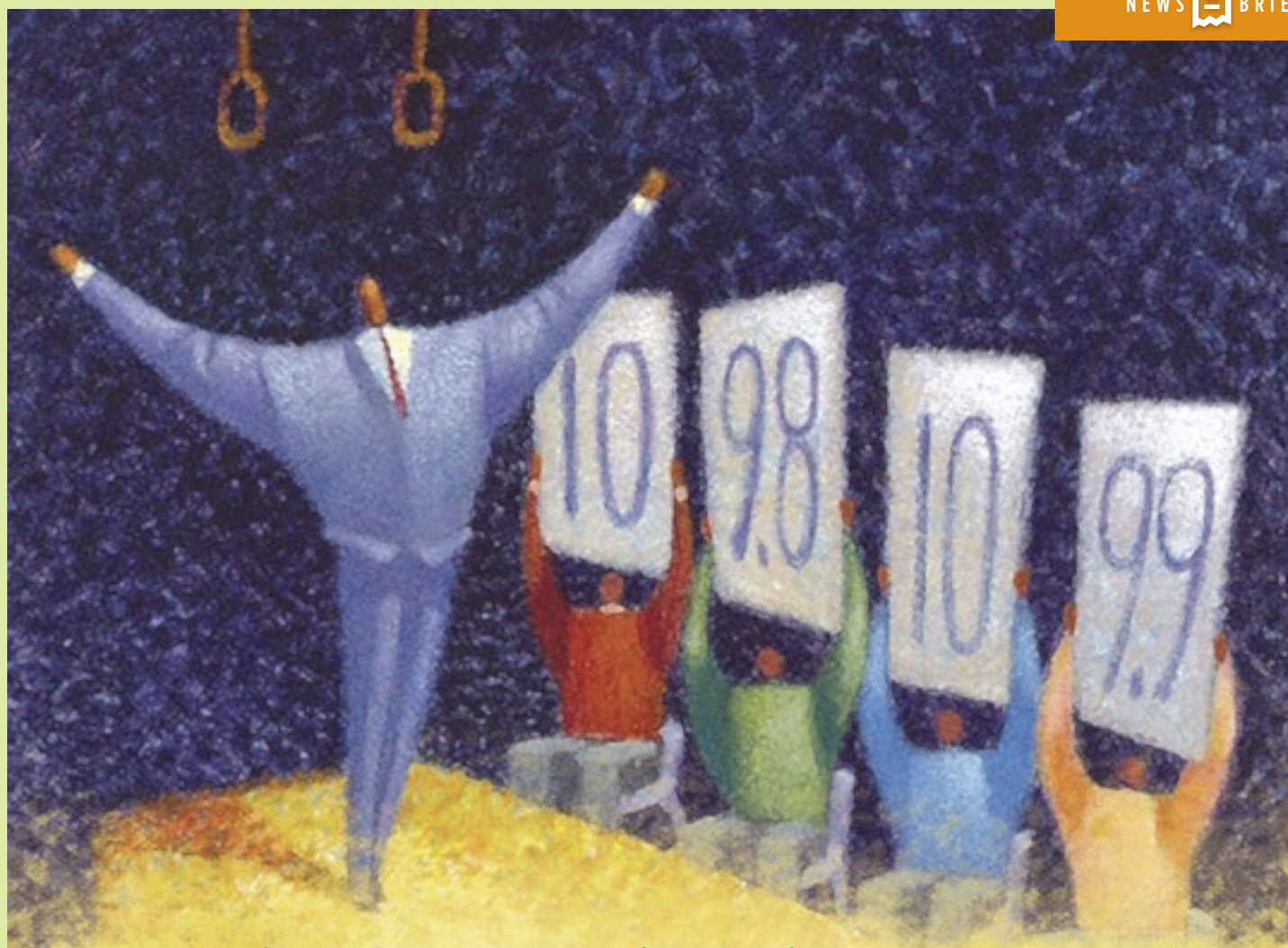
"We are a small class, and are interacting well with each other. This is a very strong community, and I have gotten to know so many of the students who are not in my quarter. There is a lot of work, but I haven't felt any negative competition. We have definitely bonded," she said.

Next on Cincione's agenda is to try out for one of Baylor's advocacy teams. "I love public speaking and I have lots of experience as a witness, so I am hopeful of making a team," she said.

"Colonel Jaworski was so proud of his Baylor roots, and I know he would be very proud of our Baylor Law School today," said Baylor Law Dean Brad Toben. "The consistent successes that we have experienced in interscholastic competition have been made possible, in very significant measure, by the support of our outstanding student advocates by the Leon Jaworski Foundation through the Jaworski Scholars program. The Foundation's magnificent gifts indeed make a difference each year in our program and for these very talented students."







## Baylor Law School Claims Highest Bar Pass Rate on Texas Exam

**F**or the 12th time since 2001, Baylor law students claimed the top pass rate on the Texas State Bar Exam with 97.06 percent success rate, the highest pass rate for students from the nine Texas law schools. Of the 34 Baylor students who took the three-day exam in February, 33 passed on their first try.

The overall state pass rate was 77.26 percent, with 547 successful candidates out of 708 who took the exam for the first time. The University of Houston was second behind Baylor with a 89.19 percent pass rate, while Texas Tech was third with a 88.57 percent pass rate.

"This is yet again proof that our longstanding approach of integrating the teaching of legal theory with

practical skills training is a model for legal education that works," said Baylor Law Dean Brad Toben. "Thanks go to each person on our team, within and outside our school, who by their hard work, support and encouragement make the ever-continuing successes in our program possible."

Baylor Law School has an unsurpassed record of success on the State Bar

Exam, which is given twice a year and qualifies a candidate to practice law in Texas. Baylor Law School had a 95.83 percent success rate on the Feb. 2008 exam; a 97.85 percent success rate on the July 2007 exam; a 100 percent pass rate on the February 2007 exam; and also the highest pass rate for the exams given in 2006.

# A MATCHLESS FRIENDSHIP

**B**aylor Law School graduates Keith Langston ('01) and Scott Skelton ('92) have been matched

up countless times on opposite sides of the courtroom. One match, though, had nothing to do with the law, but it had everything to do with life, and it turned those frequent adversaries into united advocates for a common cause.

Langston is a plaintiffs' lawyer with Nix, Patterson & Roach in Daingerfield; Skelton works defense and is a partner in the Zeleskey Law Firm in Lufkin. The two have known each other about eight years, working on opposing sides of the docket in asbestos cases. But instead of an acrimonious relationship, the duo became friends.

"Keith is about five years younger than I am, but we have gotten along since day one," Skelton said. "I think a lot of that has to do with the way we were trained

at Baylor Law School. We were taught that you can show respect to colleagues; you don't have to start a war with opposing counsel to be a zealous advocate."

But even though they go up against each other in cases (Langston estimates he has around 4,000 cases against Skelton's client), they discovered they shared some commonalities – their experiences during law school, their roles as dads in the competitive world of children's soccer, and their fondness for hunting. But Skelton never imagined that he would have to turn to Langston for a life-saving operation.

In 2006, Skelton learned he had IgA nephropathy, a disease that can cause loss of kidney function. The cause of the disease is unknown; it seems to strike at random. Skelton

wasn't too worried when he learned that 80 percent of people diagnosed with the disease go on to live long lives. Unfortunately, he was in the minority.

"In November 2008, my kidney function was at 8 percent; the doctor told me I either needed to start dialysis or get a transplant," he said.

Langston knew his friend had a kidney problem but he didn't know how serious the condition was. Luckily, a co-worker of his from the Nix firm was attending a CLE event in Houston and ran into Skelton, who mentioned his need for a transplant.

"My co-worker told me, and I immediately called Scott to ask what I could do to help," Langston said. "I was a believer in organ donation but





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– KEITH LANGSTON





I had never considered live donation until then. I asked Scott if there was a way I could be tested to see if I could be a match; he faxed me the paperwork, which I filled out and sent back."

Langston said the first round of testing for him was easy, consisting of a series of blood tests performed in his doctor's office. Skelton's brother also was undergoing testing, and he looked to be the better candidate for the transplant.

"My brother went through the whole process, but was eliminated because his blood pressure was a little elevated," Skelton said.

Amazingly enough, Langston was an excellent match to Skelton – not quite as good as his brother but close enough to make little difference in the long run.

"After he found out that his brother was disqualified, Scott called me to say, 'Get out of the on-deck circle. You're up,'" Langston said, laughing.

After that, testing got more intensive. Langston spent two days at Baylor Medical Center in Dallas having his kidney function tested. He had an MRI, EKG, chest x-ray and a kidney function test performed and even underwent psychological testing. He was given a clean bill of health to go forward with the kidney donation.

"Time was pretty much of the essence because of Scott's condition, so once I was cleared everything went quickly," Langston said.

The transplant was performed in February and was a resounding success. Langston said he could see an improvement in his friend a mere 24 hours after the surgery. Scott concurs, saying his joints, skin and even his hair felt better.

**L**angston left the hospital less than 48 hours after the surgery; he was back at work after missing only four days and played a round of golf 14 days out. Skelton

took a bit longer but was telecommuting from an apartment in Dallas a couple of weeks after the transplant.

"My recovery was pretty easy because I was in very, very good health except for my kidneys," Skelton said.

At eight weeks out, it was difficult to see who was the organ donor and who was the recipient.

"We had a kidney function test performed at that appointment, and he actually outscored me," Langston said.

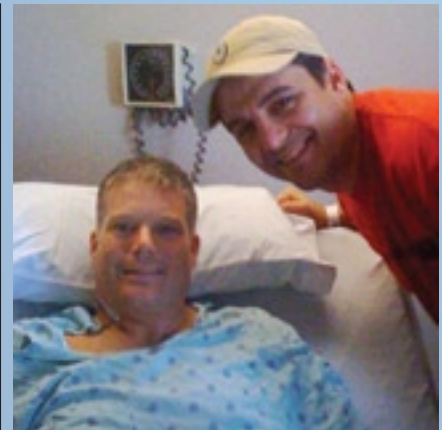
Skelton will have to be on anti-rejection medication the rest of his life, but he is basically cured. He has resumed his active life, but he did sell his two motorcycles, not because of limitations but more from worry that he might hurt the unbelievable gift from his friend.

The surgery did forge a bond of steel between the Baylor Law alums. Their families got together over Easter weekend, and when Keith and his wife, Kate, attended a family funeral in Lufkin, they dropped their children off with the Skelton family.

"I'm even trying to convert Scott to the plaintiff's side," Langston said. "We have looked at three different plaintiff cases that we could work on together, but none has panned out."

Instead, they are advocating for organ donation. Langston ordered 100 green rubber bracelets that say "Donate Life" from the National Kidney Foundation and divided them with his friend.

"I have been handing out the rest to various other people that I meet," he said. "I wear one and when someone asks about it I just give it to them and then go get a new one out of the box. The bracelets say Donate Life in both English and Spanish (*Done Vida*). Everyone seems to wear some kind of little rubber bracelet these days thanks to



Lance Armstrong, so I figured why not one about organ donation."

His message to others is to consider kidney donation.

"Most people think donating a kidney would be a horrible experience, but they are misinformed," Langston said. "I had a couple of days of discomfort, but Scott now has a normal life."

For Skelton, the lesson taken away from the experience was perhaps more profound. He wrote in his blog:

"I learned that the greatest gift that you can give is to put others first. It is really what we were made for. It is what we are called to do. It is ultimately what gives us the greatest joy and the most satisfaction. It is what makes the earth a better place and what makes us most like our Savior. But, we must open our eyes and our hearts in order to see where we are needed and how to respond. We must get over our fears and hang ups. And most of all, we must get over ourselves and let God lead us where he would have us."

# Harper Estes Reflects on His Year as State Bar President



**B**aylor Law School alumnus Harper Estes is completing his year as President of the State Bar of Texas. He has followed in the footsteps of a number of Baylor Law alumni who have held the post of president of the state bar. Baylor Law predecessors in this position of leadership include A.J. Folley, Leon Jaworski, Gib Gayle, Jim Bowmer, Cullen Smith, Wayne Fisher and Frank Newton. Estes will be followed in the presidency by another Baylor lawyer – Roland Johnson, managing shareholder of Harris, Finley & Bogle P.C. in Fort Worth. But before Estes turns over the reins of leadership, he has taken time to answer some questions about his year as head of the second-largest bar organization in the nation.

## “Q&A”

### How has the year been?

It has been fun, interesting, and rewarding. Dee and I have enjoyed every minute of the experience. You get to meet so many wonderful people, get a chance to see your old friends and make a lot of new friends.

### What have been the challenges?

I expected the legislative session to be the biggest challenge. But, as often occurs, the biggest challenge was unexpected. The economic downturn, coupled with low interest rates, has created an increased need for legal services to the poor at the same time as interest earned on IOLTA accounts, which provides additional funding for such services, has decreased precipitously. We





“THE TEACHERS I HAD AT BAYLOR LOVED WHAT THEY WERE DOING AND THE PEOPLE THEY WERE DOING IT WITH. THAT ALWAYS STUCK WITH ME AND I HAVE TRIED TO APPROACH EVERY COMMITMENT I MAKE IN THE SAME MANNER.”

– HARPER ESTES

have worked hard to increase funding for groups that provide such services; however, it is clear that Texas lawyers will have to make up the difference through increased *pro bono* participation. I have called on every Texas lawyer to increase their commitment to provide *pro bono* services. We have that obligation to the system in which we serve. The good news is that Texas lawyers are for the most part service oriented and I often find myself “preaching to the choir.”

### What do you see as successes?

This has been a good year for increasing lawyer participation within their own communities to educate the public about the importance of the Rule of Law in a free society and to give back to their communities through service, including providing *pro bono* legal services. We also launched an inaugural leadership training to raise up future bar leaders more representative of the population. This initiative, Leadership SBOT, has been a tremendous success and I am excited about its future.

### Why are you so active in the Bar?

One of the things I have always liked best about being a lawyer is other lawyers. I love this profession and bar work seemed a logical place for me to give something back. We are blessed to be able to make our living in service to others and to a system that promotes individual liberty and freedom.

### When did you first become involved?

I guess you could say I started bar work at Baylor Law School. I was President of my first-year class and Vice-President of my third-year class. I enjoyed the work of the Student Bar Association. It was natural, I suppose, to continue with Texas Young Lawyers Association and eventually as a director of the State Bar of Texas.

### Why do you think it is important for new attorneys to become active in the Bar?

I believe in strength through community. Lawyers are at their best when working together to make the world better. I think this is borne out in the history of our country and the history of this State. Besides, half the fun of practicing law is the relationships we develop in that practice.

### How has your BU law education helped you in this position?

The teachers I had at Baylor loved what they were doing and the people they were doing it with. That always stuck with me and I have tried to approach every commitment I make in the same manner. Servant leadership and service were, and appear to be now, as essential to the curriculum as contracts or property. It doesn't hurt that Roland Johnson, who was one class ahead of me in school, is the President-Elect and has many times provided wise counsel.

### The economy is taking its toll on the legal profession. More firms are laying off staff, not hiring, not using summer clerks. What would you say to law students/new attorneys who are worried about the profession and their ability to find jobs?

These are difficult times for many and the State Bar is looking at strategies to help in any way that we can. I would say, however, that our profession affords more options and opportunities than many. Although our careers may not be what we anticipated in the near term, things will turn around and lawyers will be an important part of that process. I would simply encourage everyone to stay true to the values that made this profession great and to focus on helping others during these challenging days.

### What does the future hold for you?

I will be in Midland, Texas, doing what I love to do – practicing law – with people I enjoy doing that with – my colleagues at Lynch, Chappell & Alsup. I will continue to be active in bar work and in the community.



Members of the Public Interest Society helped out with National Adoption Day.  
 Front row: Rachel Romano, Bonny Beiter, Amy Lee, Patricia Dixon, Camille Varner.  
 Back row: Brian Worchesik, Josh Borderud, Barton Hejny.

FEATURE FOCUS  SERVICE TO OTHERS

# Working Hard but Serving Harder

By Franci Rogers

**W**hen Camille Varner started her internship at Lone Star Legal Aid in Nacogdoches, Texas, last summer, she wasn't sure what to expect. The second-year law student from Memphis, Tenn., spent two months working with legal aid attorneys and paralegals, serving low-income clients. When she began, Varner had visions of rundown offices with "bleeding-heart" attorneys letting their emotions rule their cases. What she found was very different: smart, effective attorneys unraveling complex legal issues for their clients, and doing it with compassion.

Varner jumped right in. In addition to meeting with and assisting specific clients with family law issues, Varner was able to help the legal aid attorneys work on broad, far-reaching cases. In her first week, she was asked to research and write a Supreme Court appellate brief involving a Texas statute that was unjustly depriving citizens of money needed for living expenses.

"The great thing about this type of work is that it has such an enormous impact on the clients' lives," Varner wrote in her blog. "If we win the case, thousands of poor people statewide will no longer be

subjected to an unfair and debilitating policy. I don't care how much they're not paying me – that idea alone will make me give it everything I can."

Varner is among a growing number of law students who are learning about *pro bono* work while still in law school. She is the current president of the Baylor Public Interest Legal Society, an organization that began in August 2006 with two students who saw a need.

Joshua Borderud and Brandon Kinard created the program because they wanted students to be able to live out the portion of Baylor Law's mission statement that stresses "a commitment to public service and leadership within one's community and profession, a commitment to ensuring meaningful public access to our system of justice."

Borderud, now a third-year law student with hopes of working in the government sector, wanted a way for students to not only learn about the field of public interest law but also to serve their community.

"We hoped this would be an opportunity for people who are going into careers in public interest to get an understanding of what it's all about, but our dominant focus was that this would be a way for Baylor Law students to have a chance to do community service," Borderud said.

The society now has more than 50 members, approximately an eighth of the entire student body. They work on an individual basis, finding community service opportunities everywhere from Catholic



Charities immigration services to the Salvation Army's soup kitchen. As a group, they sponsor larger events such as National Adoption Day and the People's Law School.

A student favorite was last November's Adoption Day, where more than 15 children were adopted by ten different families. A courtroom was set up at the school, and a judge finalized each of the adoptions with a great deal of celebration. All of the adoptions were of children, from infants to age 12, who had been in foster care, and all were facilitated free of charge by local attorneys who were paired with law students from the public interest society.

"It was remarkable to see. It was a great introduction to *pro bono* work for our students in so many ways," said Associate Professor of Law Bridget Fuselier, the society's adviser. "Much *pro bono* work is done in times of stress, like divorces or child custody, and it's needed and appreciated.

But this is such a happy occasion. When you finish, it really feels like you've made an impact."

The positive impact goes beyond helping the community, Fuselier said. She, too, gets a boost from seeing her students at work.

**"It's important to start as students, balancing hours with giving back. As attorneys, their workload doesn't lighten. We want them to understand that they can manage their careers and do *pro bono* work. It's about balance."**

"I am so impressed with the quality of service and the drive of these students," she said. "We run them ragged, and yet they still want to take on more and help others. It's wonderful."

But taking on more *pro bono* work often means bringing in less money, and the school is working on ways to ease the burden for those willing to be of service to others.

This year, the school has set aside \$20,000 (up to \$400 per week) for students who forego traditional, paid legal internships and choose to work for a public interest organization.

"It's a great way for them to get legal experience, but also commit their time and see what those organizations really do," said Assistant Dean of Professional

Development and Student Relations Heather Creed. "But without some sort of financial incentive, it would be impossible for many students to do this."

Another incentive for students is the Bear P.A.W.S. (People at Work and Service) program, which rewards students for the number of hours of community service they complete during their schooling. Service hours can be at any number of agencies, but at least 75 percent of the hours must be law-related.

Bronze, silver, gold and platinum levels can be achieved, with the top two (in number of hours completed) being awarded the Bill Kimble Service Award each year.

"It's important to start as students, balancing hours with giving back," said Creed. "As attorneys, their workload doesn't lighten. We want them to understand that they can manage their careers and do *pro bono* work. It's about balance."

Victoria Honey, a second-year student from Arlington, Texas, is learning that balance as she volunteers with Lone Star Legal Aid in Waco. Clients seek help from legal aid for a variety of reasons, she said, but underlying all of them is poverty.

"They come to legal aid because they have no other way to afford legal advice," Honey said, "but sometimes their legal problems are only a small part of what's happening in their lives."

Students from the law school volunteer to call clients who have applied to receive legal services, and inquire about whether or not they qualify for food benefits such as food stamps or WIC. By asking a few questions, students help them determine if they do qualify and if they are currently receiving the maximum benefits they could be.

"I remember calling one woman who was having all kinds of hardships," said Honey. "When I called, she was on her way to fill out more job applications and she was feeling desperate. When I told her that I thought she could qualify for food benefits, she broke into tears. She was so grateful, and it made me feel good that I could help."

But for Honey, feeling good is not the ultimate reward.

"Doing this helps put everything in perspective," she said. "It's easy to focus just on law school, but life is bigger than that. I feel very privileged to be here at this school, and no matter what area of law I go into, I know I want to give back to my community. It's the right thing to do."



Camille Varner and Ryan Latham volunteered to work at the People's Law School.

# What it Means to Serve

BRIDGET M. FUSELIER,  
ASSOCIATE PROFESSOR OF LAW

**S**ervice. Service to clients. Service to the bar. Service to the community. We hear this word, these phrases often in the legal profession, but what does it all really mean?

If we turn to Webster's dictionary, service or "to serve" is defined in many ways but includes the definition "to meet the needs of." A servant is defined as "a person devoted to another or to a cause, creed, etc." The Texas Lawyer's Creed also contains references to service. The first section addressing the legal system provides that lawyers are responsible to assure that all persons have access to competent representation regardless of wealth or position in life. The next statement requires the lawyer to "commit myself to an adequate and effective *pro bono* program." Service is something that is important to the legal profession and the legal system, but sometimes in the business of the law practice service is the one thing on the "to do list" that gets cut.

When I started out as a brand new lawyer a few years ago, I remember being prepared to start my career yet feeling overwhelmed at the same time. The last thing I thought I would have is extra time. However, I was very fortunate to have had some great examples of professionals who took time to provide service.

As a student at Baylor Law School I recall Professor Bill Underwood giving his time to work on death penalty appeals. While he had a full schedule of teaching, coaching and family obligations, he still took the time to help people who most desperately needed his help.

When I began the practice of law in Beaumont, Texas, I was fortunate to be a part of a local bar association in which the members of the bar really took time to give to the community. I watched lawyers who had much more responsibility and time constraints than I take the time to selflessly give to others. The lawyer who I worked with during my first several years of practice always took time to work on cases with the local *pro bono* program. I also observed other members of my law firm take the time to volunteer at their local

feature  
focus



SERVICE  
TO OTHERS





## **“Like the lawyers who set an example for me, by making a commitment to pro bono work and community service I found my professional life was all the more rewarding.”**

churches, with the Boy Scouts, CASA and so many worthwhile causes. It became clear early on that while making this commitment took time, it was vital to the community to make the commitment, and it was really part of being a lawyer, a public servant.

*Pro bono* legal work and community service have their rewards, but they are not monetary. They allow you to meet people with whom you ordinarily would not come into contact. It provides the opportunity to help those who truly need legal services and have no way to pay for them. Working on a *pro bono* case or organizing and participating in some community service project was usually more personally rewarding than the most lucrative and interesting paid work.

I had the opportunity to handle *pro bono* cases through the local bar *pro bono* program; I participated as a volunteer attorney in the National Adoption Day events; served on boards of charitable organizations to help those less fortunate in the community; and loved every minute of it. I was able to do something to truly impact my community and make someone's life a little better. It is a wonderful feeling to know that the talents and gifts you have been given can be put to such good use and the only thing you get in return is a good feeling.

There continue to be a plethora of role models of service in the Baylor Law School community. I have been so impressed with the students who are already excited about serving, even pursuing careers with non-profit organizations and legal aid programs. Lawyers Rick Bostwick and Ryan Johnson, both Baylor Law graduates, were recognized by the State Bar of Texas in January of this year for helping 20 residents of Mart who were threatened with eviction when the city considered selling the property the residents leased. Bostwick and Johnson both represented the residents on a *pro bono* basis and were able to help them keep their homes and sign long-term leases. David Moore, a 2001 Baylor Law School graduate, had his story of service to those in need told in the film *American Violet*. Moore helped

clear the names of more than two dozen Robertson County residents arrested and charged falsely for drug offenses. He was willing to be a real-life Atticus Finch and help clients who were in desperate need, although he knew his representation of these individuals for these crimes would be particularly unpopular. He was willing to put his reputation and career on the line to defend these clients.

Like the lawyers who set an example for me, by making a commitment to *pro bono* work and community service, I found my professional life was all the more rewarding. So many times we think that as lawyers we are going to really make a change or have an impact on the world only to be told by someone more cynical that we can't really make a difference. But remember, your efforts need not be on a grand scale – giving time and effort to our local community can make more of a difference in someone's life than you can imagine. One case, one hour at a time, your service will make a difference.

Read the Lawyer's Creed. Take the admonitions to heart. Serve the bar. Serve your community. Serve your clients—especially those who cannot pay you a cent. Those will be your best victories, your best learning experiences, and your best moments as a lawyer.

Service. “To meet the needs of.” Do what you can to meet the needs of your community.

Webster's New World Dictionary, 1990.

Id.

Texas Lawyer's Creed (Nov. 1989)

**B**ridget Fuselier, (pictured on left) who teaches Property I, Property II, Texas Land Practice, and Advanced Trial Advocacy Skills, received her undergraduate degree in political science at Lamar University in 1994. While at Lamar, she was selected for the Pi Sigma Alpha Political Science Honor Society. Professor Fuselier earned

her J.D. *magna cum laude* from Baylor Law School in 1998 where she served as Editor-in-Chief and Assistant Managing Editor of the *Baylor Law Review*. She also competed in the 1998 George Washington Law School National Security Law Moot Court Competition where she was a member of the first place team and was named Best Orator. She also was a member of the Order of Barristers.

Professor Fuselier joined the firm of Mehaffy Weber, PC, as an associate in 1998 and was elected as a shareholder in 2004. Her litigation experience includes the successful representation of defendants in medical malpractice, premises liability, and employment discrimination cases. In 2006, Professor Fuselier was selected as the Jefferson County Outstanding Young Lawyer. She was also selected as a Rising Star by *Texas Monthly* in 2005 and 2006 in the area of civil litigation.

Professor Fuselier has authored and published articles for the *Texas Journal on Civil Liberties and Civil Rights*, *Baylor Law Review*, *Texas Lawyer*, and *Houston Lawyer* and serves as contributing editor in the area of Real Estate Law for *General Practice Digest*. She also has worked as a guest member for the National Board of Bar Examiners, Real Property Drafting Committee.

While in practice, Professor Fuselier actively participated in professional, community, and charitable organizations. She was selected as a member of the 2001 class of Leadership Beaumont. She served on various committees and boards, including the Weed and Seed Steering Committee, St. Thomas Moore Society and the Southeast Texas Family Resource Center. She served on the board and as president of the Jefferson County Young Lawyers Association, was a director of the Jefferson County Bar Association, Jefferson County Pro Bono Board and Fundraiser Committee and also volunteered as an attorney in the Jefferson County Pro Bono Program and the National Adoption Day Program. She also participated in many hours of community service through her membership with the Beaumont Junior League. She currently serves as faculty sponsor for Baylor Law's Public Interest Society.

# Keeping up with the Joneses

**T**he lucky person, company or firm that hires Baylor Law alumna Amy Jones will actually get two Baylor Law grads for the price of one. Of course, one of those graduates, Skeeter Jones, has a great work ethic, but he likes to beg for treats, sleeps during court, jumps on furniture, and the rules he knows have nothing to do with civil procedure. But the two also will bring smiles and laughs to all they meet.

Only the hardest heart would not enjoy Skeeter, the 90-pound black Labrador retriever who acts as service dog for Amy. Of course, Amy also is as much a favorite of Baylor Law as her canine companion.

"Skeeter brings joy to everyone. He might be Amy's service animal, but I believe many students used him as a 'mental health' therapy dog," laughed Baylor Law Dean Brad Toben. "As for Amy, she is such an inspiration of what it

means to persevere. She is so talented and articulate and so positive in her outlook on life. We are proud to call her a Baylor Lawyer."

It was March 2002 when Amy's life drastically changed. The Alaska native was a student at California State University – Chico and majoring in construction management. On a trip to Lake Tahoe, she was skiing off a snowboard jump when she flipped upside down and landed on her head. The fall resulted in a spinal cord injury.

"I spent 19 days in the ICU in Reno, and then I transferred to the Craig Hospital in Denver, which is one of the top medical centers in the country for spinal cord injuries," Amy said.

She spent two and a half months in Denver, learning how to live life in a wheelchair. The hospital program taught her how to cook, dress, drive and even fish.

"They showed me that I can still do almost everything, just differently. I even went hot air ballooning while I was

there and have since gone on a cruise and gone swimming with dolphins," Amy said.

In 2004 Amy met her constant companion, Skeeter. She had looked into getting a service dog after her time at the Craig Hospital, which uses therapy dogs in its rehabilitation programs.









# “Skeeter brings joy to everyone. He might be Amy’s service animal, but I believe many students used him as a ‘mental health’ therapy dog.”

– Dean Brad Toben

She applied to 10 different organizations, including Assistance Dogs of the West, the Santa Fe-based program that provided Skeeter.

“There was a nine-month wait to get a dog from Santa Fe. I sent in a video interview, answered a lot of questions and met a lot of big dogs. They actually flew Skeeter out to Sacramento so I could interact with him,” she said.

Skeeter had already received his training when he came to live with Amy. He knows more than 90 commands and can retrieve, recognize a ring tone and find a cell phone, get Amy’s wallet, turn on and off light switches, close doors and even pick up a dime. He also performs some standard “doggy” tricks like shaking hands, rolling over and speaking. He is an instant hit when meeting people.

“I worked part-time on some construction sites after I got Skeeter, and the construction guys all spoiled him,” she said.

It was after she got hurt that Amy decided law might be a good profession to pursue. She had been active in debate as an undergraduate, and she also knew through her work with construction contractors that there was a need for lawyers who understand the construction business. She knew about Baylor Law School from her debate days.

“I was open to going anywhere,” she said. “I looked at Baylor, and the business litigation concentration fit me exactly. The idea of going to a Baptist University also was very appealing.”

**S**he began Baylor Law in 2006 and went straight through. She discovered that Skeeter helped her adjust to being so far from friends and family.

“Skeeter just made himself at home. He makes it easy to meet people,” she said.

She also learned that Baylor Law faculty and staff love dogs. In fact, most days at the Law School Skeeter didn’t wear his orange service vest, which signals he is at work and must act obedient and respectable. He would bark, run around and generally behave like any playful Lab. The Law School’s administrative staff threw a birthday party for the pooch when he turned five, and Gerald Powell, who inspires fear in law students, would often take Skeeter for a walk when Amy was taking a test. Professors Ron Beal and Larry Bates even took turns dog-sitting Skeeter at their homes when Amy went on a cruise following graduation.

“Skeeter stayed at my house for a week when Amy was on vacation. When he came, he went on walks with my own dog, Ginny. Ginny had learned from Luke, my Labrador who had recently died, that when she wanted to smell something, she should put both front paws on the ground and stop me in my tracks. Skeeter was so well trained as Amy’s aid, he would never do that. However, by the end of the week on our last walk, I never thought we would get home for Skeeter was putting down those huge paws of his and forcing me to stop so he could smell something,” Beal said, laughing.

Amy and Skeeter also became favorites in the Waco area. The small town of Crawford almost adopted the twosome. Amy and Skeeter attended Crawford High School football games, and she even wore a mum to the school’s homecoming game.

The Law School tried to show its appreciation for Amy and Skeeter during the November 2008 graduation exercises. Amy received loud applause when she received her diploma, Skeeter at her side. At the end of the ceremony, Dean Brad Toben announced that he had made an appalling mistake; he had forgotten to recognize a graduate. It was then that Skeeter was presented his own “Juris ‘Dogtor’ degree and was given a purple collar with gold

dog-bone shaped tag by Gerald Powell. The pair also became media darlings with their story running on the Associated Press news wire and on the Texas State Radio Network.

After graduation, Amy went into study mode. She passed the February 2009 bar on her first try and also the Patent Bar. She is still interested in construction law, but would like to practice securities law, patent law or bankruptcy law. Additionally, she will advocate for the rights of the disabled. Some friends are trying to convince her to enter Miss Wheelchair Texas next year as a way to raise awareness.

“If I have to be a squeaky wheel to educate people about what the law says about the rights of the disabled, then I will do it. I also want to speak to newly injured people, to show them what is still possible for them,” she said.

You can bet that whatever Amy decides to pursue, Skeeter the Dog will be right by her side, her best and most endearing advocate.



# Baylor University



WHEREAS Skeeter Jones, good and gentle Labrador,  
attended faithfully with Ms. Amy Jones all prescribed Baylor Law School classes,  
dog-day in and dog-day out, until completion;

WHEREAS he showed uncommon bravery in yawning loudly in abject dog-boredom during a certain  
lecture of Professor Jeremy Counsellor, caring but little for the intricacies of removal and remand;

WHEREAS he successfully begged for donuts from Professor David Guinn,  
having been unfairly tempted by the hi-jinks of the latter;

WHEREAS Good Dog Skeeter completed the Practice Court program without being called upon  
once or reading nary a case, all knowing that a snarl would rebuff any such intrusion;

WHEREAS he is now an older, wiser and even a bit fatter dog;

WHEREAS those who survive Baylor Law School are entitled to all barking rights,  
entitlements and appurtenances thereto;

THEREFORE, BE IT HEREBY DECREED that Baylor University School of Law confers upon  
Skeeter the Labrador this HONORARY JURIS 'DOG'TOR DEGREE







# Baylor Law School Mock Trial Team **CROWNED NATIONAL CHAMPIONS** at National Trial Competition

**A** Baylor Law School mock trial team won the prestigious 2009 National Trial Competition, sponsored by the American College of Trial Lawyers and hosted by the Texas Young Lawyers Association in San Antonio. The team of Joel Bailey and Eric Policastro beat a University of Kentucky team in the finals the afternoon of March 28 and was crowned National Champions at an awards reception that night. In earlier rounds, Baylor defeated Stanford University, Suffolk University, the University of Georgia, Loyola of Chicago and Loyola of Los Angeles.

"We have been working non-stop on mock trial for so many months, but to be able to hold that trophy and call yourself a champion made it all worth it," Policastro said.

The Baylor team was coached by Waco attorney and adjunct professor Robert Little and Gerald Powell, the Abner V. McCall Professor of Evidence Law and the Director of the Practice Court Program. Law student Crystal Y'Barbo served as evidence coach. Another Baylor team, Tim Goines and

Kendall Cockrell, regional co-champion with Bailey and Policastro, also represented Baylor well at the national finals.

"Baylor Law winning the ACTL National Trial Competition is a wonderful accomplishment for our students and our school, and emphasizes how we produce lawyers who are ready for the practice of law," said Baylor Law Dean Brad Toben. "This win confirms our recognition as a national power and reinforces the benefits of our practical approach to legal education, particularly our rigorous trial advocacy and Practice Court program."

The NTC is the largest and oldest of the mock trial competitions. Approximately 300 teams from across the United States competed at the regional and national level. At the national finals, the 28 regional winners were judged primarily by Fellows of the American College of Trial Lawyers.

"They came in from all over the country just to judge these trials," Powell said. "It was as elite and well-qualified an array of judges as could possibly be convened. In the final round, held in the United States Courthouse in San

Antonio, there were 12 American College judges sitting in the jury box to decide the winner. The faint of heart would be dumbstruck by the array of legal talent on the jury."

Competitors at the national tournament tried a fictional criminal case in which a lawyer was on trial for murdering a judge. The teams received the case on Feb. 25 and practiced almost daily in the month leading up to the tournament. The teams switched roles between prosecution and defense throughout the tournament, depending on their assignment. During the competition, new evidence was twice added to the case by the competition officials to give competitors an additional challenge, including an exhibit that hurt the prosecution that was introduced just 90 minutes before the final round. During the final round, Baylor represented the state.

"It was a difficult case for the prosecution to make," Bailey said. "There was reasonable doubt all over the problem, which presented a difficult issue for the prosecution side. As a result, we tried to make the prosecution side as compelling and believable as possible. I thought Eric's closing argument





Baylor Law's National Trial Competition team. Front row: Professor Gerald Powell, Kendall Cockrell, Crystal Y'Barbo, Tim Goines, co-coach Robert Little. Back row: Eric Policastro, Joel Bailey.

**“The judges literally hung on every word, and could not say enough complimentary things about them after it was over.”**  
**- GERALD POWELL**

pulled it all together at the end to make for a persuasive case.”

Powell applauded the skill of both team members.

“They were well-prepared, professional, polished, poised, and tried a better case than most licensed lawyers would,” he said. “The judges literally hung on every word, and could not say enough complimentary things about them after it was over.

“Joel lost his voice after Thursday’s two trials. He suffered a sore and scratchy throat for the next two days – four more trials. He could barely talk, but he went on with determination and real grit. He shook it off and performed superbly, and the judges loved him for it.

“Eric tried the final round like a veteran of years in practice. He was sincere and credible. On cross-examination he was relentless. And his closing argument was just plain powerful. The American College lawyer who chaired the National Trial Competition Committee even quoted him in his address at the awards banquet. He and Joel will continue to make us proud for many years to come.”

Powell praised Y’Barbo for her thorough legal research and for putting the evidence arguments together for the team. He also said the work of Little made the team the success it was. A Baylor Law alumnus, Little was a member of the 2005 American Trial Lawyers Association National Championship team. He coached Baylor law teams that won the Michigan State Trial Advocacy Competition in October 2008. He also coached the two Baylor teams at the regional tournament of the National Trial Competition. He practices at the Waco firm Naman, Howell, Smith and Lee.

“He really got our guys ready,” Powell said. “They were as well prepared as any Baylor mock trial team has ever been. Robert is a brilliant tactician. He works well with our young lawyers. How many ways can I say how lucky we are to have him coaching these teams?”

Bailey and Policastro praised both their coaches.

“I can tell you this for sure: you better bring your ‘A’ game when you are trying a case in front of them, because if you don’t, they do not

have a problem letting you know about it,” Policastro said. “Robert has worked with us since the regional competition, which was around December. He has logged countless hours with us, and he truly has a way of clearly communicating exactly what he expects out of us. Robert is a proven champion.

“Professor Powell taught us how to be trial lawyers. He took us from knowing absolutely nothing about advocacy at the start of Practice Court to being national champions eight months later. Practice Court taught us everything we know, and we are so lucky to be taught by Professor Powell. He wants nothing more than to win, and he wants us to succeed.”

# NOT AN “Ordinary Joe”





FEATURE

# Joe Coleman | Lawyer of the Year



**T**he crowd gathered was an eclectic one, from Baylor Regents to young lawyers to a baseball coach; from a former star Baylor athlete to a former newspaper publisher to a former governor to a university president. But they were all gathered for one reason – to pay tribute to Joe Coleman, Baylor Lawyer of the Year for 2008.

“Baylor Lawyer of the Year is awarded to someone who has been a giant in the profession. It is given to someone who is a person of faith; who has had an impact in their community and church, and who is an exemplar of a fine family person – a father, a husband. Joe Coleman goes well beyond all those counts and because of that, we honor him today,” said Baylor Law Dean Brad Toben.

Coleman, who serves as senior partner with the firm of Looper, Reed and McGraw, was honored at a luncheon at the Houston Country Club in November. Baylor Regent Duane Brooks delivered the invocation, with laudatory speeches coming from childhood friend H. Leighton Steward, who served as Coleman’s best man at his wedding, and Cary Gray, president and managing director of Looper, Reed and himself a Baylor Lawyer. Dean Toben presented the Lawyer of the Year plaque to Coleman.

“There are a lot of Joes. The world is full of Joes. Folks, Joe Coleman is not an ordinary Joe,” Steward said. “Nothing ever gets by Joe. He learns from everything. He utilizes the good and he discards the bad. Joe is honest, devoted, generous, and a great friend.”

In true form, when the ever-humble Coleman received his award, he did not focus on his own achievements, but those of the late Abner McCall, who served as dean of Baylor Law School before becoming president of Baylor University, and on Baylor University and its Christian commitment.

“He was the most accessible, down-to-earth, ordinary-appearing man that you would ever see with a huge, huge mind,” Coleman said of McCall.

That description could well fit Coleman.

A native of Freestone County, Coleman graduated from Fairfield High School. He earned a bachelor of business administration degree from Baylor in 1955 and a juris doctor degree from Baylor Law School in 1957. As a law student, he served on the board of editors for *Baylor Law Review*.

After graduation, he began a law career that has spanned more than 50 years. For 44 years, Coleman served as associate, partner and senior partner of the law firm of Fouts, Ammerman & Moore, L.L.P., before that firm merged with Looper, Reed in 2001. Coleman continues to maintain a vital role as senior counsel and offers more than 50 years of knowledge and experience in Real Estate and Oil & Gas Law. Since his admission to practice law, he has participated in all areas of a successful general law practice, including transactional matters and litigation.



**“Professional, credible, dependable, trustworthy, thoughtful, creative, inspirational, challenging, brave, empathetic and humble. Joe Coleman is all these, and I consider myself lucky to call him my trusted advisor,” Gray said.**

“Professional, credible, dependable, trustworthy, thoughtful, creative, inspirational, challenging, brave, empathetic and humble. Joe Coleman is all these, and I consider myself lucky to call him my trusted advisor,” Gray said.

Coleman is a member of the Texas, Houston, and American Bar Associations and is a life Fellow of the Texas Bar Foundation. He has served on the Board of Directors for Allied Bank and Fairfield State Bank. In addition, he serves as a trustee of the Ralph and Ruth McCullough Foundation and the William A. Smith and Madeline Welder Smith Foundation, and he formerly served as president and board member for the Homes of St. Mark.

Coleman served on the Baylor Board of Regents from 1998-2007, where he served as chair of several committees, including the finance and facilities committee. He also was a member of the Baylor Foundation Board of Directors. Additionally, Coleman was a member of Baylor’s Sesquicentennial Council of 150 and is a current member of the Baylor Foundation, Baylor Bear Foundation, and Baylor Development Council. He is a life member of the Baylor Alumni Association and Baylor Law Alumni.

A noted author on quail habitat and management, Coleman has competed and judged in bird dog field trials in the U.S., Canada and Mexico. His white setter, Rascal, won the National Amateur Field Dog Trial Championship, and he is widely known for his breeding of setters. In recognition of these many achievements, Coleman was inducted into the Texas Field Trial Hall of Fame.

Coleman and his wife, Kathryn, also a Baylor graduate, married in June of 1958. The couple has two adult children, John David (BA '94) and Kathryn Ann (BFA '96) and three grandchildren.

The Lawyer of the Year award is given annually to an outstanding alumnus who has brought honor and distinction to Baylor Law School and the legal profession. Past recipients include Watergate Special Prosecutor Leon Jaworski, former Texas Lt. Gov. Bob Bullock, former F.B.I. director William Sessions and former U.S. Rep. Jack Hightower, among others. The award has been presented by Baylor Law School since 1963.



# BAYLOR LAW ALUMNI TAKE INAUGURAL TRIP TO SCOTUS FOR SWEARING IN

**N**ovember 3 was an unforgettable day for a group of Baylor Law alumni. On that Monday in the nation's capital, 11 Baylor lawyers were admitted to the Bar of the Supreme Court of the United States. After the swearing-in ceremony, the Baylor group heard oral arguments in *Wyeth v. Levine*, a landmark case that focused on whether federal laws that regulate pharmaceuticals pre-empt state tort law. The trip also included a celebration dinner at the historic 1789 Restaurant. The dinner was hosted by former FBI director and federal judge Bill Sessions and his wife, Alice. Baylor Law plans the alumni trip to be a biennial event. Below, law alumni who made the trip share their thoughts about the experience.

**“What a truly unforgettable experience: my first time to witness a Supreme Court argument;** a front row seat for a case I had some personal involvement in helping shape; being admitted to the Supreme Court with my wife and daughter in attendance; and best of all, being sponsored and presented for admission by Professor David Guinn, who taught me Constitutional Law at the best law school in the country. Thank you Baylor Law School for providing me with yet another wonderful opportunity and memory.”

— ED BLIZZARD  
Blizzard, McCarthy & Nabors

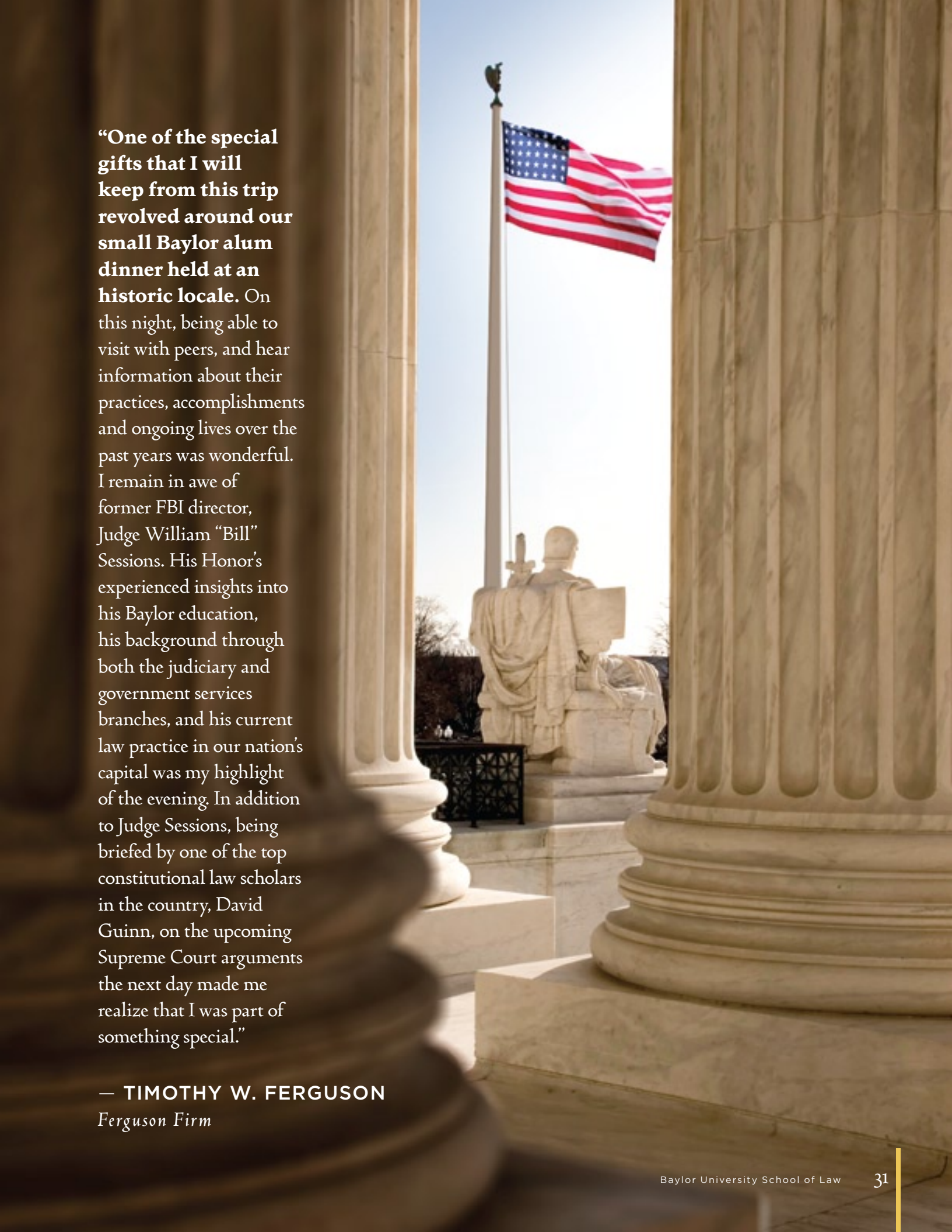
**“The trip was a very special occasion for me personally. First, it was fun to be out of town in the nation's capital and personally be a part of a U.S. Supreme Court proceeding.** Somehow I never thought that I would actually be in this courtroom, especially in the position of being admitted to its bar. The trip itself was something I will never forget and will always fondly recall.

However, over the course of our time together, I began to feel something much more important than just the trip itself. I was able to renew my relationships with former classmates, including Dean Toben. Through our activities, our group came together again as part of the Baylor Law Family. I was reminded of the debt that I owe to the University for allowing me the opportunity to study law at the school, just

as it had allowed my father the opportunity to study medicine in years past. It reminded me of my belief in the core values of Baylor and personally witness through my fellow classmates how well the university equips its graduates to serve others. Finally, it helped me to recall why I am so proud to be part of this special family and why my time at Baylor was such a uniquely valuable experience for me.”

— BILL SHADDOCK  
Shaddock Companies





**“One of the special gifts that I will keep from this trip revolved around our small Baylor alum dinner held at an historic locale.** On this night, being able to visit with peers, and hear information about their practices, accomplishments and ongoing lives over the past years was wonderful. I remain in awe of former FBI director, Judge William “Bill” Sessions. His Honor’s experienced insights into his Baylor education, his background through both the judiciary and government services branches, and his current law practice in our nation’s capital was my highlight of the evening. In addition to Judge Sessions, being briefed by one of the top constitutional law scholars in the country, David Guinn, on the upcoming Supreme Court arguments the next day made me realize that I was part of something special.”

— **TIMOTHY W. FERGUSON**  
*Ferguson Firm*



**“There was a very special dinner the night before the swearing-in ceremony in which everyone was given a chance to share their story.**

The trip was a great opportunity to reconnect with old classmates and to become friends with some of the graduates that I did not previously know.

The trip was a huge success and I strongly recommend that you give others the opportunity to participate in the experience.”

— **ROB AMMONS**

*The Ammons Law Firm*

**“My grandfather was an attorney and had been since he graduated during the Depression. He practiced well into his nineties, retiring only when his vision failed sufficiently that he could no longer read or write.** He called me weekly, however, to hear about my law practice. He remembered each detail of his cases and then of mine.

I mentioned to him one fall day that Dean Toben had invited me to join a group of Baylor lawyers being admitted to practice before the Supreme Court. He smiled and asked me to find a cardboard tube of certificates, awards and mementos he had tucked away in his desk at the assisted living facility. There, from 1958, was his certificate from the Supreme Court, admitting him to practice there. He talked for a moment about making the trip to D.C. to sponsor me and then laughed, remembering his 98-year-old body. Instead, he sent my daughter and my husband with me, with his blessings and his thoughts and his legacy.

I stood there before the Chief Justice, as my grandfather had before me. As my daughter watched, perhaps someday to make the same promises, I became admitted to that bar. I remember feeling a sense that something important had happened, and I appreciated so much that Baylor had made that possible for me. Classmates of mine made the trip, and we all sensed that the trip connected our past as students and our future as mentors.

My grandfather passed away not two months after the trip. I will always be grateful that he knew of our shared bond. I have his certificate and mine framed together. Neither of us may ever have a case before the Court, but the potential will always be there.

I hope that this will become an annual event for Baylor lawyers.”

— **ELIZABETH MASTERS FRALEY**

*Fraley & Fraley L.L.P.*



**“Shortly before I began to collect my thoughts about our marvelous trip to the Supreme Court, I opened an e-mail from one of my law school classmates containing pictures of her son at a military base in Saudi Arabia.** After getting over the startling fact that the little boy who ran around the table while our study group met managed to grow up overnight (in just 20 years!), I realized that when I think of Baylor Law School, I think of family. Not just the bond that developed among students as we learned together or the nurturing environment created by the faculty, but the elderly aunt and uncle in Waco that I would have never really known had I not lived there, the spouses and children of my classmates who became my extended family, and, of course, the sacrifices my parents made so I could fulfill the dream of becoming a lawyer.

Although being sworn in before the Supreme Court is thrilling in and of itself, the renewed sense of being part of the Baylor Law family is the thing I will treasure most about our trip to D.C. The group dinner for lawyers the evening before the ceremony felt like a family reunion, although some of us were meeting for the first time. During breakfast at the Court the next morning, I watched our families connect, too. Part of the honor of being admitted to practice before the Court that day was knowing that our group was supported by our school— particularly Dean Toben, Professor Guinn, and the incredible Julie Corley— and by a number of our loved ones, including my parents and Liz Fraley’s beautiful daughter. I will always be grateful to Baylor for allowing me to join the terrific group of lawyers in the first of what I hope will become an annual event for members of our law school family.”

— **TRACI KENNER**  
U.S. Attorney’s Office  
Eastern District of Texas

**“I thought it was a wonderful trip. Obviously, being recognized by the Supreme Court is huge but also the effort that was made to bring a diverse group of Baylor law graduates together to discuss generational changes and traditions at our school.** We all know that being a Baylor Law School graduate is special and sets us apart and ahead from most attorneys but what we don’t do is capitalize on that relationship among each other and allow our Baylor experience to cross other potential divisions.”

— **BRYAN O. BLEVINS**  
Provost Umphrey, L.L.P.

**“Every once in a while, we have the good fortune to be presented with an opportunity to participate in something truly memorable.**

Dinner with Judge Sessions, appellate argument preview by Professor David Guinn, a front row seat for the arguments in an historic case before the court ... and admission to the bar of the Supreme Court of the United States. I don’t know what the price would be for that ticket. I do know that even if I had the pull to get one, I could not afford it!

But, that was Baylor’s gift to me and a group of splendid Baylor lawyers. I was honored to be in the group and I would not have missed the occasion. I hope Dean Toben and Professor Guinn will make the trip a tradition of Baylor Law School. It was an experience not to be missed and another gift to me from Baylor impossible to repay.”

— **STEVE HARRISON**  
Harrison Davis Steakley, P.C.

**“I was flattered and honored when Dean Toben extended an invitation on behalf of the Baylor University School of Law to be one of its alumni selected for admission to the Supreme Court of the United States.** I was even more flattered and honored when I was introduced to my fellow participants. It was a first-class event. Baylor should be proud of the way it was represented. I was humbled to have Professor David Guinn sponsor my admission. It was also appropriate since Professor Guinn was my constitutional law professor. I will be forever grateful to Baylor for this fantastic experience. It simply reinforced what I already knew—Baylor Law School has and continues to provide me with many of my most pleasing opportunities and experiences.”

— **DAVID A. DIAL**  
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC

**“I have been to Washington, D.C., many times, but this visit was particularly meaningful.** I can’t wait to take my sons, Adam and Jonathan, who are both Baylor Lawyers, to their own swearing in sometime in the future.”

— **SEN. DAVID SIBLEY**  
The Sibley Group



# Recent Law Graduates filling a Record Number of Judicial Clerkships

**B**aylor Law School's class of 2008 IS ENJOYING A RECORD NUMBER OF PARTICIPANTS IN THE HIGHLY COMPETITIVE WORLD OF JUDICIAL CLERKSHIPS. OUT OF THE STUDENTS WHO GRADUATED, 10.29 PERCENT (14 GRADUATES) HAVE BEEN WORKING IN A CLERKING CAPACITY.



“These numbers are outstanding,” said associate professor Rory Ryan, who served as a judicial clerk. “These positions are competitive, and the huge increase in our clerks is attributable to at least two things. First, Assistant Dean Heather Creed and I have aggressively pushed clerkships for our students. And second – and much more importantly – our students perform very well and create repeat customers. That is, once the judges get our folks in chambers, they often come back the next year and want another Baylor lawyer. While our graduates are of course brand-new lawyers, their experiences at Baylor and with Practice Court make them pretty salty right out of the box – and I think the judges appreciate that.”

**B**ecause clerkships are so competitive, academic credentials are important. Additionally, some students have economic or family situations that are not well-suited for a year or two of clerking. Therefore, there are a limited number of students who can pursue clerking. Ryan believes 10 percent of a class is a good target number.

For those students who do land the positions, the experience can be a boon to one’s career.

“It is so vital to learn the intrachambers perspective,” Ryan said. “Many graduates will be spending their careers trying to figure out what persuades judges. Being mentored within chambers provides invaluable experience for when our graduates leave for practice.”

#### MEMBERS OF THE CLASS OF 2008 WORKING AS CLERKS INCLUDE:

##### **Matthew Acosta**

**JUDGE LEONARD DAVIS**

U.S. District Court for  
the Eastern District of Texas  
Tyler, Texas

##### **Clinton W. Alexander**

**JUDGE GUY HERMAN**

Travis County Probate Court  
Austin, Texas

##### **Kathryn Boatman**

**JUSTICE DALE WAINWRIGHT**

Supreme Court of Texas  
Austin, Texas

##### **Ryan C. Bueche**

**JUDGE JAMES R. NOWLIN**

U.S. District Court for the  
Western District of Texas  
Austin, Texas

##### **Nichole M. Cox**

**JUDGE DONALD WALTER**

U.S. District Court for the  
Western District of Louisiana  
Shreveport, La.

##### **Craig Douglas Dupen**

**JUDGE WALTER SMITH**

U.S. District Court —  
Western District of Texas  
Waco, Texas

##### **Joshua A. Fogelman**

**JUSTICE HARRIET O’NEILL**

Supreme Court of Texas  
Austin, Texas

##### **Ashley I. Franklin**

**JUSTICE PHIL JOHNSON**

Supreme Court of Texas  
Austin, Texas

##### **Robert H. George**

Thirteenth Court of Appeals  
Edinburg, Texas

##### **Leo McKinney**

**JUDGE GEORGE C. HANKS**

First Court of Appeals  
Houston, Texas

##### **Joe A. Rivera**

**JUDGE TERRY MEANS**

U.S. District Court,  
Northern District of Texas  
Fort Worth, Texas

##### **Richard L. Rouse**

**JUDGE SAM CUMMINGS**

U.S. District Court —  
Northern District of Texas  
Lubbock, Texas

##### **Jennifer Sims**

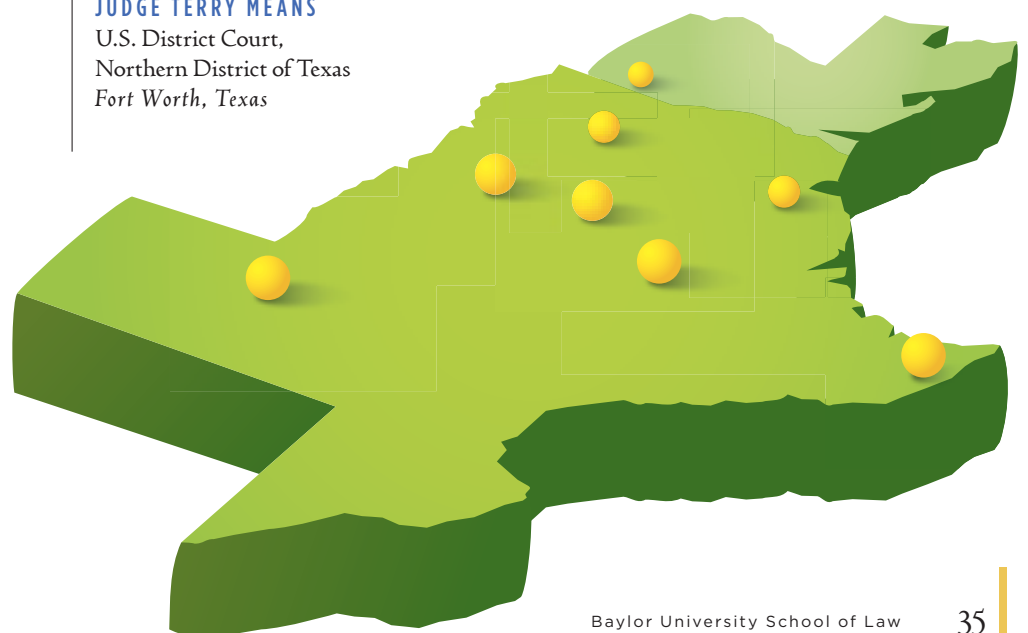
**JUDGE MICHAEL SCHNEIDER**

U.S. District Court for  
the Eastern District of Texas  
Tyler, Texas

##### **Jeffrey D. Watters**

**JUSTICE DON WILLETT**

Supreme Court of Texas  
Austin, Texas





# Michael Berry

## JOINS BAYLOR LAW SCHOOL AS

# Director of Career Services

**M**ichael Berry, former senior partner at Thompson & Knight LLP, has joined Baylor Law School as director of career services. In this role, he will help the Career Services Office have a more concentrated focus on recruiting prospective employers and marketing Baylor Law graduates, in addition to the programs and counseling services currently offered.

"I have worked with Baylor lawyers throughout my career and have always been impressed by them, both personally and professionally," Berry said. "Professor [Jim] Wren caused me to have a few sleepless nights during a case we had against each other when he was in private practice.

"I also have known Professor [Jim] Underwood since we were summer associates. (I taught him everything he knows about comparative responsibility.) I also am very impressed by the intense Practice Court training, which I believe uniquely prepares students for actual practice."

Berry had other contacts with Baylor University. His uncle graduated from Baylor in 1954, and Berry participated in the university's summer debate workshop for two summers as a high school student.

His nephew, Chris Berry, also served on the Baylor baseball team coaching staff several years ago.

Berry earned his bachelor's degree in pharmacy with high honors in 1976 from the University of Texas at Austin. He was a registered pharmacist in Tyler before earning his law degree with honors in 1986 from the University of Texas School of Law, Order of the Coif.

Berry spent the last 22 years practicing at Thompson & Knight in Dallas, the last decade as a senior partner in the Trial Section. He had a general civil litigation practice, with a focus on matters involving pharmaceutical products and medical devices.

He has been recognized in The Best Lawyers in America (Personal Injury Litigation 2009; Product Liability Litigation 2007-2009); and Texas Super Lawyers (Personal Injury Defense: Products, Civil Litigation Defense, General Litigation) 2004-2008; and in 2005 was one of the partners voted "Mentor of the Year" by Thompson & Knight trial associates.

It was that mentor role that led him to the Career Services position.

"Over the past few years, I found that one of the most satisfying aspects of my private practice was mentoring and assisting younger lawyers in adjusting to

the real world practice of law," he said.

"I served in various roles that involved associate development issues. My goal for this position is to be an effective and respected advocate for Baylor Law students to potential employers; to be a general resource for students as they pursue career opportunities; and to assist students in preparing to transition from the academic environment to the workplace."

"Mike will be a tremendous addition to our Career Services Office, because he brings the perspective of the employer to the office," said Baylor Law Dean Brad Toben. "He knows what it takes to be successful in the practice of law and can, therefore, communicate the advantages of the Baylor program to prospective employers, while helping students find the career path that best suits them. We have such dedicated CSO staff, and we feel fortunate to add another person who is dedicated to serving Baylor students."

Berry has been married for more than 30 years and has two adult children. He is a Dallas Cowboys fan and season ticket holder, plays guitar from time to time, knows a lot about the Beatles and likes to snack on Reese's Peanut Butter cups.



**“Mike will be a tremendous addition to our Career Services Office, because he brings the perspective of the employer to the office.”**

**— DEAN BRAD TOBEN**



# REAL T REEL



By Jill Scoggins

## Experiences of Baylor Law Alumnus & Professor play Integral Part in new Feature Film

**A**t Baylor University, students are encouraged to understand how their life's work is a calling and how all of life is a stewardship of service. The question, **"How should I best use my talents?"** is taken seriously with the intention that students will continue to strive to put their talents to use in service to others throughout their lives.





In just the first year after his graduation, a Baylor Law School alumnus found himself facing that question. His choice was to serve others, potentially jeopardizing his own financial needs and reputation in the community – and the result was a landmark case resulting in charges being dropped against 17 people wrongly arrested for drug trafficking.

That case, the alumnus and the Baylor Law School professor who taught and mentored him are central to a new feature film from Samuel Goldwyn Pictures.

*American Violet* fictionalizes the story of some Hearne, Texas, residents – all of whom were poor and black – falsely charged in a drug roundup in 2000. Alumnus David Moore, now an attorney in Groesbeck, Texas, and professor Mark Osler played a significant role in their defense. The film was written and produced by Bill Haney, directed by Tim Disney and stars Nicole Behaire, Alfre Woodard, Xzibit and Charles Dutton. Playing the 54-year-old Moore, renamed Sam Conroy in the film, is veteran actor Will Patton, known for his roles in *Remember the Titans* and *Numb3rs*.

The film focuses on the character of “Dee Roberts,” the fictionalized character of Regina Kelly of Hearne. Like Kelly, Roberts is a 24-year-old single mother of four, working as a waitress in a small Texas town. She finds herself among a group of more than two dozen people wrongly accused of dealing drugs. She is offered a plea bargain, but does not take it, opting instead to take a chance that a jury trial will prove her innocence.

Enter the American Civil Liberties Union. Long critical of drug roundups ensnaring people like Roberts across the country, the ACLU attorneys are looking for a case to challenge the practice. But the attorneys know they are outsiders – from big cities back east and out west – who neither understand nor would be accepted by small-town Texas. They need someone on their team who knows the territory.

They ask a Baylor Law School professor, based on Osler and fictionalized as “Joe Fischer” in the film, for help. Fischer

recalls a recent graduate, a student who had worked as an undercover law enforcement officer on drug cases before he entered law school. The former student – “Sam Conroy” in the movie, David Moore in real life – lives in the area and knows many of the police and sheriff’s officers who made the bad drug bust.

Conroy’s struggle in deciding whether to join the team of attorneys pursuing justice or be seen as a traitor to his former profession make up a key subplot of the film. It was a struggle

that was real for David Moore, who earned his Baylor law degree in 2000 after earning a bachelor’s degree in criminal justice from Sam Houston State University.

“Mark Osler called me about this case and asked me to talk to the ACLU about it,” Moore says. “I had just started building my practice and I was concerned about jeopardizing my business. But I had a lot of respect for Mark, so I agreed to meet with the ACLU.”

That first meeting didn’t go very well. Moore describes it as only a small-town Texas lawyer would: “I knew they would not fit with me or me with them. I told Mark, ‘we’re just not gonna gee-haw very well on this.’”

The ACLU lawyers, however, saw something they wanted in the newly minted Baylor lawyer. They asked Moore to come to California to review the cases. Still skeptical, he agreed. “They flew me out and I saw how terrible these cases were. I couldn’t walk away from them.

“No one deserves to be arrested for something they didn’t do,” he continues. “The thing that appalled me the most

about these cases was the lack of attention paid to them. Some of these people had questionable backgrounds – a few had been in trouble with the law before. But all of them were poor and black, making them all easy targets.”

Moore said his decision to join the team felt as if he was going against family. He is a 20-year veteran of law enforcement, working first with the Houston Police Department and then with the Limestone County Sheriff’s Office where he rose to the rank of lieutenant. He worked narcotics, sometimes on deep

**“No one deserves to be arrested for something they didn’t do. The thing that appalled me the most about these cases was the lack of attention paid to them. Some of these people had questionable backgrounds - a few had been in trouble with the law before. But all of them were poor and black, making them all easy targets.”**

cover assignments, meaning only a few trusted officers knew his true identity. He had worked alongside some of the law enforcement officers he now was going to bring suit against.

"I knew these guys. I had been to their families' weddings and funerals, and I knew my involvement in this case would leave a mark on either me or them – or both," Moore says. "But I have to be able to look myself in the face when I get up each morning, so I had to get involved."

The state's case against the defendants was based on suspect information from a lone informant, who was in jail at the time on drug charges. Once Moore became involved, the prosecution began dropping the charges against the defendants. The civil litigation was settled in 2005, and today, the type of

drug roundups used to charge the Hearne defendants are no longer used. There also is a new state law against the use of single informants.

**A**s for the film, Moore said *American Violet* is amazingly accurate to the events that took place. Only a few instances of poetic license can be seen in the film, including a scene that portrays a custody battle between "Dee Roberts" and her children's father. Haney, Patton and the film crew worked extensively with Moore to ensure accuracy. The briefcase that "Conroy" carries in the movie is indeed Moore's actual King Ranch briefcase. The film was shot in New Orleans but the words Baylor Law School

are used in scenes between Conroy and Fischer (the scenes were shot at Tulane).

Moore, Osler and their spouses, Lori and Anne, became friends with the Hollywood folk and flew to the movie's premiere last year at the Mill Valley Film Festival in California. Patton also attended a screening held in Waco. While in Waco, the veteran actor visited a Practice Court exercise and was blown away by what he witnessed saying, "It reminded me of acting class."

Today, Moore practices in Groesbeck. He says his Baylor Law School education prepared him well. "If you want to be a trial lawyer and you go to any other place, you're wasting your time," he says. "You can walk out of Baylor Law School and walk into any courtroom and try any case."



Veteran actor Will Patton (left) took the role of Sam Conroy, a character based on Baylor Law alumnus David Moore, in the feature film *American Violet*. Patton and Moore (right) attended a special film screening held at Baylor University.



# Professor Jeremy Counsellor Receives Tenure, Promoted to Full Professor

**H**e is the faculty member students hate and love. The man who strikes fear in a 1L's soul during Civil Procedure but who has been chosen four times by the graduating class to speak at commencement ceremonies. And now he has tenure.

"I really can't express how privileged I feel to be part of the Baylor Law School team," Jeremy Counsellor said. "Not long ago I was asked by McLennan County District Attorney John Secret what I would do for a living if I could do absolutely anything I wanted to do. I said, 'I'm doing it. I would be a professor at Baylor Law School.'"

"Professor Counsellor is without question an outstanding teacher who cares about his students and their futures," said Baylor Law Dean Brad Toben. "He is dedicated to developing the highest-quality lawyers who will be able to practice law effectively. Just as importantly, he inspires them to do so with honor and integrity and to conduct themselves in a manner that will positively impact the legal profession and the world around them."

Joining the Baylor Law School faculty in 2003, Counsellor received an Outstanding Professor Award from Baylor University in 2007. He graduated from Baylor Law School with honors and was a member of the Baylor Law Review, the Order of the Barristers, and the interscholastic moot court and mock trial teams. He also earned an M.B.A. from the Baylor University Hankamer School of Business and a B.A. *summa cum laude* from Stephen F. Austin State University.

After receiving his J.D., Counsellor served as a law clerk to the Honorable Reynaldo G. Garza of the United States Court of Appeals for the Fifth Circuit. He then entered private practice in Houston, Texas, with Bracewell & Patterson, LLP (now Bracewell & Giuliani, LLP) where he was an associate in the trial section.

Counsellor's litigation experience includes the representation of both plaintiffs and defendants in personal injury and commercial cases, but his practice focused on the defense of professional negligence actions. His trial experience includes obtaining one of the first defense verdicts in Texas in an equitable subrogation action brought by an insurance company against a law firm. Counsellor continues to represent clients and consult




in matters involving commercial disputes and product defects. Currently, he is working as an assistant district attorney for the McLennan County D.A.'s office while on a 6-month leave of absence from Baylor Law School.

He has authored numerous articles and essays and presented papers on various evidentiary and procedural issues. Counsellor is the co-author and editor of the practical treatise *Handbook of Texas Evidence* (Civil Practice). In 2006, the President of the State Bar of Texas appointed him to serve on the Administration of the Rules of Evidence Committee, and he is the Contributing Evidence Editor of the State Bar of Texas's *General Practice Digest*.

Counsellor teaches numerous courses, including Civil Procedure, Trial Advocacy, and Conflict of Laws, and works with Baylor Law's renowned Practice Court program. He is also a coach of the Law School's interscholastic moot court and mock trial teams. In 2005, he was the coach of Baylor Law School's ATLA National Championship mock trial team.

He is married to Jennifer Paige, who serves as the director of children's programs at Austin Avenue United Methodist Church. Counsellor has three children, Jack (8), Brett (5) and Kate (1).



BAYLOR LAW DEAN

# Brad Toben elected to



FEATURE



**B**rad Toben, Dean of Baylor Law School, was recently named among the 63 newly-elected members of the prestigious American Law Institute.

Founded in 1923 for the purpose of improving American law, the Institute's membership consists primarily of judges, law professors, law school deans and lawyers who are selected on the basis of manifest professional standing, high character and ability, and significant contributions to the legal profession. The ALI is the leading independent organization in the U.S. producing scholarly work to clarify, modernize, and improve the law. The Institute publishes Restatements of the Law, model statutes and principles of the law that are enormously influential in the U.S. courts and legislatures, as well as internationally.

Professor Paul George of Texas Wesleyan School of Law nominated Toben for election to the Institute. The Honorable Ed Kinkeade, judge for the U.S. District Court for the Northern District of Texas; Roland Johnson, president-elect of the State Bar of Texas; and William Underwood, former Baylor Law professor and interim president of Baylor University and currently president of Mercer University, seconded the nomination.

"Dean Toben epitomizes the ALI attorney: a very bright, service-oriented lawyer with unquestioned ethics," Kinkeade said. "He has built the finest facility for law students in the country, not as a monument, but as a laboratory to produce ethical legal warriors. I am honored to serve in the ALI with such a great lawyer and great man."

## TOBEN WAS ONE OF ONLY SEVEN LAWYERS IN TEXAS ELECTED TO ALI MEMBERSHIP.

He joined the Baylor Law School faculty in 1983 and was named as Dean of the Law School in 1991. His academic interests have focused in the areas of commercial law and the relationship of debtors and creditors under state and federal law.

Toben, the M.C. and Mattie Caston Professor of Law, has served by appointment of the Governor of Texas as a Commissioner to the National Conference of Commissioners on Uniform State Laws and has been recognized as an Outstanding Young Alumnus of Baylor University. He also has been recognized as a Distinguished Alumnus of the University of Missouri-St. Louis and has received the University of Missouri-St. Louis Distinguished Alumni Political Science Award. Toben recently was honored by the Texas Trial Lawyers Association at a reception for "exemplary service and commitment as a guiding light in legal scholarship and the pursuit of justice."

Additionally, Toben has participated regularly in accreditation and membership inspections of law schools for the American Bar Association and Association of American Law Schools, and has been active in the State Bar of Texas, especially in

# the American Law Institute

"Our system of law in the United States is the envy of the world," Toben said. "One of its singular strengths is a culture which recognizes that, through reason and experience, even that which is great often can be made better. Our laws and our justice system can, over time, benefit from reform and improvement. For this reason, the work of the American Law Institute is vital to maintaining our legal system as an on-going object of international admiration. I am so honored to be elected to the Institute."

Toben graduated from Baylor Law School with the J.D. degree, with honors, in 1977, after completing his B.A., with honors, in political science at the University of Missouri-St. Louis. He received the LL.M. from Harvard Law School in 1981 and then taught at Indiana University School of Law-Indianapolis.

the bankruptcy specialization certification program. He is licensed in Texas and Missouri, practiced in St. Louis, Missouri, and was previously of counsel to the firm of Dawson & Sodd in Texas. He is a Master of the Bench in the Judge Abner V. McCall American Inns of Court and is a Fellow of the American Bar Foundation and the Texas Bar Foundation.

Toben was one of only seven lawyers in Texas elected to ALI membership; the others receiving this honor include a federal judge, a Texas Tech University law professor, and a former president of the Dallas Bar Association.

Toben and the other newly-elected members were recognized at a formal ceremony during the Institute's annual meeting in Washington, D.C. in May.

# FACULTY SCHOLARSHIP



## Larry Bates

Professor of Law

### PUBLICATIONS

Served as one of eight faculty editors of 2008-2009 *Students' Guide to Article 9 and Related Statutes*, Thomson West

## Ron Beal

Professor of Law

### PUBLICATIONS

*Texas Administrative Practice and Procedure* (12th ed. Lexis Law Publishing 2009) was completed with two hundred new pages of text and footnotes.

### PROFESSIONAL ACTIVITY

Planning committees for the University of Texas Advanced Administrative Law Conferences CLE on Feb. 11, 2009, in Austin and the State Bar of Texas Advanced Administrative Law Conferences CLE on Feb. 27, 2009, in Austin.

## Matt Cordon

Director of Legal Research, Associate Director of the Law Library and Professor of Law

### PUBLICATIONS

With Brandon D. Quarles, Director of the Law Library and Professor of Law, *Researching Texas Law* (2d ed., William S. Hein & Co., Inc. 2008). This is the retitled second edition of *Legal Research for the Texas Practitioner*.

Contributing writer for *Encyclopedia of the Supreme Court of the United States* (David S. Tanenhaus ed., Gale Cengage 2008). Six peer-reviewed essays include: Article I Courts, Article III, Article VI, Common Law, Federal Judicial System, and Precedent.

Contributing writer and member of the editorial review board for *American Law Yearbook* 2008 (Jeffrey Wilson ed., Gale 2008). Wrote 50 of the 156 essays in the 300-page volume.

Serving as an editorial reviewer and contributing writer for the third edition of West's *Encyclopedia of American Law* (publication forthcoming 2010).

## Jeremy Counsellor

Professor of Law

### PUBLICATIONS

"So Far So Good for the Restyled Federal Rules of Civil Procedure" has been accepted for publication in the fall edition of Washington University Law Review's *Slip Opinions Journal*.

Rooting for the Restyled Rules (Even Though I Opposed Them), *Mississippi Law Journal*, Vol. 78, No. 3 (Spring 2009).

## Tom Featherston

Mills Cox Professor of Law

### PRESENTATIONS

"The Interpretation, Construction and Drafting of Wills and Trusts: The Legislature's Influence" and "Ask the Experts: Estate Planning and Trusts" at the University of Texas' 10th Annual Estate Planning, Guardianship and Elder Law Conference, Aug. 14, 2008, Galveston, Texas.

"Identifying Marital Property Issues in Estate Planning and Administration" at the Community Bank Luncheon in Waco on Sept. 26, 2009, at the South Texas College of Law's Wills and Probate Institute in Houston on Oct. 20, 2009, to the Tarrant County Probate Bar Association on Dec. 4, 2009, and to the Houston Bar Association's 2009 Wills and Probate Institute on Feb. 20, 2009.

### PROFESSIONAL ACTIVITY

Through the State Bar of Texas' Real Estate, Probate and Trusts law section and the Texas Academy of Probate and Trust Lawyers, drafted, negotiated and responded to numerous bills pending in the 2009 Texas legislature.

For the last two years, co-chaired of REPTL Section's cooperative efforts with the Texas Legislature's Legislative Council in re-codifying the Texas Probate Code, the first and most comprehensive change in the statutory laws affecting decedents' estates in more than 50 years. Activities included: hosting at the law school a blue ribbon conference attended by leaders of the Texas Bar and Judiciary on probate code reform; meeting with other leaders of the Texas Bar and Legislative Council on the organizational structure of the new code; co-chairing the oversight of two bar committees charged with drafting new substantive law legislation in the area of probate court venue and jurisdiction and independent administration; active participant in drafting of the independent administration legislation; serving as resource for Legislative Council as issues were raised during the non-substantive new probate code drafting process; reviewing the work product of Legislative Council, offering constructive criticism and suggested changes to their work product; co-chairing numerous committee meetings of the REPT section governing council on the legislation.

Serving on the ABA's Property, Trust & Estate Law sections task force on teaching Trusts and Estates in law schools and planning and nomination committees, as well as serving as the Trust and Estates editor of *Probate & Property*, the section's magazine.

## Bridget Fuselier

Associate Professor of Law

### PUBLICATIONS

The Trouble With Putting All of Your Eggs in One Basket: Using a Property Rights Model to Resolve Disputes Over Cryopreserved Embryos, *Texas Journal on Civil Liberties and Civil Rights*, Vol. 14, No. 2 (to be published May 2009).

### PROFESSIONAL ACTIVITY

Real Property Drafting Committee for the National Bar Examiners Conference in Rhode Island, September 2008. Composed questions and participated in editing questions for the real property section of the multistate bar exam.

## Elizabeth Miller

Professor of Law

### PUBLICATIONS

Cases Involving Limited Liability Companies and Registered Limited Liability Partnerships, 26 PUBOGRAM No. 2, p. 5 (March 2009)

Cases Involving Limited Liability Companies and Registered Limited Liability Partnerships, 26 PUBOGRAM No. 1, p. 13 (Oct. 2008)

Cases Involving Limited Liability Companies and Registered Limited Liability Partnerships, 25 PUBOGRAM No. 3, p. 17 (July 2008)



2009-2009 Annual Supplement to Business Organizations, Texas Practice Series (Vols. 19, 20 & 20A), Thomson/West (2nd ed. 2004)

#### PRESENTATIONS

"Owner Liability Protection and Piercing the Veil of Texas Business Entities," Choice of Entity in Troubled Times, State Bar of Texas (May 22, 2009), San Antonio, Texas

"Recent Cases Involving Limited Liability Partnerships and Limited Liability Companies," LLCs, LLPs, & Limited Partnerships in Tough Economic Times, American Law Institute-American Bar Association Committee on Continuing Legal Education (March 19, 2009), Webcast from Washington, D.C.

"Effective Drafting of Exculpation and Indemnification Regarding Fiduciary Duties in Alternative Entities," 31st Annual Conference on Securities Regulation and Business Law, University of Texas School of Law (February 13, 2009), Dallas, Texas

"Business Organizations Code: What Do You Need to Know About the BOC Future?" Advanced Business Law Course 2008, State Bar of Texas (October 31, 2008), Dallas, Texas

"Case Law Update: A Survey of Recent Partnership and LLC Cases," Conference on Current Issues Affecting Partnerships, Limited Partnerships and Limited Liability Companies, University of Texas School of Law (July 17, 2008), Austin, Texas

"Are Courts Developing a Unique Theory of LLCs (or Simply Borrowing From Other Forms and, If So, Which?)," Limited Liability Companies at 20, Suffolk University Law School Symposium (June 13, 2008), Boston, Massachusetts

#### PROFESSIONAL ACTIVITIES

Served as 2008-2009 Chair of the Business Law Section of the State Bar of Texas

Testified on proposed Texas business organizations legislation at hearings of the Senate Business & Commerce Committee and the House Business & Industry Committee in April 2009

#### Mark Osler

Professor of Law

#### PUBLICATIONS

*Jesus On Death Row: The Trial of Jesus and American Capital Punishment* (Abingdon Press, February, 2009).

"Seeking Justice Below the Guidelines: Sentencing as an Expression of Natural Law" (forthcoming), *Georgetown Journal of Law and Public Policy* (Winter 2009).

"Policy, Uniformity, Discretion, and Congress' Sentencing Acid Trip," 2009 *BYU Law Review* 293 (April, 2009).

"Death to These Guidelines, and a Clean Sheet of Paper," 21 *Federal Sentencing Reporter* 7 (October, 2008).

#### PROFESSIONAL WORK

*United States v. Spears II*, U.S. Supreme Court, 129 S. Ct. 840 (January 21, 2009), lead counsel for Steven Spears. *Certiorari* granted and *per curiam* opinion issued granting Spears a reversal of the opinion below, over the opposition of the Solicitor General. Opinion reported at 129 S.Ct. 840 (2009). Opinion held that sentencing judges could "categorically" reject the 100-1 ratio between powder and crack cocaine in the federal sentencing guidelines.

#### Connie Powell

Assistant Professor of Law

#### PUBLICATIONS

"The Saga Continues: Secondary Liability for Copyright Infringement Theory, Practice and Predictions," *Akron School of Law Intellectual Property Law Review*, Vol. III (forthcoming).

#### PRESENTATIONS

"The Change in Media, the Impact of the Internet on Media & Politics and the Legal Implications," Iona College Intellectual Property Conference, June 12-13, 2009.

#### Gerald Powell

Abner V. McCall Professor of Evidence and Master Teacher

#### PUBLICATIONS

*A Practical Guide to Texas Evidence*, Fourth Edition, with co-author the Hon. Ed Kinkeade, (National Institute for Trial Advocacy, May 2009)

#### PRESENTATIONS

"Evidence Summit," Texas Center for the Judiciary, Austin, Texas, August 4, 2008.  
"Evidence Law: What's New?" at the Bell County Bench-Bar Conference, March 5, 2009, and the Smith County Bar Luncheon, March 13, 2009.

#### Rory Ryan

Associate Professor of Law

#### PUBLICATIONS

"It's Just Not Worth Searching for Welcome Mats with a Kaleidoscope and a Broken Compass," 75 *Tennessee Law Review* 659 (2008).

#### PROFESSIONAL ACTIVITY

Authored an *amicus curiae* letter brief in *OAIC Commercial Assets, LLC v. Stonegate Village* (urging the court to reformulate the standing component of its justiciability doctrine).

#### Jim Underwood

Associate Professor of Law

#### PUBLICATIONS

"Road to Nowhere or Jurisprudential U-Turn? The Intersection of Punitive Damage Class Actions and the Due Process Clause," 66 *Washington & Lee Law Review* (Spring 2009).

#### PROFESSIONAL ACTIVITY

Testified during April before a Texas Senate committee on the issue of proposed legislation to change the legal causation requirement in asbestos mesothelioma tort cases.

#### Patricia Wilson

Professor of Law

#### PRESENTATIONS

Negotiating Commercial Leases, April 3, 2008, sponsored by the Practicing Law Institute, New York (Ethics presenter)

Negotiating the Sophisticated Real Estate Deal April 22, 2008, sponsored by the Practicing Law Institute, New York (Ethics presenter)

"A Consideration of Tenure and Its Effect on Women Faculty Members: A Proposal for Increasing Parity Between Men and Women on College Campuses," presented at the Oxford Roundtable, Aug. 11, 2008, Oxford University

#### PROFESSIONAL ACTIVITY

April 2008: Appointed an attorney *ad litem* in April 2008 for one of the Fundamentalist Latter Day Saint children removed from the Yearning for Zion Ranch. Recently completed representation.



DEVELOPMENT

# Telling the Baylor Law Story

By Julie Corley, Director of Development

**A**ny child who has gone to library storytime knows that every good story has a beginning (“once upon a time...”), a twist (“but then...”) and an ending (“...happily ever after”). But interesting stories aren’t limited to fairy tales. As I have learned by visiting with graduates across the nation, Baylor Lawyers have great stories to tell, too.

Their “once upon a time” begins with my question, “How did you find yourself at Baylor Law School?” The story unfolds: “My dad and granddad were Baylor Lawyers, so I didn’t apply anywhere else...” “A family friend, whom I greatly respected, went to Baylor Law...” “In 1970, it only took 90+ hours to get a law degree—it was my fastest way to get a good education...” “I camped out at the desk of Charlotte Reese. She was Dean McSwain’s registrar. I think I wore her down, and she finally talked McSwain into giving me a chance.”

The twist in the plot? Very quickly I learned that my next question, “When did you graduate?” had much less meaning than “Who did you have for PC?” What could be more of a twist than Practice Court? And so the next chapter in the saga of becoming a Baylor Lawyer would flow.

But even though PC falls toward the end of Baylor Law studies, the story does not end there. When I ask, “Why do you give to Baylor Law?” I hear a few common refrains: “Because someone provided a scholarship for me.” “That’s the only way I got through school.” “Somebody not only provided my tuition, but they paid my light bill one month. I never knew who that was.” Here, the stories begin to converge into a greater story—the story of Baylor Law School.

One of the greatest challenges of my job is overcoming the perception that Baylor Law School has everything we need. Yes, we are in a fabulous facility—thanks to your giving! Yes, we have the

strongest faculty and staff you will find anywhere. Yes, we attract the finest students, who have a heartfelt desire to be the best. The story of Baylor Law is a great one! But there is so much more we want and need to do.

We have two top priorities right now: 1) increase our scholarship endowment and 2) increase the size of our faculty. We will not be content until every student who earns a seat at Baylor Law School has some form of scholarship support. Right now, approximately 35 percent of our students have meaningful support. Students graduate with an average indebtedness of \$88,000. As undergraduate debt increases, the money available to offset this expense for law school becomes even more critical. The best belong at Baylor, and we want to support them and provide highly acclaimed faculty who will continue our strong reputation for topnotch teaching and lifetime mentoring.

This is where the “happily ever after” enters. It warms my heart to see the Baylor Law community respond to the needs of students. Yet we cannot achieve our goals for the future only with the people who have supported us in the past. If you were blessed with a scholarship when you attended law school, will you support scholarships for those coming behind you? Scholarships give you—and Baylor Law students—a great “happily ever after”—a great conclusion to your Baylor Law story.

**A few excerpts from the Baylor Law School story:**



**“Mary and I give to Baylor Law School because we realize what a great difference a legal education has made in our lives.** It feels so good to be able to repay the Law School in a small way. Giving to our Law School is the best way we know to create a positive influence that will be there forever.”

— JUDGE JIM CLAWSON  
(Temple, Texas, JD '48)

**“Giving to Baylor Law School furnished us a way to remember a couple of friends from my student days – Ralph and Jo Norvell.**

We had a desire to be a part of Baylor's program and future.”

— BEN FERRELL  
(Tyler, Texas, LLB '50)

**“Planned giving to the endowment gives us the opportunity to take ownership of the wonderful accomplishments that are taking place everyday in Waco.** It's a chance to be a part of something much larger than ourselves.”

— JOHN GINN  
(Sulphur Springs, Texas, JD '89)

**“My decision to provide financial support to Baylor Law School was easy. I attended Baylor because of the generosity of many.** I received great counsel and mentoring while at Baylor from those in positions of leadership as well as my peers. I gave to Baylor because Baylor gave to me.”

— DAVID DIAL  
(Atlanta, JD '83)

### **Write the next chapter in your Baylor Law story.**

You can establish a named endowed scholarship fund with a \$5,000 commitment each year for five years, or you can support an already established scholarship fund. Contact Julie Corley at 254.710.2561 or Julie\_Corley@baylor.edu for more information.

# BAYLOR LAW ADMISSIONS

By Colin Powell



this age of high-speed communication and instant access to information through concepts such as social networking, it is no wonder that we sometimes get our lines crossed, confused by a new and slightly misleading vernacular. Who really knows, for example, the difference between a Tweet and a ReTweet? Just a few years ago such a question would have been, quite literally, for the birds. And when did writing on someone's Wall become a socially acceptable method of communication rather than a minor annoyance to the mother of a two-year old or a minor crime plaguing cities across the world?

The answers seem as enigmatic as the questions – the rise of oddly-named Internet phenomena such as “Facebook,” “Twitter,” and “YouTube” have changed the dynamic of human interaction. Each day millions of people log on: most of them are young; many of them are students or potential applicants, and institutions such as Baylor Law School are beginning to realize the importance of these sites in their recruiting strategies.

Here at Baylor, the law school admissions department utilizes a variety of social networking websites to reach potential law students where, in some cases at least, they feel most comfortable: the World Wide Web. Here is a quick overview of the law school's efforts to reach technologically savvy students.

Over 200 million people worldwide have accounts on Facebook, which launched in 2004 with the goal to “give people the power to share and make the world more open and connected.” The Admissions Office manages a Facebook Group for each of its entering classes. Administrators of the group may create notifications for upcoming events in the law school, such as Open Houses and orientations, and may also upload photographs of those events to share with visitors to the group. The Admissions Office updates its status with brief announcements and messages pertaining to events and news at Baylor Law. Finally, the Facebook “Wall” allows discussion between admissions staff and incoming students. We have found that long-standing friendships are now being developed prior to orientation. Baylor Law also manages a Facebook page which contains a number of event announcements, photos and news.

Twitter launched in 2006 and has slowly become more and more popular, currently attracting 23 million users each month. Twitter asks the user a simple question – “what are you doing?” – and invites members to respond in 140 characters or less. Updates are called “tweets,” and may be accompanied by hyperlinks to photographs or other web pages. Law school personnel keep “followers” on Twitter apprised of the daily goings-on at the law school. Become a follower by visiting [www.twitter.com/BaylorLawSchool](http://www.twitter.com/BaylorLawSchool)

Another popular website is YouTube, which allows users to upload video content free for anyone to see. Every minute, users upload ten hours of video to the website – content which varies from news to entertainment to education. The Law School recently completed 28 short video clips, which are about 1-2 minutes in length and which are appropriately called “snacks.” These snacks will be launched on YouTube in August along with our new recruitment video.

Finally, the Baylor Law School admissions office operates an Admissions Blog in the Prospective Students section of the law school website. According to Webster's Dictionary, a “blog” is “a Web site that contains an online personal journal with reflections, comments, and often hyperlinks provided by the writer.” The law school's blog fits true to this form – admissions directors and other special guests provide an inside perspective on the admissions process, life in Waco and at Baylor, and the unique circumstances that set Baylor apart from other law schools in the nation. The Admissions Blog may be found at [law.baylor.edu/blog](http://law.baylor.edu/blog).

Applications in the World Wide Web allow the admissions department to reach potential applicants on an unprecedented scale. As technology continues to expand, look for Baylor Law School to find new and unique methods to spread the word about our unparalleled educational program.



# Gibson Gayle

## Celebrates 50 years in ABA's House of Delegates

**W**hen Baylor Law alumnus Gibson Gayle Jr. ('50) became involved in the ABA's House of Delegates, *Bonanza* was the only color TV show on the air and Dwight Eisenhower was president. Gayle was recognized for his outstanding longtime service to the House of Delegates during its mid-year meeting. He was introduced by Harper Estes, president of the State Bar of Texas, and was escorted to the well by the Texas delegation.

"Gibson Gayle has dedicated himself to service – service to his family, service to his community and service to his profession," Estes said. "He has served those of us who have been privileged to know him, privileged to see his humility and the way in which he leads. He is truly the definition of a servant leader."

Gayle paid tribute to his wife of 61 years, Martha Jane Wood Gayle and said "she was the rock of the family."

"Without her love, support and encouragement, I wouldn't be getting recognition anywhere, because I would not have accomplished anything" said Gayle, a Waco native who met his wife while at Baylor. "I also want to thank my law firm, Fulbright and Jaworski, for asking me to become involved in bar association work in August of 1951 and for supporting me along the way ever since."

"When I first became a member of the House in 1959, I was really proud to be a lawyer. But today I'm prouder to be a lawyer than I have ever been before, primarily because of the integrity, the dedication, the intelligence, the dedication to duty and the public spirit shown by the members of this House of Delegates. I'm truly honored to be one of you," he concluded.

A life member of the House of Delegates and former managing partner of Fulbright and Jaworski, Gayle has served as secretary of the ABA; president and director of the American Bar Endowment; chair of the Young Lawyers

Division; member of the board of editors of the *ABA Journal*; and Fellow and former member of the board of directors of the American Bar Foundation. Gayle has also been a council member of the International Bar Association; director, president and vice president of the State Bar of Texas; chair of the board of trustees of the Texas Bar Foundation; and president of the Texas Young Lawyers Association.

Until 1991, Gayle was chair of the board of trustees of Baylor College of Medicine and remains a board member. Currently, he is a trustee of M.D. Anderson Foundation and an associate member of The University of Texas M.D. Anderson Cancer Center Board of Visitors. For many years, he was a member of the board of governors of the Harris County Center for the Retarded. Gayle is a life member of the board of directors for the Texas Medical Center, Inc.

In 2004, Gayle was knighted by the French civic organization *Légion d'Honneur*, regarded in Europe as one of the

most prestigious civic honors, for his extraordinary support of the Institute of Transnational Law at the University of Texas School of Law. In 2006, he was honored with the Fellows of the American Bar Foundation's Outstanding Service Award, the foundation's leading lifetime achievement award. He also is a Baylor University Distinguished Alumnus and Baylor Lawyer of the Year in 1975.

"Gib Gayle is an icon in the legal profession, both in the state of Texas and nationally," said Baylor Law Dean Brad Toben. "I have always likened Gib to the saying used in E.F. Hutton advertisements. In other words, when Gib speaks – whether within the profession, the community or in the private or public sector – people listen. His wisdom, experience and insights are proven and superb."



# Sydney Beckman

## named Dean of Lincoln Memorial University School of Law

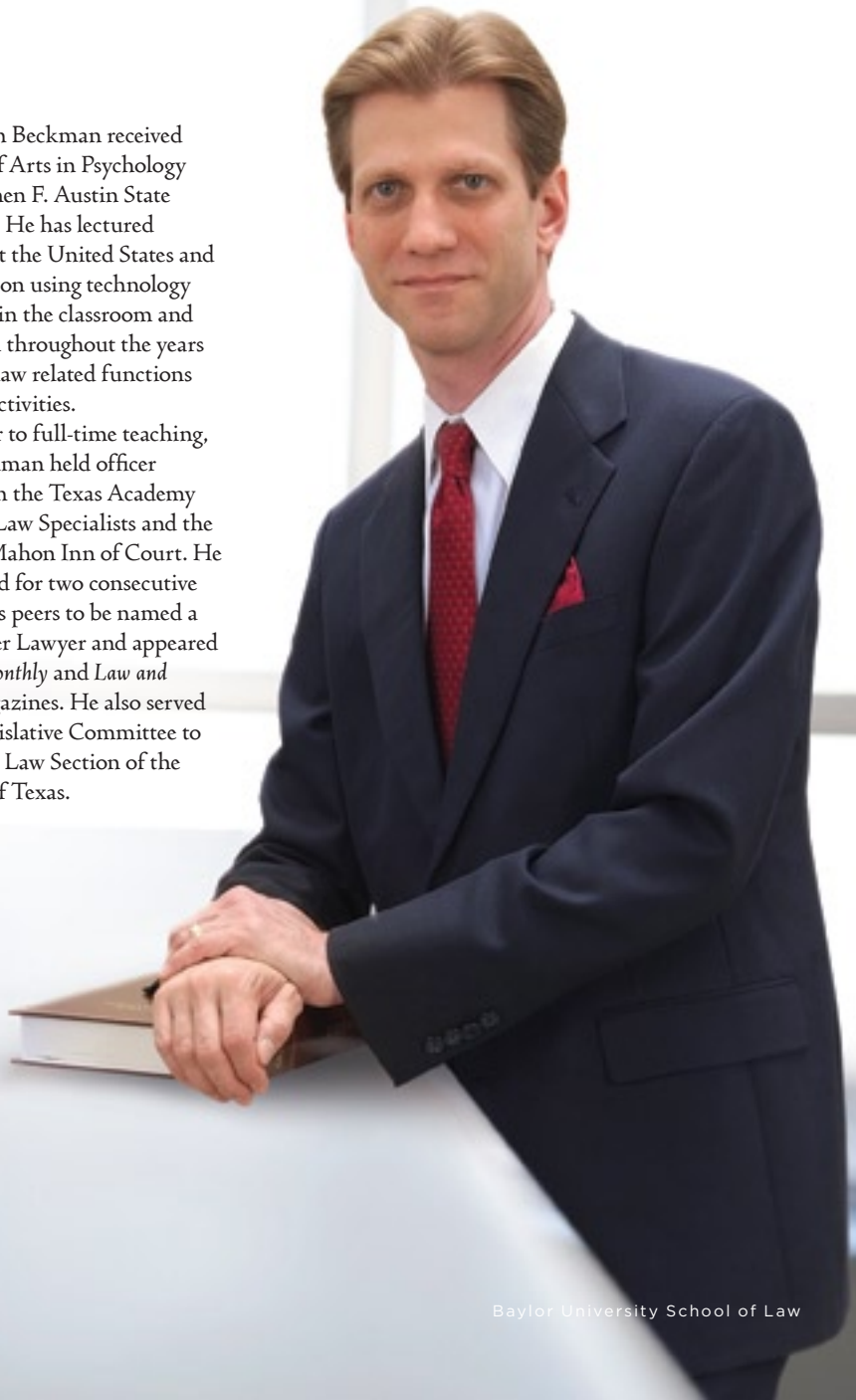
**S**ydney Beckman ('91) began his duties as dean of the Duncan School of Law at Lincoln Memorial University on Aug. 1, 2008.

Dean Beckman practiced law for more than 15 years and was an adjunct professor at Texas Wesleyan University School of Law for five years and a faculty member at the Charleston School of Law for three years before becoming the founding dean of the Lincoln Memorial University School of Law.

A former partner in the firm of Goodman, Clark & Beckman in Arlington, Texas, he also served for three years as a municipal judge pro tem and served periodically as a visiting family law magistrate. He has authored articles and numerous books in the area of family law and is currently coauthoring a textbook on evidence.

Dean Beckman received Bachelor of Arts in Psychology from Stephen F. Austin State University. He has lectured throughout the United States and in Canada on using technology effectively in the classroom and has spoken throughout the years at various law related functions and CLE activities.

Prior to full-time teaching, Dean Beckman held officer positions in the Texas Academy of Family Law Specialists and the Eldon B. Mahon Inn of Court. He was selected for two consecutive years by his peers to be named a Texas Super Lawyer and appeared in *Texas Monthly* and *Law and Politics* magazines. He also served on the Legislative Committee to the Family Law Section of the State Bar of Texas.



“

**Choose your path; don't let the path choose you because it is easy, or what everyone expects. Find out what you are passionate about and go for it.”**

**– Mark Slough**





# NFL Agent offers advice to Law Students

**L**aw students filled the rows of room 127 to hear how Baylor Law alumnus Mark Slough got into the glamorous business of being an NFL agent,

but they also picked up some sage advice on finding a vocation. The Los Angeles resident was the featured speaker at the Feb. 12 “Bear Essentials” event, sponsored by The Office of Career Services.

“People think I have a dream job, and in many ways I do,” said Slough, who serves as president of Merge Sports and Entertainment. “But I want to tell you that it was a dream before it came true. I had no experience and no clients when I started out. But I was determined and I had no fear of failure. I was afraid not to try, not afraid to fail. I had to chase my dream because it had been chasing me my entire life.”

Slough, the son of a basketball coach, entered law school at age 32 after 11 years in the banking business. He already knew that he wanted to integrate sports into his career, and Baylor allowed him to basically chart his own path. The law school, specifically Professor David Swenson, allowed him to write a sports law curriculum for a sports law class as an independent study; that curriculum is still being used today. Slough also was one of the first law students to attend the Sports Lawyer Conference.

“There were five students there that year. Now there are more than 200 who attend,” he said.

Slough ended up with a joint JD/MBA and was the first person to have both the dean of the law school and the dean of the business school award him his diplomas.

“No one had gotten them at the same time, but I finished both programs in two and a half years. One semester I took 21 hours, but I was focused and motivated,” he said.

After Law School, Slough worked for Fulbright and Jaworski in the San Antonio office but still dreamed of using his degree in a field that dealt with sports. He left the firm in 1998 to launch Momentum Sports Group, even though he had no clients. He soon found players to represent through contacts at Baylor and Abilene Christian University, where he received his undergraduate degree. He later bought a baseball management firm and a marketing firm.

He sold in 2002 and now solely represents NFL players through Merge Sports, but is thinking about a sideline to represent coaches. Clients include Jay Ratliff of the Dallas Cowboys, Sammy Morris of the New England Patriots and Frank Omiyale, who recently signed with the Chicago Bears. Merge specializes in contract negotiation, pre-draft and NFL Combine preparation, and marketing and public relations, including shoe endorsements.

“You have to have a graduate degree to be certified by the NFL. I do think a J.D. gives you an advantage in contract negotiations, specifically the collective bargaining documents,” he said. “The agency business is a demanding one; it can consume you if you let it. I build my

business around the personal relationships I form with my clients and I am very specific about the type of young man to represent. I try to find the right fit when getting clients, and after, I try to be in constant communication with them.”

Along with discussing his particular career path and the legal questions that arise when working as an agent, Slough passed along some wisdom. “Choose your path; don’t let the path choose you because it is easy, or what everyone expects. Find out what you are passionate about and go for it,” he said.

Recent Baylor law graduate Daniel Hare agreed with Slough’s advice.

“Practically, he advised everyone to be ready and willing to work for little or no pay in order to get in the door. And having done that myself at several places, I can say that is excellent advice,” said Hare, who works Director of Athletic Compliance at University of Central Oklahoma. “But more importantly, Mark impressed upon each of us to take the time to think about what our goals and dreams really are. If they are to work in a big firm, then go after it! If not, don’t just go after it because everyone else is or because you think that’s what you’re supposed to do. If we take the time to think about what we really want to do with our degrees, we can feel good about whatever direction we decide to go.”



## ALUMNI PHOTOS



**LEFT:** Michael Johnston ('80) and Judith Wells ('79) were Baylor Law School classmates who recently were reunited by a creative circumstance. Ms. Wells has been serving the Fort Worth community for over 25 years in the capacity of Judge. Mr. Johnston has built a well-known mid-size law firm, the Johnston Legal Group, PC, in the Fort Worth area that continues to grow. Recently, Judge Wells swore Mr. Johnston in to practice law in Oklahoma.

**ABOVE:** At a lunch held during the State Bar Board of Directors meeting at Baylor Law School, State Bar President Harper Estes (center) presented resolutions to Waco lawyers Ryan C. Johnson (left) and Rick Bostwick of Beard, Kultgen, Brophy, Bostwick & Dickson, L.L.P. The lawyers were honored for their pro bono representation of 20 residents of Mart, Texas, who were threatened with eviction when the city considered selling the property the residents leased. Bostwick and Johnson helped residents keep their homes and negotiate long-term leases.

**ABOVE:** R. Matt "Mad Dog" Dawson, one of the most widely recognized trial lawyers in Texas history, celebrated his 93rd birthday on Friday, March 20, at a lunch with some Baylor Law School colleagues. Joining him in the celebration were Gerald Powell, the Abner V. McCall Professor of Evidence; David Guinn, Master Teacher and Lyndon L. Olson and William A. Olson Chair of Local Government and Constitutional Law; Angus McSwain, Master Teacher and former Dean; Brad Toben, dean and the M.C. & Mattie Caston Chair of Law; Beth Toben and Mark Parker, longtime prosecutors in the McLennan County District Attorney's Office; and Julie Corley, director of development for the law school. Following the lunch, Prof. Dawson gave his friends a tour of the beautiful garden that he maintains at his home in Waco. Pictured are Powell, Dawson, McSwain and Toben.



### 1971

— **LARRY G. HOLT** has been appointed by Governor Rick Perry to serve as a commissioner at the Texas State Library and Archives. The commission is the seven-member body appointed by the Governor to lead the Texas State Library and Archives. Mr. Holt practices in the areas of estate planning, probate, trust, wills, real estate, oil and gas, and public finance.

### 1973

— **F. MICKEY JONES** was selected to receive the 2009 Community Statesman Award and was also recently named Citizen of the Year in Odessa, Texas. Mr. Jones currently serves on the boards of Colorado Municipal Water District, Security State Bank, Texas Association of Bank Council, Texas Golf Association and the Ector County Appraisal District.

### 1974

— **GAYLA CAMPBELL CRAIN** recently opened the Law Firm of Spencer Crain Cabbage Healy & McNamara PLLC in Dallas, Texas. The majority-owned female law firm is the first significant firm of its caliber in Texas. The firm provides nationwide counsel and representation in commercial and civil litigation, labor and employment law, mediation, and business immigration.

### 1975

— **THOMAS A. FORBES** has been appointed to a three-year term on the American Bar Association's Standing Committee on Governmental Affairs by ABA President Tommy Wells. Mr. Forbes is an associate of the Law Firm of Kemp Smith LLP in Austin, Texas.

### 1977

— **DAVID W. SHOWALTER** was recently elected as President of the Wharton County Junior College Foundation. Mr. Showalter will lead the board in its mission to secure philanthropic and external sources of financial support for students, faculty and staff to enhance the college's educational programs. Mr. Showalter is managing partner of Showalter Law Firm and is also a commercial and residential real estate developer and investor and is a member of the Fort Bend County, Texas Economic Development Council.

### 1978

— **TERRY L. SIMMONS** with the law firm of Thompson & Knight has been listed in The Best Lawyers in America 2009. Mr. Simmons works in the firm's Dallas office and specializes in Trusts and Estates.

### 1980

— **DALE C. HETZLER** has been named Senior Vice President and Chief Legal Officer for Erlanger Hospital. Mr. Hetzler previously worked as Chief Legal Officer, General Counsel and Vice President of Children's Healthcare of Atlanta. Between 2004 and 2008, Mr. Hetzler was an Emory University School of Law adjunct professor and in 2007 he was an adjunct professor at Kennesaw State. He is affiliated with the American Bar Association; the American College of Healthcare Executives; the Association for Conflict Resolution; the American Health Lawyers Association; and the Association of Corporate Counsel, for which he served on the Georgia chapter's board of directors in 2004.

— **OTTO HEWITT** has been appointed to a 3-year term (2008-2011) as a "commissioner" on the State Bar Committee for Web Services.

### 1981

— **JERRY CLEMENTS** has been ranked by Lawdragon, a media company that provides legal news briefs and lawyer rankings, as one of their "100 Managing Partners You Need to Know." Ms. Clements is Chair of the Law Firm Locke Lord Bissell & Liddell. Ms. Clements is a *cum laude* graduate of Baylor School of Law, where she was Editor in Chief of *Baylor Law Review*. In 2007, Ms. Clements was named one of the Top 50 Most Influential Women Lawyers by the *National Law Journal*. She is a Fellow in the American College of Trial Lawyers; a Member of the Board of Trustees of the Foundation of the American College of Trial Lawyers; a Member of the American Board of Trial Advocates; a Fellow in the International Society of Barristers; and a Fellow in the Litigation Counsel of America.

— **SEN. KIRK WATSON** has been named by Concordia University Texas as the honoree for its "Excellence in Leadership" gala, which recognizes a Christian leader and raises money for the university's fund each year. Sen. Watson is a lawyer and a former mayor of Austin. The gala will be Aug. 21, 2009, at the Four Seasons Hotel, Austin. On January 15, 2009, the law firm of Brown McCarroll, L.L.P. announced that Sen. Watson joined their firm in the Austin office. His practice focuses on commercial litigation, but he will also be taking an active role in business development and promoting community involvement for the firm.

### 1982

— **DEBORAH B. ALSUP** with the law firm of Thompson & Knight has been listed in The Best Lawyers in America 2009. Ms. Alsup works in the firm's Austin office and specializes in Appellate law and Commercial Litigation.

— **PAUL CANNON** has been elected an advisory director of First Financial Trust & Asset Management Co. N.A.

### 1983

— **M. KEITH BRANYON**, a partner at Jackson Walker, recently authored *Texas Probate Forms & Procedures*, an informational book available from James Publishing. He also was named one of Tarrant County's Top Attorneys by *Fort Worth, Texas* magazine.

### 1985

— **GREGORY WOODS**, a shareholder with the Naples-based law firm of Grant, Fridkin, Pearson, Athan & Crown, has been certified by the Florida Supreme Court as a circuit court mediator. Wood's trial practice includes class-action suits, commercial, intellectual property and securities litigation. He has 23 years of experience in litigation and has tried more than 70 cases to verdict. He is licensed to practice in Florida and Texas.

### 1986

— **DAN MALONE** has been named general counsel for Dallas Baptist University. A graduate of Baylor University and Baylor Law School, he has practiced law for 22 years in El Paso. He is a member of the board of directors of the *Baptist Standard*, and is a past member of the Baptist General Convention of Texas administrative committee. He was a longtime member of First Church in El Paso.

— **LEONARD W. WOODS** has joined the law firm of Jackson Walker in its Austin office. Mr. Woods is board certified in Consumer and Commercial Law by the Texas Board of Legal Specialization. He was named a "Super Lawyer" in Construction Litigation by *Texas Monthly* magazine and *Law & Politics* magazine (2006 and 2008). Mr. Woods was also awarded the Texas Chapter International Association of Arson Investigation – John R. Rauch Award (2005) and the Austin Independent School District African American Heritage Community Service Award (2006). He earned his B.S. from Baylor University.

## 1987

— **PAULA DENNEY** has been named one of the “Top Lawyers” in Houston by *H Texas* magazine. Ms. Denney is a partner in the Litigation and Health Care areas of Jackson Walker. Ms. Denney is also a Society of Human Resource Management Certified diversity trainer. She received a B.A. at Baylor University and was the Comments Editor for the *Baylor Law Review*.

— **CURT WEBB** has been inducted into the Texas Fellows of the American College of Trial Lawyers. He is a partner in the firm Beck, Redden & Secrest, L.L.P. His practice focuses on the representation of individuals and companies in complex litigation, commercial disputes, personal injury and product liability.

## 1988

— **LORI CARR** announces the formation of Taber Estes Thorne & Carr PLLC, one of Dallas’ few women-owned law firms. Ms. Carr was formerly with the Dallas law firm of Gardere Wynne Sewell. Ms. Carr is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and has expertise in all areas of labor and employment law litigation, including employment discrimination and sexual harassment, as well as compliance issues.

## 1992

— **MICHAEL C. SMITH**, a partner with Siebman, Reynolds, Burg, Phillips & Smith, LLP in Marshall, Texas, was presented with the Outstanding Third Year Director Award and a Presidential Citation for his service to the State Bar of Texas. Outgoing State Bar President Gib Walton of Houston honored Smith for his leadership in chairing the Bar’s Membership Services and Education Committee.

## 1993

— **JONATHAN J. BATES** has partnered with Katherine A. Kinser to form the Law Firm of Kinser & Bates, LLP in Dallas, Texas. Their practice is limited to Matrimonial Law. Mr. Bates is a Fellow with the American Academy of Matrimonial Lawyers and Board Certified in Family Law.

— **JOHN FLEMING** was elected Nacogdoches County Attorney in November 2008. Mr. Fleming is a Nacogdoches, Texas, native and practiced for 14 years with a focus on family law and criminal law. He also teaches Business law part time at Stephen F. Austin College.

## 1994

— **DEEIA BECK** of Fort Worth was appointed by Governor Rick Perry to Public Counsel for the Office of Public Insurance Counsel for a term that expired February 1, 2009. The office represents the interest of insurance consumers in regulatory matters relating to insurance rates, rules and forms. Ms. Beck is an administrative law judge for the Texas Department of Insurance Workers’ Compensation Division. She is a life fellow of the Texas and Tarrant County Bar Foundations, and a member of the State Bar of Texas, Tarrant County Women’s Bar Association and Workers’ Compensation Section of the State Bar of Texas. She is also a past volunteer for Meals on Wheels and chair of the Tarrant County Bar Association’s Warm Clothing Drive.

## 1996

— **BRAD A. ALLEN**, formerly a partner at Martin, Disiere, Jefferson & Wisdom LLP, has joined USAA’s Enterprise Litigation team. Mr. Allen also received the 2008 Texas Young Lawyers Associations’ President Award of Merit for his work as Editor In Chief of TYLA’s online magazine – *eNEWS*. He was also appointed by the TYLA President as Editor in Chief for the 2008-2009 year.

— **WILLIAM MEDFORD** has been elevated to Shareholder at Greenberg Traurig LLP.

— **CHRISTOPHER D. DEMEO** has joined the law firm of McGlinchey Stafford PLLC located in Houston, Texas. Mr. DeMeo brings more than 10 years’ experience in the area of healthcare and commercial litigation to the firm’s healthcare section.

— **ANDREW WEBER** was named First Assistant Attorney General by Texas Attorney General Greg Abbott. Weber, who previously served as the Clerk of the Texas Supreme Court and as Deputy Attorney General for Legal Counsel, officially assumed his new role on December 1, 2008.

## 1997

— **DAVID F. JOHNSON** of Winstead PC has recently become certified in Civil Trial Law by the Texas Board of Legal Specialization. Johnson is now certified in three areas: Civil Appellate Law, Civil Trial Law, and Personal Injury Law. He is the youngest practicing attorney in Texas to have this triple certification. Johnson has practiced in the U.S. Supreme Court; the Fifth, Seventh, and Eleventh Federal Circuits; the Federal District Courts for the Northern, Eastern, and Western Districts of Texas; the Texas Supreme

Court and various Texas intermediate appellate courts. He currently teaches Appellate Advocacy at Texas Wesleyan University School of Law located in Fort Worth. Johnson is a member of the American Bar Association (Appellate Committee), the State Bar of Texas (Appellate Section), the Bar Association of the Fifth Federal Circuit, the Tarrant County Bar Association, the College of the State Bar of Texas and the Counsel of Appellate Lawyers. He also has been selected as one of 20 members of the 2008-09 class of LeadershipSBOT.

## 1998

— **BRITT WALTHER** was among the lawyers with the law firm of McClain & Patchin who, in August of 2008, joined forces with the law firm of Walker Wilcox Matousek LLP. WWM has 40 lawyers with offices in Chicago and Houston. Mr. Walther graduated from Southwestern University in 1995 where he earned a Bachelor of Arts in Accounting. Mr. Walther is a Certified Public Accountant. He received his law degree with a concentration in general civil litigation.

— **WILL K. WOODS** has joined the Intellectual Property Department of Baker Botts L.L.P. as partner. Mr. Woods focuses his practice on providing clients counsel on the structuring of international and domestic franchise transactions, distribution of products and services, as well as franchise registration and disclosure matters. Mr. Woods is a frequent speaker and author of articles on franchising. He is a member of the Texas Bar.

## 1999

— **KENNETH “SHANE” SERVICE** moved back to his home state of Indiana and is now the CEO of The National Foundation for Special Needs Integrity, Inc. – a Nationally-Operating 501(c)(3) Not For Profit Corporation specializing in the needs of Personal Injury Litigants, Mass Tort Litigants, and other persons with disabilities who receive Means-Tested Government Benefits. His company serves clients in 37 states and recently began serving law firms in Texas. Mr. Service is a member of the National Academy of Elder Law Attorneys, the Indiana Bar Association, and the Elder Law Section of the Indiana Bar Association.

— **JEFFREY DAVID PARKER** was inducted as a Board Certified Criminal Law Attorney in February, 2009. He is a criminal defense attorney with the Jeff Parker Law Firm in Belton, Texas.



— **JOHN ROGER GILLESPIE** was inducted as a Board Certified Criminal Law Attorney in February, 2009. He is an Assistant District Attorney in Wichita County, Texas.

## 2000

— **CHRISTOPHER LAVIGNE** has been elevated to Shareholder at Greenberg Traurig LLP.

— **TRAVIS THOMAS** was recently admitted to the partnership at Baker Botts LLP in the Palo Alto, California office – Intellectual Property division. Mr. Thomas has extensive experience in the development and management of patent portfolios; litigation of patent and trade secret disputes; the evaluation of patent portfolios owed by potential acquisition targets; and the negotiation of technology licenses and other agreements involving intellectual property rights.

## 2001

— **KARISSA COTTOM** has been elected Shareholder to the firm of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. in the Tulsa office. She was Senior Editor of *Baylor Law Review* and graduated *magna cum laude*.

— **TIM FITZGERALD** has been promoted to the position of Vice President and Assistant General Counsel for Baylor Health Care System. Prior to joining Baylor Health Care System as Associate General Counsel in April 2006, Mr. FitzGerald served as Legal Counsel for Hendrick Medical Center in Abilene, Texas. Mr. FitzGerald earned his Master of Science in Management/Health Care Administration from Marshall University in 1995.

## 2002

— **CURTIS COTE** has formed the Wisconsin firm of Jennings & Cote, LLC, with Greg Jennings.

— **STACY CUNNINGHAM** has joined the ATF after many years as a prosecutor in East Texas. She is stationed in Nevada.

— **JAMES M. STANTON** of Dallas has been appointed by Governor Rick Perry as judge of the 134th Judicial District Court for a term to expire at the next general election. The 134th District is in Dallas County. Judge Stanton is an attorney in the commercial litigation section of Cozen O'Connor P.C. He is a member of the American Bar Association, State Bar of Texas, Dallas Bar Association and Dallas Association of Young Lawyers.

## 2003

— **JASON CHARLES HONEYCUTT** was inducted as a Board Certified Criminal Law Attorney in February, 2009. He is a criminal defense attorney with the firm of Kittleman, Thomas, & Gonzales, LLP, in McAllen, Texas.

— **JACK R. MORMAN, JR.**, an attorney at Michael P. Fleming & Associates, P.C., has been named a “Texas Rising Star for 2009” by *Texas Super Lawyer* magazine – an honor bestowed on less than three percent of the lawyers practicing in Texas. He is a member of the State Bar of Texas and the Association of Trial Lawyers of America.

## 2004

— **LESLIE HUNT** of Decker, Jones, McMackin, McClane, Hall & Bates, P.C., was elected President of the Fort Worth-Tarrant County Young Lawyers Association for the Sept. 1, 2008 – Feb. 28, 2009 term. Ms. Hunt is a member of the Eldon D. Mahon Inn of Court and has twice been named as one of Tarrant County’s Top Attorneys by *Fort Worth, Texas* magazine. She is also a provisional member of the Fort Worth Junior League. Ms. Hunt’s areas of practice include Commercial Litigation, Probate, Labor and Employment, Real Estate and Trademark Infringement Litigation.

— **JEREMY LEE** has been named to the “Texas Rising Stars 2009” list. Mr. Lee is an associate with the law firm of Thompson & Knight LLP in the Tax section of the Dallas office.

— **JOHNNA MCARTHUR** has joined Johnston Legal Group PC as an associate attorney. Johnston Legal Group is an AV-preeminent rated law firm with offices in Fort Worth, Houston, San Antonio and Lubbock.

— **HOLLAND SULLIVAN, JR.** has been elected Secretary of the Dallas Association of Young Lawyers (DAYL) after having been elected two years in a row to serve as one of eight Directors on the DAYL Board. The 2,500-member organization has approximately 40 committees overseeing 150 or more service projects every year.

## 2005

— **MICHAEL STRATTON** has joined the Navarro County District Attorney’s Office.

## 2006

— **KIM ANDERSON** has been promoted to staff attorney for Chief Justice Chew of the 8th Court of Appeals.

## 2007

— **J. WILL EDISON** has joined the law firm of Thompson & Knight in their Dallas office. He received a J.D., *summa cum laude*, and a B.S. in Management, with highest honors, from the Georgia Institute of Technology in 2004. Prior to joining Thompson & Knight, he completed a Judicial Clerkship with the Honorable C. Arlen Beam in the U.S. Court of Appeals for the Eighth Circuit from 2007-2008.

— **STEVE EINHORN** is finishing his LLM in Tax at New York University and has accepted a job with the NYC office of Proskauer Rose.

— **KIMBERLY D. SCHROEDER** is a new associate with the Law Firm of Klein, DeNatale, Goldner, Cooper, Rosenlieb and Kimball, LLP in Kern County, Calif. She is a member of the Kern County Bar Association, the Estate Planning Counsel and the Kern County Women Lawyer’s Association. Ms. Schroeder was admitted to the California State Bar in 2008.

## 2008

— **KIMBERLY CONNORS** recently became an associate in the Jackson Walker Law Firm’s Litigation section - Austin, Texas. Ms. Connors received her B.S. degree, with highest honors, from the University of Texas at Austin and her J.D. degree, *cum laude*, where she was Order of the Barristers, Senior Notes and Comments Editor for the *Baylor Law Review*, and involved with mock trial and moot court.

— **JUDE HICKLAND** recently became an associate in the Jackson Walker Law Firm’s Litigation section - Austin, Texas. Mr. Hickland received his B.S. degree, *summa cum laude*, in political science from Clemson University – Calhoun Honors College and his J.D. degree, *cum laude*, from Baylor University School of Law where he was Executive Editor for the *Baylor Law Review*.

— **RICHARD HOWELL** recently became an associate in the Jackson Walker Law Firm’s Litigation section - Austin, Texas. While attending the University of Texas at Austin, he interned at the White House with the President’s Deputy Policy Director. After graduation, he served in the NASA General Counsel’s office in Washington, D.C. During law school, Mr. Howell interned with Justice Tim Taft of the First Court of Appeals of Texas. Mr. Howell received his J.D. degree, *cum laude*, from Baylor University School of Law, where he was a member of the Order of the Barristers and Articles Editor for the *Baylor Law Review*.

— **SHAKEEB MIR** recently became an associate in the Jackson Walker Law Firm’s Transaction section - Austin, Texas. While in school, Mr. Mir had a judicial externship with the Hon. Harlin D. Hale and also with the Hon. Barbara M.G. Lynn. Mr. Mir received his B.B.A. degree in finance from Southern Methodist University. He received his J.D. degree from Baylor University School of Law where he was Notes and Comments Editor for the *Baylor Law Review*, participated on the Order of Barristers and Baylor Moot Court Team, and received the Dean’s Academic Excellence Scholarship.

## **EDWARD L. VON HOHN (J.D. 90),** OF DALLAS, TEXAS, PASSED AWAY ON FEB. 6, 2009. HE WAS BORN DEC. 13, 1964, IN BESSEMER, ALA. HE GRADUATED FROM BAYLOR UNIVERSITY IN 1987, RECEIVING HIS B.A., WITH HONORS, BEFORE ENTERING BAYLOR LAW SCHOOL.

"His friends, classmates, teachers remember Ed as a man who was so full of joy and spirit that he was always on the go, rarely taking the time to sit down and just relax," said Baylor Law Dean Brad Toben, during his eulogy at services held at First Baptist Church of Daingerfield on Feb. 14, 2009. "He loved that he was part of the Baylor family. He said that he believed in hard work, loyalty and tradition and that he found those things at Baylor."

Ed began his career as a law clerk for Federal District Judge Sam B. Hall, in Marshall, Texas. As a rising star in the legal field, he later secured a position with Nix, Patterson and Roach having the privilege to represent clients in several landmark cases.

He went on to serve as lead litigation attorney for Data Treasury in many precedent setting cases, while he continued to focus his works on Products Liability Law; Personal Injury Law; Toxic Torts; Intellectual Property; and Patent Litigation. His expertise in Intellectual Property Rights led him to successfully protect businesses and individual rights both nationally and internationally. Additionally, while as a Senior Partner at Nix, Patterson and Roach, LLP, Ed helped to build a team of lawyers who led the field in successful intellectual property rights protection. Most recently Ed served as lead legal counsel for Agora Entertainment Partners, LLP.

Ed's immense leadership skills were further evidenced through the following organizations: Phi Delta Phi Member; Harvey M Richey; Moot Court Society; Adjunct Professor, Paralegal Studies, East Texas Baptist University, 1991-1992; District 1 Director, Texas Young Lawyers Association, 1994-1995; Texas Young Lawyers Liaison, State Bar of Texas Court Rules/Administration of Justice Committee, 1994; Recipient, President's Award of Merit, Texas Young Lawyers Association, 1996; Chairperson, Federal Court Practice Committee, 1996 TYLA; Chairperson, Technological Support Committee, 1995-1996; TYLA, President, 1994-1996 and TYLA Treasurer, 1997; Daingerfield Chamber of Commerce; ATLA Texas State Director New Lawyers Division, 1995-1996.



He is survived by his children whom he loved dearly, Harrison (7) and Annajane (5); his mother Wyla Hohn; his grandmother, Maxine Jenkins of Sun City, Arizona; his father Edward L. Hohn, of Arizona; his brother Kristopher Von Hohn, and his wife Jacquelyn Von Hohn of Houston, Texas; sister, Ilsa Weaver, and her husband, Trent Weaver of Waco, Texas and their children, Taryn, Taylor, Trent Jr. and Tatum; sister Kirsten Howren, and her husband, Todd Howren of Austin, Texas, and their children Hayden and Heath; Isolda Griffin, and her husband Jagger Griffin of Scottsdale, Arizona, and their children Mackenzie Griffin and Stevie Patterson; and Ursula Null, and her husband Matthew Null of Denver, Colorado.



## HOMER E. DEAN JR. (LLB '41),

FIRST TEXAS BAR ASSOCIATION GENERAL PRACTITIONER OF THE YEAR, PASSED AWAY AUG. 18, 2008, ONE MONTH BEFORE HIS 90TH BIRTHDAY. BORN IN KAUFMAN, TEXAS, SEPT. 18, 1918, TO HOMER E. AND IVOR CONNELL DEAN, HE WAS RAISED BOTH ON A FARM AND IN TOWN, WHERE HIS MOTHER, ONE OF THE FEW SCHOOLTEACHERS IN THE AREA, TAUGHT HIM IN A TWO-ROOM SCHOOLHOUSE.



Determined to follow in the footsteps of his uncle and become an attorney, Dean worked five jobs while attending Baylor University, where he received two degrees in five years.

He married Barbara Roberts of Little Rock and San Antonio, a *cum laude* Baylor graduate, in November 1941, and moved to Alice to begin his new law practice with Lloyd and Lloyd. Enlisting in the Army after Pearl Harbor, he eventually was assigned to two military language institutes, studying Russian at NYU in New York City and Chinese at the University of California at Berkeley to prepare him to work with municipal leaders in those countries, in case the war led us there.

After World War II, Mr. Dean remained in the Army Reserves, often working on special intelligence assignments and JAG issues, until his retirement as Lt. Colonel. He and Barbara returned to Alice, where he continued his distinguished legal, political and civic career. He was elected and served as Jim Wells County Attorney from 1947 to 1949 and District Attorney from 1950 to 1952.

He served during a seminal time in South Texas politics, prosecuting Mario Sapet, for the death of Buddy Floyd Jr., and working for LBJ as election chairman, Jim Wells County, during the 1948 Senatorial election. Mr. Dean was both a student of and a witness to history during that period, being interviewed by Robert Caro and other biographers of LBJ. A long-term planner and civic visionary, Mr. Dean was responsible for Alice's

first recreational facilities and its National Guard Armory. The Junior Chamber of Commerce named him Outstanding Young Man of Alice in 1949. The Alice Chamber inducted him into its Hall of Honor in 1985, and in 1986 the Board of Realtors named him Citizen of the Year.

He was co-founder of Security Federal Savings & Loan Association in the early 1950s, which made low-cost home loans available to scores of returning GIs and their families. His longtime interest in water resources led to his decades-long service on the Area Council of Governments and his being one of the founders of the Alice Water Authority in 1962. He negotiated the first contract for water "in perpetuity" for Alice from Lake Corpus Christi and worked for decades to ensure that Choke Canyon Dam was built. The Alice Water Authority dedicated the Homer E. Dean Jr., Alice Water Plant to him in 1998 on his 80th birthday, in recognition of his more than 35 years of service.

During his long civic career, Mr. Dean was a member of the Kiwanis Club and the Masons. He helped organize the Alice Industrial Foundation and was a charter member of Jim Wells County Master Planning Association. Mr. Dean was especially dedicated to his church, First Baptist. He served as a deacon for more than four decades, frequently serving as chair, and was a frequent delegate to the Texas Baptist Convention. He also worked for the church in other areas, serving on the board of South Texas Children's Home in Beeville, Texas,

for many years. Mr. Dean was Board Certified by the Texas Bar Association in two fields, Estate and Probate and Oil and Gas Law, but he was also named General Practitioner of the Year by the State Bar Association in 1969, the first year that honor was bestowed. He later served as chair of the Board of the State Bar and was a candidate for State Board President.

"Homer Dean was the quintessential small-town lawyer who not only made a monumental impact on his community, but also a tremendous impact on state government and on the Baptist General Convention of Texas," said Baylor Law Dean Brad Toben. "He and his wife, Barbara, also have been such dedicated philanthropists, who have shared their largess with so many worthy causes. They both epitomize what it means to be generous of spirit."

He is survived by his wife of 66 years, Barbara Dean of Alice; daughter, Barbara (Bill) Dean Hendricks of San Antonio, daughter, Ruth (Don) Dean Brillhart of Alice; daughter, Grace Elizabeth "Becky" (John) Black of La Porte; six grandchildren, three great-grandchildren, and his sister, Mettie Dean Corley of Wimberley.

## **JAMES SCOTT WILEY (J.D. 97)**

PASSED AWAY ON SEPTEMBER 4, 2008.

HE WAS BORN JUNE 8, 1963, IN FORT WORTH, TEXAS. JAMES GRADUATED FROM SOUTHWEST HIGH SCHOOL IN FORT WORTH IN 1981. IN 1985, HE RECEIVED A BACHELOR'S DEGREE IN CLASSICS, WITH HONORS, FROM THE UNIVERSITY OF DALLAS.

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He began graduate studies in Classics at the University of Texas - Austin before transferring to Penn State University, where he earned a master's degree in philosophy in 1988. While working on his doctoral degree at Penn State, he studied as a Fulbright Fellow in Athens, Greece. When his dissertation advisor died unexpectedly, James was led to change his career path.

James subsequently earned his juris doctor degree from Baylor Law School, with a concentration in criminal practice, in 1997. After graduation, he worked as a briefing attorney for the Honorable George Allen of the 54th District Court of McLennan County, Texas. Later in 1997, James was hired by John Segrest, the McLennan County Criminal District Attorney, to prosecute criminal cases and appeals. Since 2003, he served as a Staff Attorney for Chief Justice Tom Gray of the 10th Court of Appeals of Texas. James was highly respected for his appellate and criminal law expertise.

"James was a gentle and kind spirit who, as the adage goes, often marched to the beat of a different drummer. He shared his friendship and love in his own quiet way. James also was appreciated by all for his subtle dry wit," said Baylor Law Dean Brad Toben.

James was preceded in death by his parents, Thomas Rufus Wiley and Billie Dean Ferrell Wiley, and by his brother, Thomas Craig Wiley.

James leaves as survivors his much beloved dog, Argus, and special friends Beth and Brad Toben, Mark and Becky Parker, the Hon. & Mrs. Tom Gray, the Hon. & Mrs. George Allen, and Mr. & Mrs. John Segrest, all of Waco, as well as his McLennan County Courthouse family. He also is survived by Chanda Day, a sister-in-law, of San Antonio, Texas.



## DONALD WAYNE CANTRELL (J.D. 71),

69, A RESIDENT OF HUNTSVILLE, TEXAS, DIED AUG. 24, 2008, IN CONROE, TEXAS, AT THE ODYSSEY HOSPICE HOSPITAL AFTER SUFFERING WITH CANCER FOR SEVERAL MONTHS.



"We are so proud of Don's life and service," said Baylor Law Dean Brad Toben. "He was a great man and a great lawyer and will be missed."

Don was born Oct. 6, 1938, in Waco, the son of Charles Morgan Cantrell and Pearl Davis Cantrell. He spent all of his early years in Waco and graduated from Waco High School in 1956. After high school, he attended Texas A&M University and upon graduation was commissioned into the United States Marine Corps. Don was a member of the United Methodist Church for over 30 years where he was a Sunday school teacher and evangelist.

Don was a devoted public servant. Most recently he served as District Attorney for Limestone County for over 14 years where he

fought in the Limestone County Citizens' War on Drugs. He also served as County Commissioner in McLennan County for two terms and several other civic roles including president of the Rotary Club, director of the United Fund, and director and president of the Chamber of Commerce. Don loved his country and was proud to serve as an aviator in the United States Marine Corps for over nine years. For his bravery he was awarded the air combat medal with four stars for flying over 100 combat missions in the Vietnam War.

Don was an avid sportsman. He was the pitcher for the first little league baseball team in Waco. He was also the color-commentator for KYCX sports and loved high school football, particularly the Groesbeck Goats and the

McGregor Bulldogs. He often served as an official starter for high school track meets in the Waco area. He coached little league baseball for his children and loved to watch his grandchildren compete in any sport.

He is survived by his wife of 48 years, Myrna Dean Cantrell; four children, Carlton Bryan Cantrell and his wife, Angela of Huntsville, Kevin David Cantrell and his wife, Cyndi of Weatherford, Texas, Catherine Elizabeth Moak and her husband, Sam of Huntsville, and Collin Davis Cantrell and his wife Misty, also of Huntsville; 13 grandchildren; his sister, Janice Cantrell of Mansfield; and his brother, Charlie Cantrell of Oklahoma City, Okla.

## THE LEGACY, LIFE STORIES OF THOSE CLOSE TO US

— **STEPHEN CHRISTOPHER ACKLEY (J.D. 98)** 34, of Georgetown, passed away on Sunday, April 19, 2009. He was born July 18, 1974, in Oxnard, Calif., to Charles Raymond and Karen May Hempel Ackley. He was an outstanding young Christian man, well known and respected for his strong family and personal values, love for his chosen career as an attorney, and passion for flying. He was an instrument-rated pilot and enjoyed owning and operating his Mooney. He was also an avid golfer and fisherman. He attended Southern Methodist University where he achieved two bachelor's degrees in only three years, in Political Science and Finance. He went on to earn his juris doctor from Baylor University Law School. It was during his time at Baylor that he met and married Jean Lee Egbert, his beloved wife of 12 years. Steve most recently practiced law for Williamson County as the Chief of Civil

Litigation. He was known for his dedication and passion for the law and quickly became well respected in the community. He was very proud of the fact that he had been admitted to practice and stand before the United States Supreme Court. He is survived by his devoted wife, Lee Ackley; their two-year-old son, Luke William Ackley; his father, Charles Ackley; his mother, Karen Ackley; grandmother, Carolyn Grote; brother, John Charles Ackley

— **ROY C. BROCK (LLB 53)**, founding member and name partner of Brock Person Guerra Reyna, P.C., passed away Nov. 11, 2008, at the age of 83. Mr. Brock was born in Haskell, Texas, on August 13, 1925. He grew up during the Great Depression and like so many of his generation, joined the military as a way of serving his country during World War II. After his tenure in the military,

Mr. Brock attended the Oklahoma A&M College in Stillwater, Oklahoma. He received his Bachelor of Science Degree in Economics in 1949. He was licensed to practice by the State Bar of Texas and admitted to practice before the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas, the United States Court of Appeals for the Fifth Circuit, and the United States Supreme Court. From 1953 until his retirement in 1993, Mr. Brock practiced law and tried cases. His area of practice was entirely in the arena of civil litigation defense. He was a Diplomate of the American Board of Trial Advocates, a status conferred on those few lawyers who have tried at least 100 cases to jury verdict as lead counsel. He was also a member of the International Association of Defense Counsel, American Bar Association, Defense Research Institute, Federation of

Insurance Counsel, Texas Association of Defense Counsel, and the San Antonio Bar Association. Mr. Brock was a mentor and friend to many in the San Antonio legal community. In his spare time, Mr. Brock enjoyed hunting in South Texas and fishing in Alaska.

— **JOSEPH ELKINS BROWN (J.D. 89)**, 48, died Monday, Oct. 13, 2008. Mr. Brown was born Nov. 28, 1959, in Berwick, La. He lived in Fort Worth but grew up in Hawkins and graduated from Hawkins High School. He graduated from Baylor University and Baylor Law School. He was a member of Sigma Tau Gamma fraternity and the American Bar Association. Survivors: Parents, Bob and Betty Brown of Hawkins; son, Joshua Brown Donnoe of Fort Worth; brother, Charles Robert Brown and wife, Kristi; nephews, Coby and Kelly Brown; and niece, Sara Jane Brown, all of Hawkins.

— **JAMES EVANS BURNETT (J.D. 78)**, 55, of Jefferson, died Dec. 29, 2007. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1978. He was an associate of Loe, Warren, Rosenfield & Catterton in Fort Worth from 1978 to 1981. From 1981 to 1984, he was in-house counsel to Steaks, U.S.A. in Marshall. He was a partner in Cornelius & Burnett in Jefferson from 1984 until his retirement in 2006. He served as attorney for the City of Jefferson. He is survived by his wife of two years, Lanette Burnett.

— **LYNN COOKSEY (J.D. 67)** passed away Sept. 14, 2008, at the age of 69. He was admitted to the Texas Bar in 1967. He served as Bowie County assistant district attorney and later district attorney from 1972-1978. From 1978 until his retirement in 2005, he was a private practitioner. He is survived by his wife; son, Frankie Cooksey; daughter, Amy Donahue; brothers, Gene Cooksey and Don Cooksey; sister Carole Davis; and two grandchildren.

— **JOHN CECILE CULPEPPER, JR. (LLB 63)** of Bryan-College Station, died Dec. 19, 2008, at the age of 71. He was admitted to the Texas Bar in 1963. He was a private practitioner until his death. He served in the U.S. Navy. He is survived by his wife of 47 years, Mary Anne Massengale; son, John Cecile Culpepper, III; and three grandchildren.

— **MIKE F. FELBER (J.D. 78)**, 58, an attorney, died Monday, April 13, 2009, at his home. Michael Francis Felber was born Oct. 6, 1950, in LaCrosse, Wis. He graduated from high school in LaCrosse and entered the U.S. Marine Corps. Upon completion of his service time, he returned to LaCrosse and completed his B.S. degree at the University of Wisconsin-LaCrosse. Mike practiced law as a personal injury, medical malpractice and product liability attorney. He was board-certified in personal injury trial law (1983 to present) by the Texas Board of Legal Specialization and was a member of numerous law associations. He was voted a "Super Lawyer" in 2003 and 2007, a "Best Lawyer" 2005-2006 and a Top Texas Lawyer by *Texas Monthly* in 2006. Mike was preceded in death by his father, Francis Joseph Felber, and his sister, Barbara Felber. Survivors include children Patrick Felber of Waukegan, Ill., Nathan Felber of Tucson, Ariz., Kelly Ober of Euless and Chad Ober of Big Spring; mother, Eileen Murphy of Tucson, Ariz.; and brothers and sisters, Maureen and Gile McWain of Wyeville, Wis., Kathy and Bruce Jorstad of Holmen, Wis., Danny Felber of LaCrosse, Wis., Theresa Yeoman of LaCrosse, Wis., and Maurice Horski of Holt, Mich.

— **C.V. FLANARY (LLB 49)**, 84, of Paris, passed away Feb. 26, 2009. He was born in Leonard on Oct. 26, 1924, the son of Minnie Mildred and C.V. Flanary Sr. After graduating from Cooper High School in 1942, he proudly served in the U.S. Army Air Corps during World War II. He was a flight engineer/crew chief on B-24, B-25, and B-26 bombers. He married Mary Magalene Burkett on Dec. 23, 1946. After attending the University of Texas and receiving his pre-law education at East Texas State College in 1947, he received his LLB degree from Baylor Law School in 1949 and practiced law in Lubbock and Fort Worth before moving to Paris where he worked as assistant county attorney under then county/district attorney Leighton Cornett. He served as Lamar County judge from 1958 until 1962, whereupon he entered the private practice of law until his retirement in 1995. He was a member of the Lamar County and Northeast Texas Bar Associations and was licensed to practice before the Northern and Eastern Federal District Courts, the Fifth Circuit Court of Appeals and the United States Supreme Court. He was a member for First Baptist Church of Paris. He was preceded in death by his wife of 60 years, Magalene, who died in 2006; his parents; and two sisters, Muriel Flanary Stone and Blanche Flanary South. Survivors include his only child,

Susan Flanary Turner and her husband, Dave; his brother, Don Flanary and wife, Alene, and his brother, Bill Flanary and wife, Linda; many nieces and nephews; his tender, loving caretaker, Tamera Bean; and his dear companion, his dachshund, Lucy.

— **PHILIP ELLIS HAMNER (LLB 52)**, 78, of San Antonio, died Dec. 17, 2008. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1952. He served as assistant to the State Bar general counsel in Austin from 1957 to 1959. From 1960 to 1974, he practiced with McDown & McClanahan in San Antonio. He was a private practitioner from 1974 until his death. He served in the U.S. Air Force Judge Advocate General's Corps from 1954 to 1957. He is survived by his wife of 36 years, Diana Hamner; sons, John Hamner and Walter Hamner; brother, Rev. Robert Hamner of Roanoke, Va.; and two grandchildren.

— **JOHN G. HEARD, SR. (LLB 48)**, 86, of Houston, died Nov. 7, 2008. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1948. He was a senior partner in Vinson & Elkins, L.L.P. from 1952 to 1986. From 1987 until his death, he was in a private practice. He served in the U.S. Marine Corps during World War II. He is survived by his wife of 62 years, Joanna McCann Heard; son, John G. Heard, Jr.; daughters, Elizabeth Heard Curlee and Nancy Heard Wright; brothers, Dow Heard, Jr., Judge Wyatt Heard, and Robert Heard; nine grandchildren; and one great-grandchild.

— **SARAH ANNETTE KASPARIAN (J.D. 83)** passed away Sept. 24, 2008, after a lengthy and gallant clash with cancer. Annette was born on Sept. 10, 1958, in Flagstaff, Ariz. She graduated from Mingus Union High School in Cottonwood, Ariz., in 1976 and received her undergraduate and juris doctorate degrees from Baylor University in 1980 and 1983 respectively. After passing the bar exam on her first effort, Annette practiced commercial litigation and bankruptcy law in Houston for 13 years. Seeking a different challenge in her professional life, she moved to Rio Rico, Ariz., and was hired immediately to teach AP government, AP U.S. history, and a course she designed to help young people manage practical legal matters. Returning to Texas in 2001, she started a law magnet program at Lakeview Centennial High School in Garland. Demonstrating influence in her field, she was selected to serve as both the District and State Judicial leader for the YMCA Youth



and Government Program, as well as a lead AP government exam reader. She was also the recent proud recipient of the James Madison Fellowship, awarded annually to only 58 educators nationwide. She served as a treasurer for the board of directors of Sequoia Inc., an organization serving adults and children with developmental disabilities. She took up cycling in support of the Lone Star Ride Fighting AIDS, and became an avid advocate for this event every year. Annette was preceded in death by her mother, Audrey Kasparian; and is survived by her father, Paul of Flagstaff, Ariz.; brothers Michael Kasparian of Phoenix, Ariz., and Scott Kasparian and wife, Wendi, of Phoenix, Ariz.; her beloved nephews Stephen, Nicholas and Jacob; her precious niece Lauren Kasparian.

— **FRANK “BUDDY” PENNINGTON (LLB 51)**, 79, of Houston passed away Jan. 11, 2009. He was born March 17, 1929 in Oklahoma City, Okla., to William Loyd and Nina Pennington. Frank grew up in Marlin, Texas, and attended Allen Academy during the war years. He graduated from Marlin High School. He served in the United States Air Force at Bergstrom Air Force Base as a legal officer and retired from the reserves after 25 years. He served as an Attorney and Land man at Exxon for 35 years. He was a proud member of Tallowood Baptist Church where he served as a deacon. Frank loved to buy and sell 1929 Ford Roadsters. He is survived by his loving wife, Joan Pennington; daughters and sons in law, Dede Cavazos (Adam), Mary Grace Birkhead (Rob), and Melissa Overmyer (Dale); also by his 12 grandchildren, Averie, Haley, Kelly, Robert, Daniel, Camille, Emma, Lilly, May, Daisy, Lukas, and Jacob; 1 great-grandchild, Veda.

— **PEGGY CLARE (THORNTON) SATTERFIELD (LLB 61)**, 71, of China Spring, died Nov. 18, 2008. She received her law degree from Baylor Law School and was admitted to the Texas Bar in 1961. She was a briefing attorney to the Supreme Court of Texas in Austin from 1961 to 1962. From 1962 to 1963, she served as a law clerk to Chief Judge Ben C. Connally of the Federal District Court, Southern District of Texas in Houston. She was an associate of DeLange, Hudspeth, Pitman & Katz in Houston from 1963 to 1975. From 1977 to 1984, she was an attorney for Shell Oil Company in Houston. She is survived by her husband of 46 years, attorney Louis Satterfield; daughter, Clare Paul of China Spring; and two grandchildren.

— **JUDGE HENRY G. SCHUBLE (LLB 59)** passed away on Dec. 21, 2008. He was born Aug. 19, 1932, to Henry “Heine” G. Schuble, Jr, professional baseball player for the Detroit Tigers and St. Louis Cardinals from 1929 -1936, and

Agnes Archibald Shaw, a model. Judge Schuble graduated from Robert E. Lee High School in Baytown, Texas, in 1950. He received his bachelor’s degree from Baylor in 1954. He then joined the United States Army and served as a Security Investigator in the 39th Battalion from 1954-1956. After the army, Judge Schuble entered law school. His first job as an attorney was as City Attorney of South Houston, Texas, 1960 - 1962. He served as an Associate Probate Judge for Judge Jack Smith from 1965 – 1967, and as an Assistant to the Mayor of Pasadena, Texas from 1966 -1968. He was in private practice in Pasadena, Texas from 1968 - 1977, specializing in family & probate law until he was appointed by Governor Dolph Briscoe to the newly created 245th Judicial District Court of Harris County, Texas, where he served from 1977 to 1994. He was never defeated in an election. He retired from Harris County in 1994 and began sitting as a visiting judge in the IV Judicial Region of the State of Texas. Judge Schuble also served as a Mediator in Bexar and the surrounding counties and enjoyed mediating for his many wonderful attorney friends. He was voted Best Qualified Assigned Judge in 2002 by the Nueces County Bar Association. He was the second most assigned judge in the state of Texas from 1995-1998. He served as judge in 37 counties in Texas. Judge Schuble passed down his love of the law to his three children; two became attorneys and the other went into law enforcement. He also was proud to be a Mason and Past Master of the South Houston Masonic Lodge. He is survived by his beloved wife, Elizabeth “Betsy” Schuble; daughter Kim Schuble Stephens of McCoy, Texas; son Kevin John Schuble, and his fiancé Stacey Schwank of San Antonio, Texas; son, Henry G. Schuble, IV, and his wife, Lisa Schuble of Lake Jackson, Texas; and four grandsons.

— **JUDGE WILLIAM H. “BILL” SHEEHAN (LLB 50)**, 80, formerly of Dumas, died Monday, Jan. 12, 2009, in Dallas. Judge Sheehan was born March 6, 1928, in Childress. His Irish-born father was a circuit-riding revival pastor until his death when Bill was only 3 years old. He was raised by his mother, Maize Sheehan Blankenship, and his stepfather who owned and operated Doc’s Shoe Shop in Childress. Bill worked in Doc’s Shoe Shop from the age of 10 until he entered the Army in World War II. During World War II, he served in the 10th Mountain Division as a ski instructor and was the boxing champion of his regiment. Prior to his enlistment, he attended Texas A&M University. He was in the Army Reserve and was called up during the Berlin crisis when he served in Texas as a post legal officer. While in the Army, he served in ranks from enlisted private to major. He worked as a general practice lawyer, both civil and criminal, for 28

years in Friona and Dumas. He was elected to the bench of the 69th District Court in 1978 and retired from the District Court in 1989. While he had many achievements, his greatest passion was helping children. He felt that one of his greatest contributions to this effort was founding the first rural Court Appointed Special Advocate (CASA) program in the United States. He was a founding member and Texas CASA’s first board president, serving on the Texas CASA board from its inception until recently. In acknowledgement of his lifetime contributions to the welfare of Texas children, he was recognized at the annual meeting of Texas CASA in October 2008. During his tenure as a member of the board of directors of the Department of Protective and Regulatory Services, he enjoyed the singular distinction of being the only statewide appointee by Gov. Ann Richards who was subsequently reappointed by Gov. George W. Bush. He was an active member of the community in Dumas for 30 years, serving as president of the Chamber of Commerce and chairman of the board for the Dumas YMCA, and was active in many other community organizations, such as the Lions Club. He was recognized as the Moore County Man of the Year. Bill served on the executive board of the Baptist General Convention and was an active church member his whole life. He also served on the development board of Baylor Law School. Bill and Mary Sheehan were members of Park Cities Baptist Church in Dallas. Survivors include his wife of 60 years, Mary Sheehan; three daughters, Mary Margaret Ballenger and husband Tom of Carrollton, Kathleen Sheehan of Dallas and Doedy Sheehan Orchowski and husband Michael of Santa Barbara, Calif; two sons, John Sheehan of Dallas and Jack Sheehan and wife Kellye of Washington, D.C.; and four grandchildren.

— **BOBBY DAVID SLATON (J.D. 98)**, 47, of McKinney, died March 26, 2008. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1998. He was an associate of Jenkins & Gilchrist, P.C. in Dallas from 1998 to 2000 and of Jackson Walker, L.L.P. in Richardson from 2000 to 2004. He was corporate counsel to Alcatel-Lucent in Plano from 2004 until his death. He is survived by his wife of eight years, Robin Slaton; daughter Lindsey Slaton of Highland Village; mother, Lola Havey of Barnett, Mo.; and brother, Robin Slaton of McKinney.

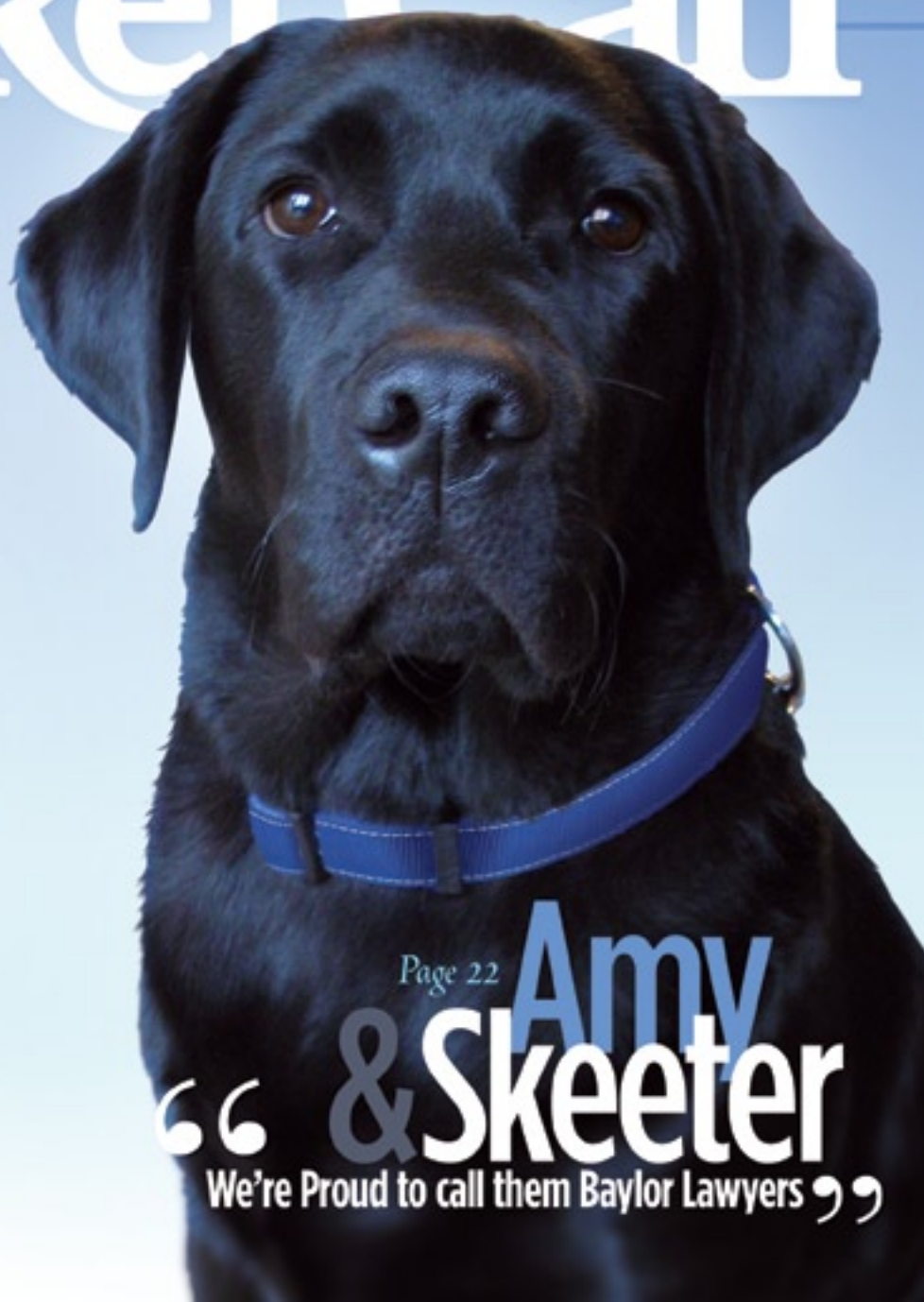
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