

SUMMER
2011

Docket Call

DAYLOR UNIVERSITY SCHOOL OF LAW

1923-2011

DEAN
EMERITUS
ANGUS
MC SWAIN

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 1857, was the first law school in Texas and one of the first west of the Mississippi River. Today, the school has more than 7,000 living alumni. It is accredited by the American Bar Association and is a member of the Association of American Law Schools.

President, Baylor University
Hon. Ken Starr

Editor
Julie Campbell Carlson

Contributing Writers
Davin Allen, Brittany Hardy, Franci Rogers, Berkley Scroggins,

Contributing Photographers
Robert Rogers & Matthew Minard

Design and Art Direction
McKinleyBrown & Bradley

Baylor School of Law Faculty
Brad Toben, *Dean*
Leah W. Jackson, *Associate Dean*

Larry T. Bates, Ronald L. Beal,
Matthew C. Cordon, W. Jeremy Counsellor,
Thomas M. Featherston, Bridget Fuselier,
David Guinn, Laura Hernandez, Jill Lens,
Rachel Little, Luke Meier, Elizabeth S. Miller,
Michael D. Morrison, Connie Powell,
Gerald R. Powell, Brandon D. Quarles,
R. Michael Rogers, Rory M. Ryan,
Brian J. Serr, David G. Swenson, James
Underwood, Patricia Wilson, Jim Wren

Baylor Law Alumni Association
President: Traci Kenner, '87, *Tyler*
President Elect: John Ginn, '89, *Sulphur Springs*
Past President: Jerry Clements, '81, *Austin*
Secretary/Treasurer: Leah Jackson, '85, *Waco*

2012/2014 Executive Committee Members

- | | |
|------|---|
| 2012 | Ed Blizzard, '78, <i>Houston</i>
Jerry Clements, '81, <i>Austin</i>
Hon. Ed Kinkeade, '74, <i>Dallas</i> |
| 2013 | Hon. Robin Malone Darr, '82, <i>Midland</i>
Casey Moore, '06, <i>Dallas</i>
Roy Barrera III, '02, <i>San Antonio</i> |
| 2014 | Vincent Allen, '99, <i>Dallas</i>
Bill Brian, '74, <i>Amarillo</i>
Libby King, '01, <i>Richmond, TX</i>
John Ginn, '89, <i>Sulphur Springs</i> |

Non-profit postage paid at Waco, TX.
Please send address changes and
correspondance to:

Docket Call, School of Law, Baylor University,
PO Box 97288, Waco, TX 76798-7288
254.710.1911 phone / 254.710.2316 fax
jerri_cunningham@baylor.edu email



32

FEATURE STORIES

Angus Stewart McSwain, Jr., Dean Emeritus Baylor School of Law

Angus McSwain, dean emeritus of Baylor Law School, passed away May 29, 2011.

35 Eulogy to Angus Stewart McSwain, Jr. By Gerald Powell, the Abner V. McCall Professor of Evidence and Master Teacher

Professor Gerald Powell delivered a moving eulogy to Angus McSwain during funeral services June 1, 2011.



FOR
PLACEMENT
ONLY

FEATURE FOCUS:
Giving Back

**18 Walt Shelton's
Balancing Act**

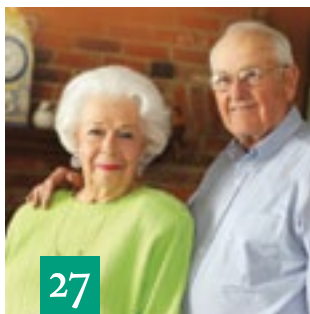
Longtime Adjunct Professor Walt Shelton (JD '89) finds the balance between practice and teaching.

**22 When it Comes
to Winning, Little's
Big League**

Robert Little goes from talented student trial advocate to dedicated trial advocacy coach.

**24 Jaworski Fellows
Provide a New
Point of View
for a Time-
Honored Program**

The Jaworski Fellows Program brings the expertise of outstanding trial lawyers to Baylor Law students.



**Transforming
Dreams into
Reality**

Jim and Mary Clawson's generosity has resulted in more than 19 Baylor Law students receiving much needed financial support for their education.

**30 Networking and
Fellowship are
Goals of Dallas
Alumni Gatherings**

Dallas Baylor Lawyers organize new Dallas alumni group.

FEATURE STORIES



**Yale Law Grad Soars as
'Top Gun' Trial Lawyer in
Baylor Law's National Mock
Trial Competition**

Sarah Chervinsky of Yale walked away with \$10,000 as winner of the National Top Gun Mock Trial Competition.

**42 With a Little Help
from Our Friends**



The National Top Gun Mock Trial Competition stayed innovative with the help from some well-known faces.

BAYLOR SCHOOL OF LAW FACULTY



44
Baylor Law Welcomes Four to Faculty – Judge Ken Starr, Luke Meier, Jill Wieber Lens and Rachel Little



47
Baylor Law Professor's "Pre-embryos in Probate" Article Wins Inaugural Award from ABA Law Section



49
Baylor Law Professor Receives "Glass Cutter" Award from ABA Business Law Section



50
Beal's "From the Bench: Judicial Perspectives on Environmental/Administrative Cases" Video Series Now Available in State Bar's Online Classroom

NEWS BRIEFS

- 4 Advocacy Teams Enjoy Success During 2010-2011
- 6 Brittney Johnson Plays Both Sides of the Court
- 8 Baylor Law School Receives the 2010 Commitment to Service Award from Access to Justice Commission
- 10 Justice Sandra Day O'Connor Reminds Baylor Lawyers of the Importance of Civics Education
- 12 Distinguished Judges Panel Presides at M.D. Anderson Foundation Moot Court Competition
- 13 Three Baylor Law Students Selected for Texas Access to Justice Internship Program
- 14 Baylor Law School Claims Highest Pass Rate on Texas Bar Exam
- 14 Baylor Law School Wins Five Awards at CASE District Conference
- 15 Out with the Old, In with the New
- 16 CASA the Big Winner at Inaugural Professor Auction
- 17 A Challenge to Exercise the Mind and Body

LAW SCHOOL ALUMNI

- 53 Student Leadership Leads to New Role at Baylor Law
- 54 7,027 Baylor Lawyers
- 56 Big Trial Case Files Needed
- 57 2011 Alumni Weekend - Oct 7th-8th
- 57 Alumni Photos
- 62 Judge Ed Kinkeade Named 2010 Baylor Lawyer of the Year
- 64 Baylor Law Alumnus Receives Scholarship Award from American Agricultural Law Association
- 65 Baylor Law Alumni Elected to Baylor Board of Regents, Baylor Lawyer Named Chairman
- 67 Baylor Law Alum Installed as President-Elect of Texas Trial Lawyers Association
- 68 Baylor Law Graduate Chosen As President of Litigation Counsel of America
- 71 Two Baylor Law School Alumni Receive Baylor Meritorious Achievement Awards
- 73 Baylor Law Alumnus Mike Baggett Receives Morris Harrell Professionalism Award
- 74 Alumni Class Notes
- 78 Alumni Obituaries

DEVELOPMENT

- 52 Dawson Scholarship Donors

A MESSAGE FROM DEAN TOBEN

What would Baylor Law School do without its alumni?

They provide an inordinate amount of service to their alma mater. Teaching, coaching, giving, recruiting and networking – they do it all.

But one alumnus, Dean Emeritus Angus McSwain, gave unmatched service to Baylor Law School, and in this issue we celebrate his life – a life that ended unexpectedly on Sunday morning, May 29, 2011. In the loss of

Dean McSwain, the Baylor Law community and our university have lost an iconic figure and a beloved friend.

Dean McSwain (to our last visit a couple weeks before his passing, I just could never bring

myself to call him Angus; for me, he was always “the Dean”) began teaching at Baylor Law back in 1949. He was a member of the Greatest Generation, for whom hard work, sacrifice and service to country and community were a way of life. He was a paradigm of the teacher-scholar. His leadership on the law faculty across the decades, beginning with his joining the faculty and through his 19 years as dean of the Law School from 1965 to 1984, set the standards and established a culture that have allowed our Law School to thrive, and through our alumni, to have a profound impact upon our profession, our state and beyond.

When he became dean in 1965, the Dean emphasized classroom teaching as the Law School’s primary objective. During the early years of his tenure, a number of new and eventually legendary faculty members arrived, including Erv Elias (1956), a skilled teacher and a true “gentle” man; Loy (“the Snake”) Simpkins (1965), who made Domestic Relations into a veritable “second Practice Court;” David Guinn (1966), who was eventually, like Dean McSwain, honored as Master Teacher and is currently our senior faculty member;

Matt “Mad Dog” Dawson (1971), a 1938 graduate of Baylor Law School who is credited with the modern conformation of the Practice Court program; Frank Newton (1972), who later served as the dean of Texas Tech University School of Law for 16 years; and Peeler Williams, Jr. (1972), a man of humor and learning who inspired many an anecdote. And there were many others.

Dean McSwain presided over some important additions to the law school. The Law School renovated Morrison Constitution Hall for the first time in 1974, adding the Leon Jaworski Wing, which nearly doubled the capacity of the law library and provided ample faculty offices as well as lounge and study space for students. In 1984, the Advocacy Wing, complete with four much needed courtrooms, law review, placement office and conference room space, was added. Also, in 1966, Judge Frank M. Wilson, the long-time teacher (1946-1971) of the Practice Court program, donated to the Law School his collection of 2,135 rare books and 50 documents dating back to the Middle Ages. For all his time, effort and energy invested in these improvements to the old



building, Dean McSwain was one of the most excited and vigorous supporters of our plans hatched in 1992 to move to a new campus, our law center that was completed in 2001.

We all so loved, admired and respected the Dean. In the days following his passing, I visited with a panoply of Baylor lawyers and friends who shared the sadness of his passing, but also lovingly recalled the small, endearing aspects of this gentleman. For instance, Dean McSwain never wasted a piece of paper; he faithfully would write on the back side of letters and documents that were no longer needed. Only when both sides were filled and had been used to full purpose would the paper be discarded (it was recycled even before being recycled!). Some recalled the Dean's doodling when he would patiently listen to epistles and pleas. The doodle? Always that a of duck's side profile, repeated over and over again across the page, standing as a sort of monument to a patience not shared by all of us. In earlier years, the Dean, while reflecting, would spin his black horn-rimmed glasses by one ear piece, pretty much reeking havoc on the snugness of the glasses when worn. The solution

to loose-fitting glasses? A stout rubber band worked! The winter, spring and fall months were marked by the Dean wearing suits, generally dark in color, but with the advent of warm weather, the Dean sported an unforgettable look in blue and white seersucker suits.

I am at this time reminded of not only the Dean, but his dearly beloved Betty Ann, who passed away suddenly in 2002. There is a large round table in the faculty lounge, one of only a few pieces of furniture that made the trip to the new law center from Morrison Constitution Hall in 2001. The table has a history – many a faculty meeting occurred around it during the 50s and 60s; most of the law center project meetings occurred at this table... but, most poignantly, it was at this table that Dean McSwain tutored Betty Ann in schoolwork when Betty Ann was an undergraduate. The rest of the story . . .

After Dean McSwain left the dean's office in 1984, the Dean taught full time until he officially retired from the faculty in 1994. After retirement, he continued to teach as an adjunct – fully engaged – until a few years ago. He then took

a hiatus, insisting to me that he wasn't up to the classroom anymore (so profoundly wrong!). We had a small faculty and staff luncheon honoring him. At that occasion, I enjoyed teasing him for being a "slacker," daring to give up teaching after "only" a near six decades! I visited the Dean in his home sometime later and cajoled him to return from his brief retirement. He repeatedly digressed from our discussion, going into various subjects, including World War II military history (what a library the Dean had on military history!), again and again for over an hour. Finally, he relented, acknowledged that he "needed a schedule" and returned for another tour of teaching.

Indeed, the Dean practiced the two greatest Commandments – to love God with all your heart, all your soul and all your mind and to love your neighbor as yourself. Somehow, it is appropriate that he passed away while driving to church. He was, indeed, in all he did, an understated gentleman who always sought to do his best, to serve others, and to live a quiet life of faith. His was a life well lived.

Students into Peers

Many of Dean McSwain's students went on to become colleagues. Professor Beth Miller, who earned her JD in 1985 and joined the faculty in 1991, said the Dean had a knack for forging a connection with his colleagues who were former students. Bridget Fuselier, also a former student and current faculty member, said he was the kindest man she has ever known and influenced her more than he ever knew.

A number of faculty changes occurred in the late 1970's and early 1980's, and many of the current law faculty whom Dean McSwain hired arrived during this time. These faculty members include Mike Morrison (1977), Tom Featherston (1982); Bill Trail (1982); David Swenson (1982); Ron Beal (1983); Mike Rogers (1984); and myself (1983).

 www.facebook.com/BaylorLawSchool

 www.twitter.com/BaylorLawSchool



Advocacy Teams Enjoy Success During 2010-2011

From California to New York and points in between, Baylor Law's various advocacy teams racked up a number of awards during the academic year. The Law School sent students to 29 competitions, including three ABA national competitions after wins at regionals.

A Baylor Law team made the semifinals at the ABA Labor Law Mock Trial Competition that took place in Los Angeles, Calif., in January. In November, the team of Danielle Odom, Joel Towner, Brian Harrison and Steven Lopez clinched the regional championship in Dallas by defeating teams from Loyola University - New Orleans, The University of Houston, Mississippi College and The University of Colorado. Another Baylor Law team of Caleena Svatek, Shawn Latchford, Huma Patel and Mark Walraven also competed at the regional competition. The teams were coached by Professor Jeremy Counsellor and Adjunct Professor Dan Tilly.

A Baylor Law School team went 5-0 in oral argument rounds to become champions at the ABA Regional Appellate Advocacy Competition, which was held

the last weekend in February in San Francisco. With the win, the team automatically qualified for the national finals, which took place early April in Chicago.

"The ABA competition is considered the most significant moot court competition in the nation, in terms of both the quantity and quality of the teams," said Baylor Law Professor Brian Serr, who served as coach. "I want to thank each of our advocates for so impressively representing Baylor Law School."

The Baylor team of Brittney Johnson and David Schlottman won oral rounds against teams from Cal Berkeley, Golden Gate Law School, Northwestern, Phoenix School of Law, and Minnesota. In the final round against Minnesota, Johnson and Schlottman won all five ballots by an average exceeding 20 points per ballot. Johnson also was named the sixth top oral advocate in the regional competition.

Brittney Johnson was on another team that made it to national competition (see story page 6). The Baylor Law School team of Johnson and Paul Green won the ABA Regional Client Counseling Competition, which automatically qualified them



Brittney Johnson, Jose Magana Salgado, Kathryn Childress, Kacey VanDeaver, David Schlottman, and Molly Hinshaw at the ABA Moot Court Regional competition in San Francisco.



Paul Green, Brittney Johnson, Craig Stango and Michelle Hanlon made up Baylor Law's ABA Regional Client Counseling team.

for the National Competition in Norman, Okla.

"I enjoy the competition because it gives you a feel for the real world," Green said. "You aren't memorizing a script, but reacting and interacting with the client. It is just a fun competition. You are just having a conversation and following up on possible issues spotted throughout the conversation."

In the regional competition, the Baylor team was seeded No. 1 following preliminary rounds. A second Baylor team of Craig Stango and Michelle Hanlon made the break of the top six teams, but lost in the semi-final round. The team was coached by Waco attorney and Adjunct Professor Vik Deivanayagam. Will King and Lauren Sepulveda served as student coaches. The regional tournament was held at the University of Wyoming Feb. 12-13.

2010-2011 Interscholastic Teams

MOOT COURT

TYLA

Jessica MacCarty, Travis Plummer, Brandon Wilson – Second Place
Coach: Kathy Serr

Emory Civil Rights

Brittney Johnson, David Schlottman and Laci Gallier – Semifinalists
Reagan Vernon, Andee Hartig and Holly Raines – Quarterfinalists, Fifth Place Brief
Coach: Professor Larry Bates

Mack Kidd Administrative and Public Law

Jose Magana and Sarah Judge – First Place, Best Speaker in Final Round (Magana)
Joel Towner and James Willis – Second Place, Best Speaker in Preliminary Rounds (Towner)
Trey Duck and Kyle Counce – Top 5 finish
Coach: Kathy Serr

Wechsler First Amendment

Pamela Sieja and Ben Yelverton
Coach: Professor Larry Bates and Professor Rory Ryan

John Marshall Information Technology and Privacy

Kristen Blakely, Huma Patel and Eric Pursley – Octafinalist
Coaches: Professor Connie Powell and Professor Patricia Wilson

National Criminal Procedure

Rafael Rodriguez and Adrienne Morris – Octafinalist, Third Best Speaker (Rodriguez), Best Brief (Resp.)
Claudia Hernandez and Mark Walraven
Coach: Adjunct Professor Greg White

Pepperdine Entertainment Law

Akilah Craig, Bill Thompson and Kelly Hodge – Semifinalist, Third Best Speaker (Craig), Second Place Brief (Resp.)
Coach: Professor Laura Hernandez

National Moot Court

Chaille Graft, Andrew Guthrie, and Joey Hance – Regional Third Place
Coach: Professor Rory Ryan

George Washington National Security Law

Stephanie Almeter and Will Thomas – Semifinalist, Third Best Brief
Ben Doyle and Caroleene Hardee
Coach: Professor Bridget Fuselier

Pace National Environmental Law

Matt Smith, Sara Kimbrough and Kelsi Lauger – Finalist, Two Preliminary Round Best Speaker Awards (Lauger)
Coach: Professor Luke Meier

ABA National Appellate Advocacy

Brittney Johnson and David Schlottman – Regional Champion, Sixth Best Speaker (Johnson)
Jose Magana, Kathryn Childress and Molly Hinshaw
Coach: Professor Brian Serr

Asylum and Refugee Law

Kelly Hodge and Claudia Hernandez
Rafael Rodriguez and Grace Taylor
Coach: Professor Laura Hernandez

National Sports Law

Akilah Craig, John Litzler, and John Headrick – Octafinalist
Coach: Professor Rory Ryan

National Products Liability

George Cowden and Sara Kocian
Coach: Professor Jim Underwood and Professor Jill Lens

Duberstein Bankruptcy

James Willis, Kristen Blakely and Dustin Lucas – Second Place
Trey Duck, Kyle Counce and Josue Caballero – Octafinalist
Coaches: Judge Larry Kelly, Bill Drabble and Kathy Serr

Child Welfare and Adoption Law Team

Shelby White, Kacey VanDeaver and Eugene Olshevskyy – Quarterfinalist, Fourth Best Speaker (VanDeaver)
Coach: Professor Patricia Wilson

FBA Thurgood Marshall Memorial Team

Reagan Vernon and Pamela Sieja – Third Place
Coach: Professor Rory Ryan

CLIENT COUNSELING

ABA Client Counseling

Brittney Johnson and Paul Green – Regional Champion
Craig Stango and Michelle Hanlon
Student Coaches: Lauren Sepulveda and Will King
Coach: Adjunct Professor Vik Deivanayagam

MOCK TRIAL

Stetson Pretrial Competition

Jessica MacCarty, Travis Plummer, Dustin Lucas, Victoria Weaver
Coaches: Professor Jim Underwood and Adjunct Professor Mike Berry

Lone Star

Ana Ene, Landon Ramsay, Lucas Machicek, Wes LeRoux – Best Opening Statement Award (LeRoux)
Coaches: Professor Jeremy Counsellor and Adjunct Professor Dan Tilly

National Trial Advocacy Competition

Caleena Svatek, Peter Kerr, Kevin Giddens and Luke Mott
Coaches: Professor Jim Wren and Alex Bell

Tournament of Champions

Jennifer Salim, Ashley Yearick, Aaron VonFlatern and Victoria Honey
Coach: Robert Little

ABA Labor Law

Brian Harrison, Danielle Odom, Joel Towner and Steven Lopez – Regional Champions, National Semifinalists
Caleena Svatek, Shawn Latchford, Huma Patel and Mark Walraven
Coaches: Adjunct Professor Dan Tilly and Professor Jeremy Counsellor

National Trial Competition

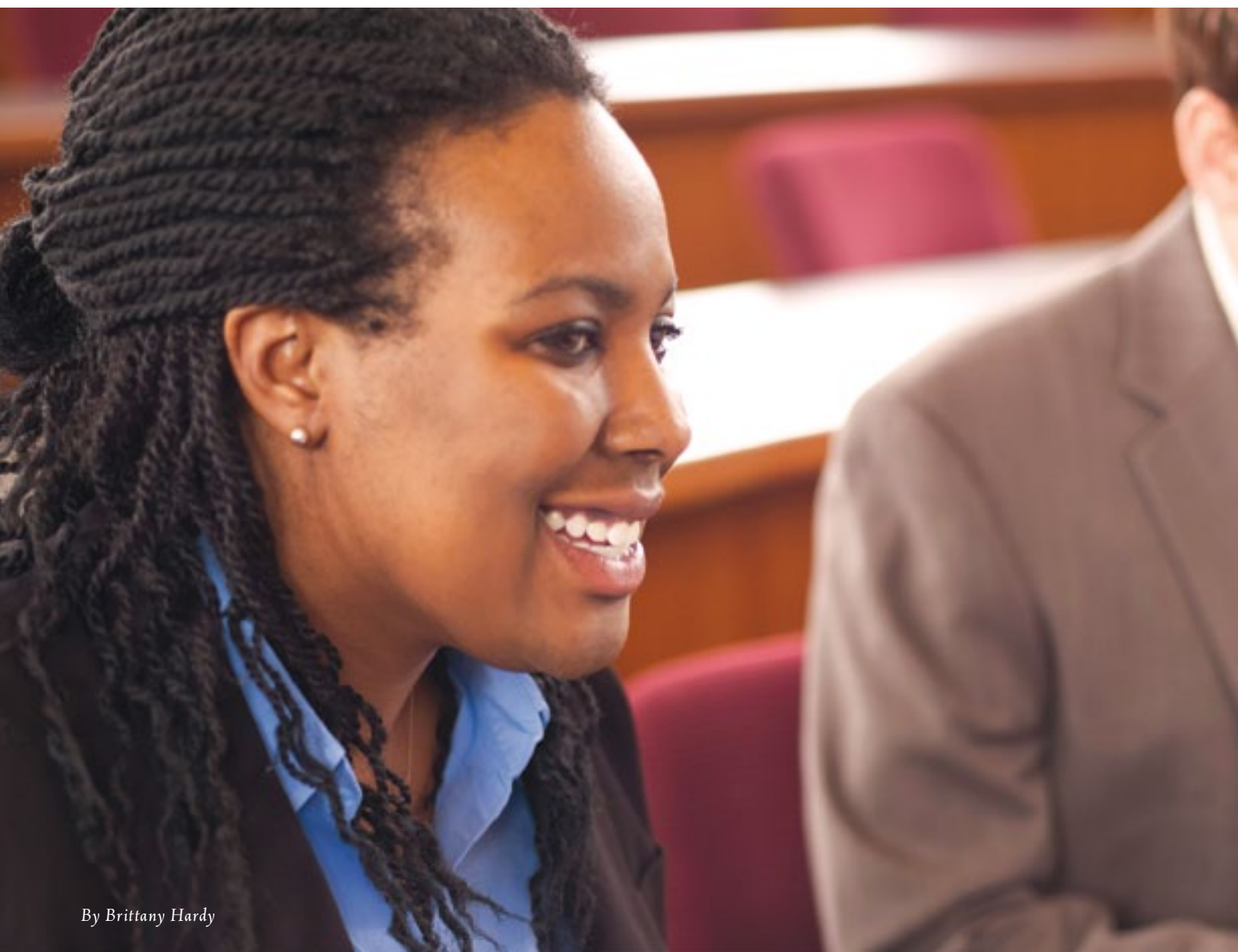
Wes LeRoux and Ashley Yearick – Regional Finalists
Ashley Stebbins and Beth Ballew
Coach: Robert Little

American Association for Justice (AAJ)

James Ray, Joel Towner, Chaille Graft and Mark Walraven – Regional Finalist
Danielle Odom, Sarah Brandt, Robert Wharton and Ben Yelverton
Aaron VonFlatern, Adam McLane, Michael Bernick, Steven Lopez, Sarah Judge and Michael Roberts
Coaches: Professor Jim Wren and Kathy Serr

ABA Criminal Justice

Danielle Odom, Joel Towner, Jessica Frankland and Steven Lopez
Coach: Adjunct Professor Dan Tilly



By Brittany Hardy

Brittney Johnson Plays Both Sides of the Court

Not many law students have the opportunity to be on one nationals-qualifying advocacy team in a single year. Brittney Johnson was on two.

The Baylor Law student was a member of both the Client Counseling and Moot Court teams that qualified for nationals. Both competitions were held this spring.

The highly-regarded advocacy program is what initially drew Johnson to Baylor Law School, after receiving her undergraduate degree from Texas A&M.

"I knew I wanted to be a trial lawyer," said Johnson, who is originally from Winnie, Texas. "There's really no better place than this place to be. The advocacy program suited me for what I want to do in life."

She enjoys Client Counseling because of its impromptu nature, what she

calls "a mixture of legal theory and theatre."

"Client Counseling is fun because you don't know what's going to happen," said Johnson, who is set to graduate in February 2012. "They give you a topic of the year. This year's topic was professional responsibility. All you know is that your client will



have a problem within that subject matter. You don't have a script. You just solve their problem."

Johnson compares the Client Counseling Competition to "taking a law school exam out loud."

In Moot Court the competitions are more scripted. Overall, though, it is Johnson's love for quick thinking and public speaking that allows her to compete well in varying kinds of advocacy competitions.

"[In Moot Court], if you're the petitioner you get to go first and frame your story the way you want, but I almost like being the respondent better because you can just think on your feet, without a script. You learn what the judges want and give them something they love."

Although they are very different, Johnson said she does not have a favorite kind of competition.

"I like them for different things," she said, "In Client Counseling you're interacting with a client, coming up with an answer as fast you can and trying to make it sound like you rehearsed this all along. And Moot Court is totally different. You're giving a speech. You can decide how closely you want to follow the script."

In both competitions Johnson credits her success to the chemistry shared by the team.

"The judges thought we had known each other for years," she said, "That's why we did so well."

All this competing has kept Johnson especially busy, even for a normally-busy law student.

"There were times when I didn't have more than a couple of full weeks of class without taking a break for a trip; every other week and half I was gone somewhere," Johnson said. "We went to some amazing places with good food and good people, but it's busy. My classes don't stop, and I had to work to catch up on a lot of things."

The weight would be heavier, though, if it were not for the flexibility of the Baylor Law coaches, Johnson said.

"The coaches are really understanding and flexible," she said, "Both coaches had selected certain days that were crunch time for one team or the other. That was good. It could have been worse if that wasn't the case."

After graduation, Johnson hopes to become a trial lawyer. Ideally, she said, she would like to work at a medium-sized or small firm, in order to begin trial work immediately.

"I hope to be at a firm where I could do things similar to the competitions," Johnson said. "I think my experiences have prepared me well for that type of situation."

“There were times when I didn’t have more than a couple of full weeks of class without taking a break for a trip; every other week and half I was gone somewhere.”

– Brittney Johnson

Students work on a Habitat for Humanity house during fall orientation.



Baylor Law School Receives the 2010 Commitment to Service Award from Access to Justice Commission



Baylor Law School received the 2010 Law School Commitment to Service Award that is presented by the Texas Access to Justice Commission. The award honors the law school that has most distinguished itself by actively educating its students about access to justice issues, thereby carrying forward one of the finest traditions of the legal profession. It is open to each of the nine accredited law schools in Texas. The Law School was recognized at the New Lawyer Induction Ceremony on Nov. 22 in Austin.

"The profession of law is one of noblest professions because of its emphasis on service to others. At Baylor Law School, we stress to

our students that our mission is to form in our students a commitment to service and leadership within one's profession and community as well as ensure meaningful public access to our system of justice," said Baylor Law Dean Brad Toben.

During the last few years, Baylor Law School has implemented several new programs that emphasize and increase the opportunities for students to participate in *pro bono* work, as well as other service activities. The Bear P.A.W.S. (People At Work & Service) program encourages Baylor Law students to become involved in the surrounding community through *pro bono* and community service work. The program helps connect students with service opportunities, tracks hours performed and recognizes students for their service.

"We hope to expose students to the needs of the Waco community and beyond; impart to students the responsibility they have as attorneys to serve; help students learn to find time to serve while managing a heavy workload; provide students with educational experiences to enhance the classroom learning experience; and develop the desire in students to make *pro bono* work a priority once they begin practicing," said Heather Creed, assistant dean of Professional Development & Student Relations.

Since its inception, students have performed approximately 2,000 hours of service. The *pro bono* work undertaken by students has included contacting potential aid recipients through Lone Star Legal Aid's Public Benefits Project; volunteering at the Advocacy Center for Crime Victims & Children; assisting attorneys with *pro bono* adoptions; serving as Court Appointed Special Advocates; analyzing evidence that contributed to convictions through the local Innocence Project; working in the Voter Protection Program; meeting with immigrants through Catholic Charities of Central Texas - Waco Immigration Legal Services; assisting with the People's Law School; and volunteering at the Greater Waco Youth Law Advocacy Project.

In addition to the work the students perform during the academic year, Baylor Law School created Public Interest Summer Fellowships to enable students

to intern during the summer for not-for-profit or governmental organizations serving underrepresented populations. Public interest employers for purposes of these fellowships included government programs that serve indigent populations, not-for-profit organizations that serve indigent populations, legal aid, and public defenders offices. The students worked on various issues, including poverty and welfare, domestic and family, immigration, civil rights, workers' compensation, and bankruptcy. In the summer of 2010, Baylor Law School awarded \$49,600 to fellows who worked a combined 124 weeks with organizations as far afield as the Immigration Unit of AYUDA in Washington, DC; & the Office of the Public Defender on the island of Kauai, Hawaii.

Other service opportunities Baylor Law School has undertaken include hosting its fifth National Adoption Day in November 2010 and holding its popular People's Law School in February 2011. Beginning with the Fall 2010 academic quarter, Baylor Law took an extra step in communicating the importance of service by incorporating a community service project into each entering class's orientation. Each class has participated in projects benefiting the Waco community. Organizations served include Habitat for Humanity, the ReStore, City of Waco (roadside and river clean-up), and Meals on Wheels. Approximately 150 students have participated.

The Texas Access to Justice Commission was created in 2001 by the Supreme Court of Texas to develop and implement policy initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income Texans. The Commission has created several initiatives to increase resources available to, and awareness of, legal aid programs.



(far top) Former U.S. Supreme Court Justice Sandra Day O'Connor

(above) Justice O'Connor with Heather Creed, assistant dean of Professional Development & Student Relations

Justice Sandra Day O'Connor Reminds Baylor Lawyers of the Importance of Civics Education

Former Supreme Court Justice Sandra Day O'Connor is disturbed that U.S. school children can name the three judges on "American Idol" but few can name the justices on the U.S. Supreme Court. She is setting out to change that through an innovative website that engages children while teaching them about the three branches of government.

During a special dinner hosted by Baylor Law School, O'Connor spoke about her iCivics website with a group of Baylor Law alumni, public school educators, and special guests, including Baylor University President Ken Starr and Texas Supreme Court Chief Justice Wallace Jefferson. O'Connor was in Texas to generate interest in the free educational website.

"We are facing in our political culture a sad set of circumstances," said Baylor Law Dean Brad Toben. "Since the founding of our nation, untold numbers have sacrificed in the most profound ways, including the loss of life, in our nation's service. Yet, despite the noble work of both our forebears and our armed services today in protecting our system of government, many of our citizens, children and

adults alike, have but a hazy or misbegotten knowledge of the values, underpinnings and history of our great country. iCivics addresses a pressing public policy issue. We face in the public square a yawning void of ignorance and misinformation about the essentials of government and civic life. This is an issue made all the more tragic in a time of drastic cutbacks in the support of public education. We are honored and blessed to have Justice O'Connor not only speaking out forcefully on this issue, but providing a solution, at least for the all-important middle school years of our children."

iCivics is a web-based education project designed to teach students, particularly those of middle school age, civics and inspire them to be active participants in the democratic process. iCivics is the vision of O'Connor, who is concerned that students are not getting the information and tools they need for civic participation, and that civics teachers need better materials and support. A general lack of understanding about the way the courts work led to its creation, but since then iCivics has expanded to also tackle the legislative and executive branches as well.



Baylor Law Dean Brad Toben, Beth Toben, Justice O'Connor, Judge Ken Starr

Baylor Law alumna Wendy May, a partner at Hartline Dacus Barger Dreyer LLP in Dallas, serves as the iCivics Texas coordinator and helped facilitate the reception and dinner.

"I first became involved with iCivics through my International Association of Defense Counsel membership," May said. "I heard

Justice O'Connor speak about her concern for the civics education deficiency at one of the IADC's annual meetings. She was very passionate about the need for intervention, and I was moved to immediate action. Once you spend any amount of time on the website and see the tremendous appreciation from the social

studies teachers for this free resource with such excellent quality, it becomes very easy to devote significant time and energy to this project. This resource really has the potential to change generations of Americans, making our future leaders much more informed citizens. It is hard not to be passionate about it."

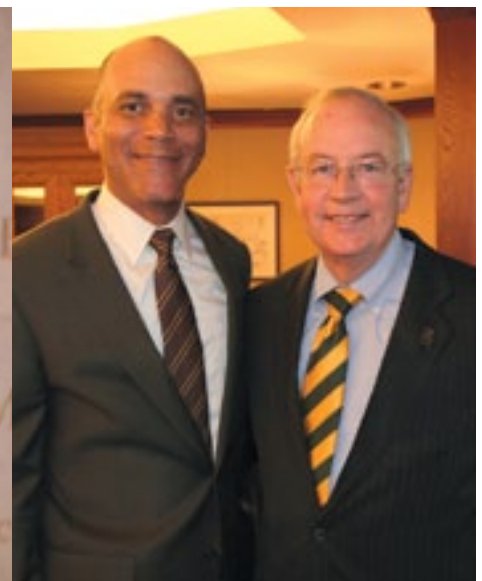
Since the launch of iCivics, O'Connor has found that students are enthusiastic about the activities on the site, however schools have been slow to adopt iCivics into the curriculum.

"I hope that if we can get Texas classrooms to use iCivics lessons, then the rest of the country will follow," she said.



Justice O'Connor speaks with Jeff Jury

Baylor Law Alumna Wendy May serves as Texas Coordinator for iCivics



Texas Supreme Court Chief Justice Wallace Jefferson and Baylor President Ken Starr



Texas Supreme Court Justice Don Willett, Texas Supreme Court Justice Nathan Hecht, Baylor President Ken Starr, Texas Supreme Court Justice Dale Wainwright, and Justice Jan Patterson, formerly of the Texas Third Court of Appeals, presided at the finals of the M.D. Anderson Foundation Moot Court Competition.

Distinguished Judges Panel Presides at M.D. Anderson Foundation Moot Court Competition

It's not every day that Baylor Law students get to present oral arguments to a former U.S. Solicitor General, three Texas Supreme Court justices and a former justice of the Texas Third Court of Appeals, but that is exactly what happened to Blayne Thompson, Derik Scott, Hunter Oliver and Harrison Powers. The four were the finalists in Baylor Law School's M.D. Anderson Foundation Spring Moot Court Competition and delivered their arguments to what has to be one of the most distinguished judges' panel for a law school competition.

Baylor President Ken Starr; Justices Nathan Hecht, Dale Wainwright and Don Willett of the Texas Supreme Court; and Justice Jan Patterson, formerly of the Texas Third Court of Appeals, presided at the finals. They were joined by current Baylor Law students Matt Czimskey and Matt Smith, winners of Baylor Law's fall 2010 Dawson & Sodd Moot Court Competition. When the judges returned their decision, Thompson and Scott emerged as the winner in a close 4-3 vote.

"I was so grateful to be given the opportunity to just be in the same room as the panel, let alone actually meet them and deliver a case to them," Scott said. "It was a wonderfully pleasant occurrence to meet the panel beforehand. Every single one of the judges was personable and it felt almost easier to talk to them than it should have been."

Thompson agreed, saying, "What an opportunity for a first-year law student to get to argue before such a distinguished and experienced panel. It was extremely generous of each of them to take the time out of their busy schedules to take part in this with us. It was truly a once-in-a-lifetime experience."

The M.D. Anderson Foundation Moot Court Competition, an internal competition for Baylor Law students, ran for almost a month. Sixty-nine teams entered the competition. Students from the Appellate Advocacy Course are required to participate, but many upper classmen also choose to compete. All four of the finalists began law school in fall 2010.



Three Baylor Law Students Selected for Texas Access to Justice Internship Program

By Brittany Hardy



Three Baylor Law Students were accepted into the Texas Access to Justice Internship Program. Through this program, Lee Roy Calderon, Brittany Cravens and Brittany Wray were awarded the opportunity to participate in internships with non-profit providers of civil legal services.

For the summer of 2011, the Commission has partnered with six legal services programs, offering a total 26 eligible legal services offices. Fifteen internships were available. The internships are open to law school students attending law school throughout the country; however, at least one student was selected from each of the nine Texas law schools. A stipend of \$400/week (a lump sum of \$4,000) was provided to every student to help defray living expenses. Students must commit to a 10-week placement.

The goals of TATJC program are to encourage students to address civil legal problems of underserved individuals and communities and to educate future attorneys about those matters. Each law student will receive hands-on training by working with accomplished lawyers and providing direct legal services to low-income clients, while learning about access to justice matters, legal decision-making, advocacy skills, attorney-client relationships, and legal institutions.

Cravens worked at Legal Aid of NorthWest Texas in Waxahachie. Interns were selected through a process established by TATJC, found online.

Calderon was employed by Texas Rio Grande Legal Aid.

"Getting a job with TRLA was fairly simple and done through a few phone calls, emails and a resume submission," Calderon said. "After that, I had to apply for the ATJ Fellowship to receive a stipend and other benefits while employed with TRLA."

TRLA's application process strongly considers the applicant's interests in working with underprivileged communities.

"My volunteer work as an undergrad at University of Texas for various organizations played a big part in the application process," Calderon said.

Additionally, the application involves specific skills and interests that help law students in employment with a legal aid program.

"Working for TRLA's Edinburg office was always something I wanted to do," said Calderon, who grew up in the Rio Grande Valley and recognizes the need for legal services for those unable to afford it. "I was happy when TRLA offered me the job and would have done it for free because it gives me an opportunity to gain valuable legal experience in a region that is very important to me. Receiving a Texas ATJ Internship was icing on the cake, and I was honored and humbled upon receiving the award."



Baylor Law School Claims Highest Pass Rate on Texas Bar Exam

For the 14th time since 2001, Baylor Law School students claimed the top pass rate on the Texas State Bar Exam with 94.64 percent success rate, the highest pass rate for students from the nine Texas law schools who took the July 2010 exam. Of the 112 Baylor students who took the three-day exam in July, 106 passed on their first try.

The overall state pass rate was 86.37 percent, with 1470 successful candidates out of 1702 who took the exam for the first time. The University of Texas was second behind Baylor with a 92.80 percent pass rate, while the University of Houston was third with a 90.39 percent pass rate.

"This is yet again proof that our longstanding and

proven approach of integrating the teaching of legal theory with practical skills training is a model for legal education that works (and is an approach heartily endorsed in both the MacCrate Report and the Carnegie Report on Legal Education). I thank each person, within and outside of our school – faculty, staff, our remarkable alumni, our

university colleagues, and of course our terrific students – all of whom by their hard work, creativity, focus and 'buy-in' make the consistent successes in our program possible," said Baylor Law Dean Brad Toben.

Baylor Law School Wins Five Awards at CASE District Conference

At the 2011 CASE (Council for Advancement and Support of Education) District III and IV Fusion Conference Feb. 20-23 in New Orleans, Baylor Law School won five awards, including two grand awards (gold), two awards of excellence (silver) and one special award

(honorable mention). CASE recognizes achievements in the areas of marketing, advancement, communications, alumni relations and fundraising, among others.

Headquartered in Washington, D.C., with offices in London, Singapore and Mexico City, CASE is an international

professional association serving educational institutions and advancement professionals. CASE District IV includes more than 200 schools, colleges, universities and other educational organizations in Arkansas, Louisiana, New Mexico, Oklahoma, Texas and Mexico. Each of CASE's North American districts offers awards programs to recognize outstanding programs and individuals. Among other work, district awards honor various categories of work from annual reports to websites to distinguished service to new professionals.

CASE has 22,500 members with more than 3,400 colleges, universities, independent elementary and secondary schools, and educational associates in 68 countries. CASE is one of the largest nonprofit education associations in institutional membership, serving more than 60,000 advancement professionals.

2011 CASE District IV awards to Baylor Law School

Category 4 - Most Improved Alumni Program

- Grand Award (Gold) - "Better-Than-Ever Reunion Weekend"

Category 51 - World Wide Web Page

- Grand Award (Gold) - Baylor Law Prospective Students Landing Page

Category 23 - Visual Design

- Excellence Award (Silver) - Annual or President's Reports

Category 27 - Visual Design, Special Pieces

- Excellence Award (Silver) - Graduation Invitation

Category 53 - World Wide Web Sub Site or Sections

- Special Award - Visiting and Living in Waco

Out with the Old, In with the New

Have you visited Baylor Law's website lately? If not, then you are in for a wonderful surprise when you launch www.baylor.edu/law. In September, the Law School unveiled a robust, user-friendly and visually appealing website. The new site features many elements that will engage alumni and other constituents. Read the latest faculty, alumni and student news or view our photo galleries and videos. Click on one of our many calendars and see what's going on. Visit our advocacy section to see competition results. Read through Class Notes or submit one of your own through

our alumni section. You can even share photos with fellow Baylor Law alums or give online to Baylor Law.

So troll through the new site, get to know it and share it with others. And be sure to let us know what you think. Email Berkley Scroggins at Berkley_Scroggins@baylor.edu or Julie Carlson at Julie_Carlson@baylor.edu your suggestions on what would make the law school website more useful to you and others.

BAYLOR LAW SCHOOL

HOME PROSPECTIVE STUDENTS CURRENT STUDENTS FACULTY & STAFF ALUMNI & FRIENDS EMPLOYERS VISITORS

"Neither the law nor Baylor Law School professors exist in a vacuum. Faculty research and scholarship allow us to craft solutions to legal problems challenging the real world, such as the constitutionality of poverty." — Professor Laura Hernandez

BAYLOR LAW NEWS

2011 ALUMNI REUNION WEEKEND OCT. 7 & 8
Join us for the 2011 Baylor Law Alumni Weekend on October 7 & 8, 2011. Festivities include a Friday Night Fiesta at the home of Judge & Mrs. Ken Starr, Baylor vs. Iowa State football game, Burgers & Blue Bell at the home of Dean & Mrs. Brad Tiben, and a morning at the Sherla & Walter Umphrey Law Center.

BILL THOMPSON NAMED BAYLOR LAW'S NEWEST 'TOP GUN'
Bill Thompson, a third-year Baylor law student who will graduate in August, was named the Baylor Law School's latest Top Gun on Monday, May 23. Thompson won the intrascholastic Bob and Karen Wortham mini-trial competition and took home the "Mad Dog," an 18-inch bronze statuette of Matt "Mad Dog" Dawson, the legendary Baylor Law professor who started the tradition of mini-trial competitions during his tenure as director of Baylor Law's Practice Court Program.

HUMAN RIGHTS ACTIVIST SHANNON SEDGWICK DAVIS NAMED 2011 BAYLOR YOUNG LAWYER OF THE YEAR
Shannon Sedgwick Davis, JD '09, has been named the recipient of the 2011 Baylor Young Lawyer of the Year award. Sedgwick Davis is CEO of the Bridgeway Foundation, the charitable-giving arm of Bridgeway Capital Management, Inc.

GIVE NOW
APPLY NOW **NO FEE**

LAW NEWS
Photo Gallery: 2011 State Bar Alumni Reception (6/24/2011)
Photo Gallery: Service Saturday at the Humane Society (6/23/2011)
Photo Gallery: 2011 Top Gun National Mock Trial Competition (6/8/2011)
[More News](#)

LAW EVENTS
Texas Bar Exam (7/26 - 7/28)
Law School Summer Commencement (7/30)
Baylor Law School Fall On-Campus Interviews (8/13 - 8/18)
Baylor Law Mock Trial Tryouts (8/18)

SOCIAL MEDIA
[Facebook](#) [Twitter](#) [LinkedIn](#) [YouTube](#)

Sherla & Walter Umphrey Law Center | 1114 South University Parks Drive | One Bear Place #97288 | Waco, Texas 76798 | 254.716.1911



The bidding was heated at the Professor Auction, which benefitted CASA.

CASA the Big Winner at Inaugural Professor Auction

Some fierce bidding wars broke out at an auction at Baylor Law School, but the big winner was the Waco chapter of Court Appointed Special Advocates (CASA). On Friday, Dec. 3, Baylor Law's Phi Alpha Delta chapter held the inaugural Professor

Auction in which students and staff bid on unique activities to share with Baylor Law professors. The auction raised more than \$2,800 for CASA.

"My mother's sorority actually had something similar when she was in college. When I mentioned the idea to Professor Bates, he told me that Harvard Law also has a similar auction. He was

very enthusiastic about the idea," said Ashley Parker, president of Phi Alpha Delta.

Bates' "mystery event" was one of the top sellers of the auction, but the highest priced item was Professor David Guinn's skeet shooting and dinner, which fetched a whopping \$380. Jordan Pauluhn purchased this chance to spend an afternoon with the legendary professor.

"This whole auction was about the kids who CASA helps. I know that if I imagine my very worst day in law school, it is nothing compared to what these children have to endure. I don't mind spending the money to help CASA put smiles on their faces," he said.

Another top item at the auction was Prof. Mike Rogers "Field Trip to Ferrell." Rogers, who serves as Baylor University's faculty athletic representative and chair of the NCAA Division I amateurism cabinet, took the winner to Baylor basketball practice and to

meet with Baylor coaches Kim Mulkey and Scott Drew. A bidding war also broke out for "Gumbo, Grits, & Gravy," in which Prof. Connie Powell gave a cooking lesson followed by a scrumptious dinner in her home.

Other auction items included three-on-three basketball with Prof. Brian Serr, a day of shopping and fashion advice with Prof. Bridget Fuselier, golfing with Prof. Luke Meier, bowling with Prof. Matt Cordon, a hike and bike and dinner with Associate Dean Leah Jackson, dinner and a Baylor softball game with Dean Brad Toben, attending the Baylor vs. Kansas men's basketball game with Prof. Jill Lens, a Cajun cookout with Prof. Fuselier, an outdoor barbeque and campfire with Prof. Rory Ryan, and a run and dinner with Prof. Ron Beal. Law student Reggie Blakeley served as auctioneer.

"I am so proud of the work of the student volunteers who worked so

hard to make the auction such a success," said Baylor Law Dean Brad Toben. "Our students and my colleagues understand, and embrace, the fact that we are privileged to be a part of the profession, and with that privilege comes the obligation to serve."

The auction was another way Baylor Law students participate in community service activities. The Public Interest Society and the Law School hosted Adoption Day ceremonies. Law students also took part in Service Saturday, in which they helped renovate a warehouse owned by Habitat for Humanity, and eat lunch once a week with students at an inner city elementary school. For its many service activities, Baylor Law School was awarded the 2010 Law School Commitment to Service Award that is presented by the Texas Access to Justice Commission.



A Challenge to Exercise the Mind and Body

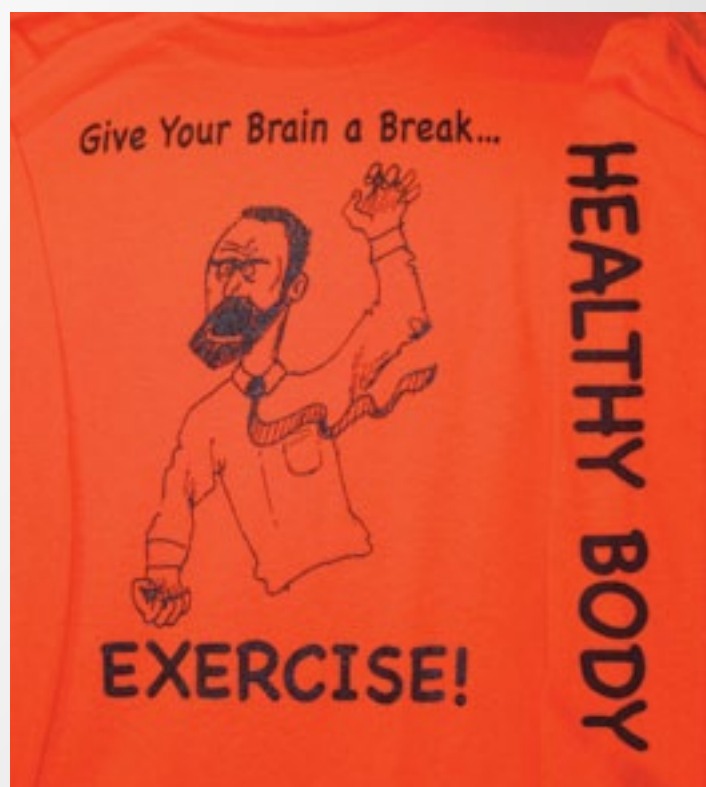
Professor Ron Beal attended evening law school in St. Paul, Minn., and worked full-time during the day. This type of a schedule tended to cause him to eat the wrong foods at the wrong times and virtually never exercise. After playing football and other sports in high school and college, this regime was a radical change from the past. One day on the way to work, he felt miserable in the mind and the body and decided to do something about it.

Beal decided to start jogging, which he had never done regularly as an athlete, and to start eating the right type of foods and not as much of them. His first excursion out jogging was two blocks out from his apartment and two blocks back, which wholly exhausted him. He did not quit and eventually lost 60 pounds. He has been jogging ever since 1978.

Over the years, he found that not only did jogging keep him fit, it made him feel better, especially as to clarity of thinking. While practicing law, he found jogging relieved him of a great deal of tension, cleared his mind and gave him more energy to excel in the practice of law. Thus, regardless of the health benefits, regular exercise made him a better lawyer.

Beal teaches LAPP in the 3rd Quarter of the first year at Baylor Law School. He noticed that a lot of students by then had given up regular exercise, if they had ever done so, with the excuse that there was no time to do it, and they were generally not eating well due to their schedule. Therefore, in Spring 2011, he challenged the Fall 2010 Class to try for 30 minutes of vigorous exercise at least five days a week during the quarter. Weekly, he sent them all articles demonstrating the benefits of exercise to their body and mind. The net result? Twenty-five students out of 105 met his challenge and received a "LAPP Exercise Nerd" T shirt.

"Needless to say, I was disappointed. Only a quarter of the students met the goal, which in fact is the national average for adults who exercise at least five days a week. I could not convince more of them of the benefits and that one always has an hour a day to devote to fitness of the mind and the body. However, I will not give up, and I will continue to challenge each entering class with the need to take care of the mind and body. If not today, maybe someday the message will be heard," Beal said.



"I will not give up, and I will continue to challenge each entering class with the need to take care of the mind and body."

- Ron Beal



Walt Shelton's Balancing Act

If Walt Shelton (JD '89) were a circus performer, he would be up on the tightrope, amazing all with his feats of balance. **By Franci Rogers**



But this long-time Baylor Law adjunct professor executes a different kind of balancing act that is still awe inspiring. After all, he is a law school professor who teaches three environmental courses, advises students, supervises externships and sponsors a student organization; he chairs the law school committee of the Environmental and Natural Resources Law Section (ENRLS) of the State Bar of Texas and is a former member of its executive committee; and he works as a successful private practice attorney, and has been named in *The Best*

Lawyers in America for the last five years. Through all his activities, Shelton maintains his equilibrium and he is passing on that knowledge of finding balance to Baylor Law students.

A year after graduating from Baylor Law School, where he graduated first in his class and was editor-in-chief of the *Baylor Law Review*, Shelton returned as an adjunct professor to teach one class in Environmental Law. He was working full-time at a successful environmental law firm in Austin, Texas. The father of two children, Shelton commuted back and forth to Waco one day each week, every other quarter for five years.

"I enjoyed that so much," Shelton said. "It was the only Environmental Law course Baylor had at the time."

In 1995, Shelton proposed a second course, Business and State Issues in Environmental Law, to Dean Brad Toben. The course was created, and Shelton alternated teaching the introduction class and the business issues class, every other quarter.

"That was when I made my own vocational choice, you could say," said Shelton. "I wanted to prioritize teaching. Practicing law is what I like to do. Teaching is what I love to do."

“I wanted
to prioritize
teaching.
Practicing
law is what
I like to do.
Teaching is
what I love
to do.”

walt

shelton

Two years later, Shelton proposed a third course, Natural Resource Protection and Water Law. When he began teaching that course, he considered himself a permanent, part-time adjunct professor.

Shelton now keeps an apartment in Waco, and goes home to Austin for part of each week. Now that his children are grown, his wife (a second-grade teacher) joins him in Waco during the summers.

"When the kids were younger, it was harder for me not to be home. I made day trips for many, many years. Time with my kids was more important than anything else," he said. "The hardest thing about my unique work life is that I'm really a homebody. There's nowhere else I'd rather be."

Shelton does maintain his own Austin practice, where he focuses mainly transactional and regulatory matters. Prior to going solo, Shelton was part of environmental practice groups with Baker Botts, L.L.P., and Haynes and Boone, L.L.P. He has expertise in issues associated with remediation of contaminated properties, brownfield programs, and water quality. He also has substantial experience in environmental aspects of real estate, corporate, lending, and other transactional matters. He also works extensively with the State Bar of Texas, serving as the chair of the law school committee of the Environmental and Natural Resources Law Section. He was also a past member of the Executive Committee of ENRLS.

In addition to his teaching duties at the law school, Shelton acts as faculty sponsor to the Baylor Environmental and Natural Resource Law Society. The society is the sponsor of Baylor's annual Environmental Forum, held each spring. Each year, the society selects a topic of contemporary interest and brings experts on the subject to a one-day summit.

Juggling all those responsibilities is nothing new for Shelton, and it's a skill he hopes he passes on to his law students.

"The first year of law school is brutal for everyone; my first year of law school, I was also my son's soccer coach," said Shelton. "I tell my students that law school is a wonderful time to work on finding balance in your life."

Shelton earned his undergraduate degree in history from the University of Texas (1977, *summa cum laude*), and a Master of Arts in Religion from Baylor (1979, *magna cum laude*).

"I had a hard time deciding what I wanted to be, what I wanted to do," he said. "I never had an inclination to go to law school. My wife suggested it once, and I told her, 'No way.'" So Shelton entered the work force, as an insurance adjuster, a job he held for seven years.

"It really was beneficial to me to have the perspective and time working with a lot of lawyers," he said. "I got to know some of them pretty well, and they changed my perception of law practice. I saw that what they were doing was important to many people."

Shelton continued to work as an adjuster during his first year of law school, adding another element to try to balance.

"I remember running from the end of class to the student union to make calls to settle claims," he recalled. "But it really was good training. It led me to what I was really passionate about."

And no one can mistake what Shelton's true passion is about: teaching.

Professor Ron Beal, who was first one of Shelton's teachers and is now a colleague, admires Shelton's passion.

"He truly enjoys life, and so he does what he loves to do," Beal said. "He has an unbelievably successful law firm in solo practice, is really respected by everyone as an excellent lawyer, and is also an amazing teacher. The faculty here truly appreciates him, and the students do, too."

Although Shelton is technically an adjunct, Beal doubts that many students realize he is not a full-time professor.

"He advises students; he wholly developed the environmental externship program; he acts like a full-time professor. He's just not here all the time," said Beal. "But he is so dedicated to this school and his students."

While it's not typical for an adjunct to have so many roles within a school, Beal contends that there is not much that's "typical" about Shelton.

"He's an excellent environmental lawyer, but he's not the typical one who sits in a plush office raking in money," Beal said. "But then, he's not a typical professor either. I guess that's just who he is. He goes beyond what's expected."

To Shelton, however, going beyond is what he expects from himself.

"I am most thankful to Baylor and especially to Dean Toben for giving me the opportunity to be a part of the faculty and do what I do, including expanding my role over the last 20-plus years," Shelton said. "I don't see an end to what I do here. At some point, I see reducing my time practicing; but retirement – or semi-retirement – for me, may be what I do here at Baylor."

When it Comes to Winning, Little's Big League

By Franci Rogers



"It is such an honor to be get that one-on-one coaching by someone like Robert, who truly understands how to make you better in the courtroom."

— Wes LeRoux

When Robert Little started his undergraduate studies at Baylor University, the political science major didn't know what he wanted to do after graduation. But he knew he definitely didn't want to be an attorney.

"I'm not sure why I was so set against it," Little said. "My father is an attorney, and I guess I was just trying to make my own mark."

By his junior year, however, Little realized that he was not only drawn to the legal field, but that he had a real talent for it. He began

making plans to attend Baylor Law. He graduated from Baylor in 2002 and the law school in 2005.

"I was on the debate team. I really enjoyed the intellectual sparring and the give and take of making a good argument," he said. "Now I love to litigate; it's a natural extension of debate. That's the part of my job I love."

As a litigator at Naman, Howell, Smith & Lee in Waco, Little's practice touches a little bit of everything that's done at the firm. He has worked on toxic torts, insurance defense, commercial litigation,



collections matters, product liability and some family law & appellate law.

"I like the stuff that's really intellectually challenging," he said. "Especially doing appellate work and statute work, you have to get into complicated minutiae, and I love it. I like the stuff I don't know, but I can learn about. It makes it fun."

Little brings his passion for his work to students at Baylor Law, where he coaches mock trial and moot court teams. In fact, he coaches Baylor's teams for two of the top three competitions in the nation: the Tournament of Champions (to which only 16 schools are invited) and the National Trial Competition (where the top 28 out of 300 teams compete).

During the season (which lasts for about five weeks, twice a year), he and his team practice about three hours a day, five to six days a week.

His dedication has brought a great deal of success to the

teams, having won both tournaments and national championships.

"My favorite thing about mock trials is that it reminds me of all the things I love about being a lawyer," Little said. "I loved it when I was in school. It gave me more confidence in the courtroom and just made me a better lawyer. And that's what I hope it gives to my students now."

His former Baylor Law professors have no doubt that he is bringing that and much more to his students.

"He was just very good as a young trial lawyer in practice court," said Gerald Powell, the Abner V. McCall Professor of Evidence. "We put him on a mock trial team, and he won a national championship. In fact, the first year he was on the team, he won every competition he went to."

As a coach and a mentor, he brings that experience as a student and as a young lawyer to his students. And while

youth may be considered a pitfall by some, Powell believes it is one of the reasons Little is so successful.

"Robert communicates with the students very well," he said. "He speaks their language, and they relate to him as well. He just brings so much enthusiasm to it. If you're going to succeed, you need to have enthusiasm, and he has that. His students feel that and get caught up in it, too."

Ashley Yearick, a team member who graduated in the spring, agrees that Little's enthusiasm is contagious.

"He cares so much about his students, beyond winning the competition or even being a good lawyer," she said. "I feel like he cares about his students individually."

That's not to say, however, that he isn't tough.

"He's very straightforward and direct," Yearick said. "He's never going to tell you it's ok if it's not, and he is brutally honest. But I'd

much rather learn that in school with a great coach than in a federal judge's courtroom with a client sitting next to me."

That honest feedback is what Yearick credits to helping her to overcome being timid in the courtroom.

"I'm more confident than I ever was before," she said. "It's the greatest thing he's given me."

Wes LeRoux, another team member who graduated in the spring, also feels like Little is a big part of his confidence.

"I really feel like I have the ability to try a case in my first year out of law school," he said. "And that's the dream! That's tremendous! Mock trial teams gave me that ability and confidence."

LeRoux also agrees that those lessons didn't always come easy.

"He'll push you as a coach. He's not afraid to tell you when you do bad, that it was terrible," he said. "But by the end, it will be the best. That's where he turns on the magic. He really forces us to work harder and harder to be the best. It is such an honor to be get that one-on-one coaching by someone like Robert, who truly understands

how to make you better in the courtroom."

And while he is pushing his students, Little is also pushing himself. It's in his nature, according to Powell who, having gone to both undergraduate and law school with Little's father, has known Little since he was born.

"Robert is going to be an outstanding trial lawyer in Texas; he just needs the experience to get there. He's got the ability and the brains," Powell said. "He's already a formidable opponent for anybody, and he can harness that and pass it on to his own students is a great thing"

JAWORSKI FELLOWS PROVIDE A NEW POINT OF VIEW FOR A TIME-HONORED PROGRAM

FEATURE FOCUS  GIVING BACK

No one can quibble that Professors Gerald Powell, Jim Wren and Jeremy Counsellor provide a plethora of wisdom in the art of trial advocacy to Practice Court students, but sometimes a different perspective is a good thing. Providing that different approach to students is the reason for Baylor Law's new Jaworski Fellows program.

"We believe that only outstanding trial lawyers and judges can provide outstanding trial advocacy training," said Powell, director of Practice Court and the Abner V. McCall Professor of Evidence Law. "We also recognize that Baylor Law alumni include some of the best trial advocates in the nation. The Jaworski Fellows Program brings the expertise of these outstanding alumni to our students."

The program is named for Baylor Law's favorite son, Col. Leon Jaworski, who graduated from Baylor Law School in 1925 and went on to become Watergate special prosecutor and managing partner of the international firm that bears his name – Fulbright & Jaworski. Seven alumni – John Minton, Jack Ayres, George Chandler, David Hill, Mark Mann, Kyle Dreyer and Carol Traylor – have

completed the program. Another seven alumni are actively meeting the requirements.

"Everyone has been enthusiastic about the program. We have a broad array of practice areas & venues represented among those who are participating in the program. The biggest hurdle we have faced is scheduling," Powell said.

Each Jaworski Fellow candidate commits to spend

five afternoons during the year supervising Practice Court exercises in one of the courtrooms. After consultation with the full-time PC faculty on teaching methods and procedures, each candidate observes the regular faculty critiquing advocacy exercises. Then, the Jaworski Fellow conducts advocacy exercises with students in both jury selection and jury trial exercises.

With the completion of this requirement, these lawyers and judges are designated Jaworski Fellows and may return in subsequent years to supervise additional advocacy exercises.

Mann became involved with the program approximately two years ago when four students traveled to Rusk County to present motions for summary judgment and responses to local district judge Clay Gossett.



CAROL TRAYLOR



GEORGE CHANDLER



KYLE DREYER



JOHN MINTON



MARK MANN



DAVID HILL

"I would say my general experience with the program in going to the trials has been worth the drive and worth the time. I always pick up something that is said or done that I would like to use in my practice, and hopefully, I have given some good suggestions that have been useful to the students in improving their advocacy skills," Mann said.

Hill, Ayres and Mann admit that the program does require time on their part, but all feel that they owe the law school so much, that they are willing to put in the hours. They also enjoy meeting the new crop on future Baylor Lawyers.

"Our students need and our faculty and administration deserve all the support that we can give them as alumni of this great law school. To most of us, it is the tireless work of other lawyers, judges, and professors that made who we are today. I feel we have an obligation to give back to our profession and to our law school," Ayres said.



JACK AYRES

He also has been particularly helpful to students during voir dire exercises.

"After participating in several exercises, I decided that it would be advisable to try to help the students a little bit more with some of their voir dire skills. In conjunction with a number of lawyers and judges who gave freely of their time, and we put together the 'Jaworski Fellows Voir Dire project,' which was then given to the students," Ayres said.

The 19-page instruction manual addresses the nuts and bolts of jury selection. Suggestions include forgoing notes when addressing the panel (notes cause the attorney to break eye contact and is a distraction); what to do if the case has received media attention; identifying adverse jurors; and experiencing stereotypes on a jury, among others.

May graduate Jennifer Salim said she thinks the Jaworski Fellows program adds to the Practice Court experience. Traylor supervised voir dire and also critiqued Salim's Big Trial.

"Baylor Lawyers have the same skill set but they have different styles," Salim said. "I liked that she offered very practical advice, especially during voir dire, and provided feedback to each individual student. It was clear that she knew what she is talking about. It also was great seeing a successful female trial lawyer."

These alumni also take the time to thoroughly research the cases they have been assigned, just as though they were going to court.

"I always request that the lawyers (students) send to me the case, as well as summaries and depositions, so that I can get a true idea as to the issues," Hill said. "I want to see the bad facts, because that is where a trial lawyer really earns his keep, handling the bad stuff. You must formulate a strategy to attack it because the other side is certainly going to parade it against you. I want to encourage young lawyers to think creatively outside a sterile fact pattern and figure a way to stretch and persuade the folks in the box to go their way. They must think, what is it about this case that the jurors are going to want addressed and answered, if they could ask the questions."

The Jaworski Fellows are willing to put in the time. They see the program as a way to pay forward the time others took to share their expertise to make Baylor students better lawyers. But they also want to emphasize to students the importance of trial by jury even if the student has no interest in becoming a trial lawyer.

"When I graduated, it was so much easier to get a trial," Hill said. "We were able to try worker's comp cases and personal injury cases often. Unfortunately, that opportunity has vanished, and getting in front of a jury has become so much more difficult in today's legal environment."



Jaworski Fellow Jack Ayres works with a student during Big Trial.

Mann concurs. "The program is important to me because I think it is one of the ways that we help preserve trial by jury, which is certainly under attack in our nation. There has to be a way for law students to know that advocacy is important, not only for the clients but for the preservation of the legal system," he said.

The Jaworski Fellows encourage more trial lawyer alumni to become involved with the program but they have no intention of riding away into the sunset.

"I would cautiously encourage any Baylor trial lawyer to become involved in the program, but only if they are willing to expend the time to get to know the trials that are being presented," Hill said. "Cautiously, because I do not want anyone to take my spot. I enjoy it that much. We, as Baylor lawyers, are privileged to stand on the shoulders of those great Baylor lawyers before us, those who taught us, and the great reputation of Baylor Law School. Giving back what we can really should come naturally."

"I want to encourage young lawyers to think creatively outside a sterile fact pattern and figure a way to stretch and persuade the folks in the box to go their way."

— DAVID HILL

FOCUS FEATURE  GIVING BACK

JUDGE JIM CLAWSON, JR.

Transforming Dreams into Reality

By Davin Allen



JUDGE JIM CLAWSON, JR.

Raised in the lean and austere circumstances of the Great Depression, as one of 14 children, Judge Jim Clawson, Jr., was determined to get an education... and “get in the war.” Little did he know, his wartime zeal would be his ticket to study at Baylor Law and the launching pad for his future success.



Judge Clawson (JD '48) enlisted in the Army Air Corp after two years of college in San Marcos and after spending a short time working in an aircraft assembly plant, impassioned to help seize the World War II victory. Destiny struck again.

While at aviation transition school in Del Rio, it was the voice of an angel in the church choir that struck the chords of Jim's heart. That angel, Mary, became

his wife a year later, and together, they embarked on a journey seasoned with generosity and faith for the impossible.

V-E Day, the closing scene of World War II, brought excitement, peace and the opportunity to rekindle old dreams. “In 1941, I had gone to Baylor Law School to see if there was any way in the world I could go to school without spending any money—and I received the bad news,”

Judge Clawson recalled, jokingly. “Then, with the end of World War II and with the G.I. Bill available as a scholarship, and my smart, industrious wife, I went to law school.” Mary gave up her educational pursuits to work to ensure the judge could accomplish his.

The next few years proved to be a formative time in Judge Clawson's journey. He studied under extraordinary professors such as Abner McCall,



“All of us can give something. If you make it a habit to give something every year, then the first thing you know, it all amounts to something big.”

former Baylor President and Associate Justice of the Texas Supreme Court, and developed an “insatiable curiosity about the law” that has been a cornerstone for his career. Judge Clawson became a servant to the Rule of Law, concluding the law makes every decision rather than personal bias or opinion. And with that, he can sleep easy at night.

He has never sought promotions, but good rapport, diligence and impartiality have paved the way for his career. From modest beginnings as a lawyer in Houston to presiding judge of the third administrative judicial region, where he oversaw 29 counties, to his current seat as a senior district judge of Texas, the escalation of Judge Clawson’s appointments is a testament to his character and integrity. However, when he and Mary count their blessings, they always trace the line of success directly back to Baylor Law.

“Some people go to Baylor Law School and earn an education that absolutely changes their lives and makes all things possible for them, but they don’t react by sending something back to Baylor,” Judge Clawson commented. “I think you owe it to yourself to repay, in some way, for all the goodness that comes to you for being a Baylor Lawyer.”

Filled with deep gratitude for his education and esteem for the caliber of lawyers who graduate from Baylor Law School, Judge Clawson was eager to establish a scholarship, but he and Mary hadn’t accumulated many assets. Through the help of the dean of the Law School at the time, the Clawsons discovered that they could donate the 4-acre piece of land they owned and begin their legacy of impacting generations through the James F. & Mary Louise Clawson Baylor Law School Scholarship Fund.

“There wasn’t any way in the world that Mary and I could give \$40,000, if it weren’t for the land,” Judge Clawson explained. “There are a few Baylor graduates who make millions and can give a whole lot, but all of us can give something. If you make it a habit to give something every year, then the first thing you know, it all amounts to something big.”

Judge Clawson has lived more than the adventure of a lifetime from the tarmac to the courtroom—he has intentionally invested in generations to come. Beyond sending his own two daughters to Baylor and mentoring Baylor Law students, Judge Clawson has regularly made financial gifts to Baylor almost every year since his graduation.

Jim and Mary Clawson’s foresight and indelible generosity has already resulted in more than 19 Baylor students receiving much needed support to fulfill their dream of a Baylor Law education. And their impact is multiplying as several recipients have already begun giving back.

Jonathan Brush, associate with Rogers, Morris & Grovers, L.L.P., held high aspirations for his future as a lawyer, but it was the Clawsons’ scholarship that transferred his hopes into reality. At Baylor Law School, he gained the practical skills necessary to bring justice through civil litigation and excel as a legal professional.

“Scholarships made Baylor Law affordable for me,” Brush recalled. “And because the Clawson’s gift, among others,

made it possible for me to receive a Baylor Law education, I always wanted to give back and help provide someone else’s way.”

We hope you, too, will join the Clawsons and Brush in their venture to empower the next generation of Baylor Lawyers. Through The President’s Scholarship Initiative, President Starr has called the entire Baylor Law Nation to respond to the growing financial need. To learn how you can rally behind this three-year initiative to raise \$100 million for student scholarships, contact Julie Corley at 254.710.8799 or Julie_Corley@baylor.edu or visit www.baylor.edu/law/give to make your gift to an endowed scholarship fund.



Networking and Fellowship are Goals of Dallas Alumni Gatherings

BY VINCENT J. ALLEN, JD '99

Baylor lawyers in Dallas now meet quarterly to reconnect with old classmates and meet new friends. Historically, the Baylor Law Alumni Association and the Law School have co-hosted receptions and lunches in many cities throughout the state on a rotating three-year cycle. Lawyers in Dallas thought it would be beneficial to meet on a more regular basis. With the help of the Law School and the sponsoring law firm, Carstens & Cahoon, the first reception took place in June of 2010 at

the Tower Club in downtown Dallas and was attended by more than 50 Baylor Lawyers.

A steering committee comprised of a number of Baylor Lawyers practicing in Dallas was set up to help organize events and select a Baylor Lawyer of the Month to be honored at each reception. The lawyers selected for the honor were recognized at the receptions and on Baylor Law's website. Thus far, Ike Vanden Eykel (JD '73) and Marilea Lewis (JD '78) have been recognized. Federal District Judge Ed Kinkeade (JD '74), who was selected as the Baylor Lawyer of the Year by the Law School, was also honored at

one of the events.

The receptions have been well received by the Baylor Law community in Dallas. Baylor Lawyers and their firms have lined up to sponsor the events, with sponsorship commitments filled for the remainder of the year. Previous sponsors include:

- Vincent Allen (JD '99) of Carstens & Cahoon, LLP;
- James Greer (JD '98) of Kane Russell Coleman & Logan;
- Andy Payne (JD '94) and Todd Ramsey (J.D. '96) of Payne Mitchell Law Group;
- Collen Clark (JD '90) of the Clark Law Firm;
- Jeff Domen (JD '00, B.A. '97), Kevin Fuller (JD '84),

Ike Vanden Eykel (JD '73), and Amber Steiss Rechner (JD '09) of Koons Fuller;

• Angela Buchanan (JD '09 BBA '06), Travis Gamble (JD '97, BBA '92), David Kent (JD '78, BA '75), Neil Rambin (JD '79, BA '76), Vance Wittie (JD '85, BA '83), Alan Vickery (JD '86, BBA '83), and George McCall (JD '77) of Sedgwick.

Brett Lamb (JD '99) of Gardere has committed to sponsor a future reception.

One winter event was held during the week Dallas experienced an unrelenting ice and snow storm. Dean Brad Toben and director of development Julie Corley were scheduled to be in attendance and made it as far as the Trinity River, but turned around after seeing one too many accidents

on the interstate. Despite the ice and snow, many Baylor Lawyers risked life and limb to attend the reception at Payne Mitchell's offices, where the Booker T. Washington Jazz Ensemble entertained guests as stories were told about recent experiences driving on ice.

If you are in the Dallas

area and have not been receiving notice of the events, we ask that you update your email address with the Law School at www.baylor.edu/law/alumni/update or e-mail Berkley Scroggins, Assistant Director of Alumni Relations at Berkley_Scroggins@baylor.edu. You can also receive notice of future Dallas events by

joining the Baylor Law Network group on Facebook.

If you would like to sponsor a future event, or if you are not in the Dallas area and are interested in setting up similar events in your area, please contact Scroggins at Berkley_Scroggins@baylor.edu or call her at 254.710.4546.



Vincent Allen, JD '99, Todd Ramsey, JD '96, Jeff Domen, JD '00, and James Greer, JD '98, have hosted Dallas Baylor Lawyer receptions.

Dallas Baylor Lawyer Steering Committee

Vincent J. Allen (JD '99) is a partner at Carstens & Cahoon, an intellectual property law boutique in Dallas. He is a Baylor Law Alumni Association Executive Committee member. He spearheads the organization of regular meetings in the Dallas area.

VINCENT ALLEN, JD '99
Carstens & Cahoon, LLP

MATT ANDERSON, JD '94
Munck Carter, LLP

ANGELA BUCHANAN, JD '09,
BA '06
Sedgwick, LLP

MICHAEL CLARK, JD '96
*Quilling, Selander, Cummiskey
& Lownds, P.C.*

LOUIS COLE, JD '71, BA '68
Louis I. Cole, PC

JEFF DOMEN, JD '00, BA '97
KoonsFuller, PC

SUSAN DUESLER, JD '07
Susan E. Duesler

CARMEN EIKER, JD '78
*McCurley Orsinger McCurley
Nelson & Downing, L.L.P.*

JAMES GREER, JD '98
*Kane Russell Coleman & Logan,
PC*

BRETT LAMB, JD '99
Gardere, LLP

HUNTER LEWIS, JD '10, BA '07
*McCurley Orsinger McCurley
Nelson & Downing, L.L.P.*

TODD RAMSEY, JD '96
Payne Mitchell

KIM YOUNG, JD '81
Northern Trust





1923 | 2011

ANGUS STEWART McSWAIN, JR.

DEAN EMERITUS,
BAYLOR SCHOOL OF LAW

Angus Stewart McSwain, Jr., dean emeritus of Baylor School of Law, died on Sunday, May 29, 2011. Services were held Wednesday, June 1, at the Austin Avenue United Methodist Church with the Rev. Chris Mesa officiating. Gerald Powell, the Abner V. McCall Professor of Evidence Law at Baylor Law School, delivered the eulogy (see page 35).

Angus McSwain was born in Bryan, Texas, on November 26, 1923. He graduated from Stephen F. Austin High School in

Bryan, and then attended Texas A&M University from 1940-1943, when he enlisted in the United States Army. He reached the rank of 1st Lieutenant in the Corps of Engineers. With his engineering training at A&M, Angus was assigned to a Treadway Bridge Company, which was a unit that erected river bridges so that troops, equipment, and supplies could cross. His unit served with the Seventh Army in the European Theater of Operations, arriving in France in early 1945. His company had reached within 100 miles of Munich, Germany, when the war ended on May 5, 1945.

Upon discharge from the Army after World War II, he reentered Texas A&M and graduated with a Bachelor of Science degree in civil engineering in 1947. Engineering was not to be his career, however. One of his duties during the war had been serving as a trial judge advocate in court martial proceedings in his unit, even though he wasn't a lawyer at the time. This "little taste of lawyering," as he referred to it, led to an illustrious career. Though he had never thought of becoming a lawyer before the war, Angus decided to attend law school. He received an LL.B. from Baylor University School



Angus and Betty Ann McSwain in front of Morrison Constitution Hall.

of Law in 1949, with highest honors, and an LL.M. from the University of Michigan in 1951.

Before he graduated from law school, McSwain's life took another change in direction. Judge Abner McCall, then Dean of Baylor Law School, approached him about joining the Baylor Law faculty. He was promoted to Professor of Law in 1956, and became the Dean of the Law School in 1965. He served in that capacity for 19 years. As Dean, McSwain was instrumental in integrating minority students into Baylor, and he led Baylor Law School to a position of preeminence in legal education, with a unique emphasis on teaching excellence.

Recognized as an expert in Property Law, the course he taught for more than 40 years, Dean McSwain also taught courses in Trusts & Estates, Estate Planning, Administration of Estates, Texas Land Practice, Domestic Relations, Oil & Gas, Civil Procedure, Torts, Constitutional Law, Local Government, Insurance, and Jurisprudence. He co-authored four books and numerous

articles in law reviews and legal journals. He was named a Master Teacher by Baylor University in 1990. He was named Baylor Lawyer of the Year in 1984.

Chairing the committee of the State Bar of Texas responsible for codifying the modern era of marital property rights in the 1960s, Dean McSwain was the architect of numerous provisions of the Texas Family Code, drafting its marital property provisions. He retired from teaching in 2008, but continued to teach Texas Land Practice and Jurisprudence until recently. His students included the children and grandchildren of his prior students. Dean McSwain is revered by his colleagues, his students and all who had the privilege of working with him.

Angus McSwain was preceded in death by his wife of 46 years, the former Betty Ann McCartney. They had one son, Angus Earl "Andy" McSwain, who was born on Angus' birthday in 1958. Andy, also a graduate of Baylor Law School and a student of his father, practices

law in Waco. Andy and his wife, Chris, have one son, Angus Stewart McSwain, of whom Angus was particularly proud. He was predeceased by his parents, Angus S. McSwain, Sr., and Lois Pipkin McSwain; as well as his two brothers, Edward Pipkin McSwain and James Brooks McSwain.

Survivors include his sister, Mary Lois McSwain Bland; and her children Marsha, Bruce, Lisa, Gay, & their families.

Angus and Betty Ann were long time members of the Austin Avenue United Methodist Church. He taught

Sunday school, served on many church committees, and was a pillar of the church community. And as he said to the Sunday school class he taught: "It is not the work of a minute, or a week, or a year. The going is rough. But every day, as we make decisions that seem small and unimportant, we are fitting together the pieces of the pattern which will show the pictures of our real self."

Angus McSwain created by his works a picture of his own life – it is a genuine masterpiece.



Alvan Wells, president of Phi Alpha Delta law fraternity, with Baylor Law Dean Angus McSwain during the fraternity's annual alumni breakfast in November 1969.



Angus McSwain visits the old Coca-Cola bottling plant.



A young Angus McSwain in front of the Baylor Drug Store in 1955.



Eulogy to Angus Stewart McSwain, Jr. By Gerald Powell, the Abner V. McCall Professor of Evidence and Master Teacher

I invite you to go back with me to the Fall of 1974. The Viet Nam war is winding down. Watergate is on everyone's mind. And I am oblivious to both. I am a 22-year-old Baylor law student, in my first class of law school. I sit in Room 105 of Morrison Constitution Hall. Robert Little, you are there by my side. Brad Toben, you're there too. And so are you, Louie Gohmert. We are waiting for the arrival of our professor, the legendary Dean Angus McSwain. His name, of course, scares us. We have visions of a Scottish Highland chieftain wielding a verbal claymore broadsword. And in he walks. He's 51 years old, not quite as tall as a Highland chieftain. He doesn't seem fearsome, in fact, he appears quite gentle. He has a reddish complexion, black glasses, somewhat bookish it seems to us. And in fact he has a large book under his arm, a

book containing ... the law. And he really never looks at it.

"This is a course in the law, that is to say, that is, in the law of, that is, property." Baylor lawyers have been imitating Angus McSwain for 60 years. And it is the sincerest of flattery.

We didn't realize it at the time, but Angus Stewart McSwain, Jr., was about to change our lives. It didn't take long at all for us to learn that he was brilliant. It wasn't just that he knew the law of property; he was the law of property. We sat mesmerized as he taught us that ancient body of law, deeply rooted in medieval England. He spoke with reverence of the Rule Against Perpetuities, the Rule in Shelley's case, the Fertile Octogenarian rule and its polar opposite, the Precocious Toddler rule. And then there was the Unborn Widow rule and the Doctrine of Worthier Title. We labored over mind-numbing concepts like

springing executory interests. And we struggled over whether we had a Possibility of Reverter, or merely a Reversionary Interest? Our heads throbbed trying to understand these seemingly archaic legal principles, each of which to Dean McSwain was mere meat and potatoes.

He drew it on the blackboard for us. There was the oft conveyed tract of land known as Blackacre: "O to A for life, with a remainder to B."

Part of this course required students to read cases from a casebook, and the professor called on them to discuss the cases in class. It is always a terrifying thing for a law student. But Dean McSwain had his own way of doing this – we called it the "Dean's Beam." He would go down the rows, focusing on students, not randomly, but in order, so that if your class mate to the right got a certain

case you knew for sure that you would be called upon to discuss the next case in the casebook. And so on down the row. And of course, since you could predict a day in advance which case you would have, you felt a great deal of pressure to get it right and be very knowledgeable about the particular case – the Dean would expect it. We read them all, of course... but we each gave extra attention and preparation to "my case." It gave us all a feeling of security, maybe even safety, in knowing exactly what would happen and knowing we were ready for it.

But sometimes, the natural order of things shifted. You see, occasionally we would hear him say, "the next case is really, that is, not that important, I think we will skip it, that is to say, move on, that is, to the next case in the casebook, ... Mr. Powell." If you listened carefully you could always hear soft gasping



Angus McSwain received the Herbert H. Reynolds Award during Homecoming in 1992.

“Human character is built up of the innumerable and apparently insignificant choices a person must make in the course of a lifetime.”

– Angus Stewart McSwain, Jr.

sounds. And then the next ten law students would frantically begin turning pages in the casebook. It was only years later that Angus admitted to me that he was not entirely unaware of the effect this had on us. And he said it with a twinkle in his eye.

Angus' students worked hard. We wanted to do well in his course, not really so much for ourselves, but for Angus. We didn't want to let him down.

For almost 40 years now, I have had the privilege of knowing Angus McSwain. He was my teacher, then my colleague, then my neighbor, and always my friend. For me, he was one of the most influential people in my life.

All his life, Angus touched the lives of people around him. He influenced many lives in this very church. Angus loved this church, didn't he? The last thing he did on this earth was drive to his church. He taught a Sunday School class for years and years.

In fact, my brother, Bob, met his wife, Penny, when they both attended Angus' college class back in the early 1960s.

Not too long ago Angus taught a Sunday School lesson on how to live your life; how to become a good disciple. Listen, if you will, to some things he told his class:

- “What a person makes of himself in this life lies in the decisions – the choices that he makes.”
- “What we do is a projection into the outside world of what we are.”
- “Human character is built up of the innumerable and apparently insignificant choices a person must make in the course of a lifetime.”
- “It is not the work of a minute, or a week, or a year. The going is rough. But every day, as we make decisions that seem

small and unimportant, we are fitting together the pieces of the pattern which will show the pictures of our real self.”

By his choices, his decisions, his actions, great and small, Angus touched the lives of so many people. Consider his students. Judge Leonard Davis sent me an email: “I can say without any reservation that I would not be where I am today if he had not taken a chance on letting me in, and then spent time with me showing me how to be a good student, lawyer and person.” Judge Davis is now one of the most respected federal judges in America. Another student, Tom Featherston, after a successful career in the practice of law, became Angus' faculty colleague and close friend. Tom wrote: “whether he was my teacher or dean as a student, or as a confidant when my career in Houston didn't go as I wanted, or as dean and boss, or as colleague and friend, a true gentle, but wise man. Always there with open door, whatever the topic— legal, history, family, personal.”

And he loved his neighbors, of course. After Betty Ann died, we were concerned that maybe Angus would stay to himself and not get out. You see, Betty Ann had always been the

planner and the organizer. But it didn't take long before Angus took up where Betty Ann left off – he invited the neighbors to go to the Greek Food Festival with him, and then at Christmas there were goodies for each household on the street. Every 4th of July Angus would give the invocation at our neighborhood parade. And then one time he hosted a dinner at his house. He put out the good table cloths and the good china and every salad fork and teaspoon was in its proper place. As we left, the ladies of the neighborhood agreed, “Betty Ann would be proud.”

His family was very, very important to him. Betty Ann was the love of his life, and they were an incomparable team, weren't they? An evening with the McSwains was always fun and interesting. He was so proud of Andy, as any father would be of a son. But especially so, I think, because he also had that greatest of privileges, to be Andy's teacher. Chris, of course, became such an important part of his family, especially after Betty Ann died. And Stewart, your grandfather positively glowed when he spoke of you, your accomplishments and the things you did. No matter whether it was basketball, Boy Scouts, school work or what, when Angus told us about what you did, you could see the

love and pride all over his face. He would say, "Stewart was terrific! Terrific!"

But Angus McSwain didn't just touch the lives of people he knew. Just like he told his Sunday School class, a person's character is measured by the innumerable seemingly insignificant choices that he makes. Let me conclude by telling you about a choice that he made over 65 years ago. Imagine with me Germany in May of 1945. The war has just ended. A young American lieutenant, not yet 23 years old, rides with a small group of his men in their jeep out into the German countryside. They go to see a modern marvel – the Autobahn. They stop by the side of the road. And there on

that great highway, as far as the eye can see in both directions, is a long column of German soldiers, four abreast, worn and tattered field-gray uniforms, marching east to west. Probably heading to a prisoner of war camp near Munich. They still have their weapons. The young lieutenant has an uneasy feeling about it. There are no other Americans in sight, and there are thousands and thousands of armed Germans. I suspect that when some of the lieutenant's men look at that long gray column, they see in them the cause of much of the world's misery, the death of millions, the killers of so many G.I.'s.

And then a German Staff car pulls up and stops. The

Americans don't know what to expect. An officer gets out, and he is accompanied by several enlisted men. The officer is wearing his pistol. The young American lieutenant points at the pistol. The officer pulls it out of his holster and hands it over. The American lieutenant takes the pistol, and then goes over to his jeep, reaches into the back and picks up boxes of rations. He gives them to the Germans. They collapse to the ground, devouring the food. They hadn't eaten in days. They didn't realize it at the time, but those beaten and weary, down-hearted German soldiers had just been touched by Lt. Angus Stewart McSwain, Jr., a good disciple.

I don't know this for sure, but I believe with all of

my heart that something else happened later. Somewhere in Germany, sometime in the last ten years, an aged veteran of the German army sat with his grandchild on his lap. And told him of that day long ago when life seemed to him so bleak and hopeless, when a young American showed him kindness and mercy.

Ralph Waldo Emerson said it best: "to know even one life has breathed easier because you have lived. This is to have succeeded."

Amen, Angus. Amen.

Professor Gerald Powell delivered this eulogy during Dean McSwain's funeral on June 1, 2011.

Baylor Law Legends: Matt "Mad Dog" Dawson and Angus McSwain.



Yale Law Grad Soars as 'Top Gun' Trial Lawyer in Baylor Law's National Mock Trial Competition

FEATURE



Tom Cruise might not have been in attendance, but Baylor Law brought in an all-star cast and crew for its own Top Gun. Federal and state judges, noted trial lawyers, two Texas lawmen, a top psychology professor, a Heisman Trophy candidate – they were all there, and in the end, a young woman from Yale turned in an Oscar-caliber performance.



The 2011 National Top Gun Mock Trial Competition, which is in its second year, was limited to 18 law schools and is unlike any other mock trial competition in the nation. A single student represented each school, instead of the usual two; participants did not receive the details of the mock case they argued until a

mere 24 hours before the competition began; and the winner was awarded \$10,000. Baylor, as the organizing institution, did not field a team.

Sarah Chervinsky, who graduated from Yale Law School in 2011 and will be working as a public defender in New Orleans, was crowned the winner. She represented

the defendant in the finals against Shannon O'Guin from Samford University's Cumberland School of Law for the plaintiff.

"The winning lawyer, Sarah Chervinsky, told me that it was the most intense thing she had ever done," said Gerald Powell, the Abner V. McCall Professor of Evidence and director

of the Practice Court Program. "For four days she got a small dose of what our Baylor law students experience on a daily basis. And she was on cloud nine that she had succeeded against all odds. What a great achievement. It is very gratifying to give these young advocates the opportunity to grow and mature as lawyers.



Someday, somewhere a client will benefit from what the competitors learned at Top Gun – what they learned about the art of trial advocacy as well as what they learned about themselves.”

Chervinsky concurred with Powell about the rigor of the competition.

“The Top Gun was the most intellectually and emotionally grueling thing I have ever experienced,” said the personable Chervinsky, who teared up when she was announced as the winner. “I have competed in mock trial since I was a freshman in high school, and I have been inches away from a national championship. I have been chasing this since I was 14 years old.”

The competition is sponsored by the law firm Naman Howell Smith and Lee, PLLC, which has offices in the Texas cities of Austin, Fort Worth, Harker Heights, Temple and Waco.

“Everyone was impressed by the philanthropy of our decades-long friend Naman, Howell, Smith & Lee in underwriting the Top Gun prize,” said Baylor Law Dean Brad Toben.

Organizers say the event was designed to provide a venue for schools with strong trial advocacy programs to go head-to-head with one another.

The competition kicked off June 1 when competitors attended orientation and a welcome dinner. At 7 a.m. Thursday, June 2, they received the case file, and also assisted in taking a deposition of a witness, who was portrayed by Baylor’s stellar quarterback Robert Griffin III, in preparation for trial. Additionally, they reviewed existing depositions, records, and photographs and took a tour to the actual places where events in the case supposedly occurred.

The preliminary rounds began Friday morning, June 3. All competitors participated in at least four rounds with the top four competitors after those rounds advancing to the semifinal rounds. New information was presented Saturday night before the semifinals on Sunday, June 5. The final four were presented with new facts, two new experts and the opportunity to take two expert depositions that night with only minimal time for preparation. Each student was able to bring a coach but many were at

“There were times during the competition where I actually forgot that I was watching law students rather than seasoned litigation attorneys.”

— Luke Meier



the competition on their own, including the eventual winner Chervinsky. However, she was quick to credit her former trial team partner, 2009 Yale Law graduate Andrew Thomas, for being a virtual coach and muse.

This year's problem, which was written by Professor Jeremy Counseller, Powell and Practice Court Assistant Will King, involved a life insurance policy dispute. In the fictional case, *Barrett v. Amicable Life Insurance*, the policy holder has died in a fall from Lover's Leap and the insurance company has claimed it should not pay the plaintiff and widow, Mrs. Cordelia Barrett, because she murdered her late husband. She claims that the fall was an accident or that he was murdered by a business partner, Russell Bell. The finals featured testimony from actual Texas Rangers, a professor of psychology, who portrayed an expert witness, and Griffin, who portrayed a non-party witness. New faculty members Jill Lens and

Luke Meier took the roles of Barrett and Bell during the finals.

"Both the competitors did a fantastic job," Lens said. "The winner, Sarah Chervinsky, did an especially good job cross-examining me. She even had me convinced that my character killed her husband to get the life insurance proceeds."

Meier agreed with Lens about the caliber of the contestants.

"The students in the finals were simply amazing. It was so much fun to watch them struggle with the realities of trial practice. There were times during the competition where I actually forgot that I was watching law students rather than seasoned litigation attorneys. I was prepared for my trial testimony by the eventual winner, Sarah Chervinsky. Within two minutes of beginning to work together I could tell that she had a bright future as a litigator ahead of her. She had a firm handle on all of the moving parts associated with a jury trial," he said.

All rounds were presided over by state or federal judges with experienced trial lawyers serving as members of the jury. During the finals, Andrew Hanen, United States District Judge from the Southern District of Texas, presided. Serving on the jury were Baylor lawyers Roy Barrett and Hayes Fuller of Naman Howell; Louis Muldrow, professor emeritus and former director of Baylor Law's Practice Court Program; Mark Mann of the Mann Firm in Henderson, Texas; and Jason Stephens, founding partner of Stephens, Anderson & Cummings, LLP.

"We thank our devoted friends – a several score Baylor judges (federal and state), who took time away from their chambers, their offices, their families and a weekend – to serve as judge and jurors. To have esteemed federal judges and state district judges preside at each of the 39 trials that unfolded over the days of the competition put us on a level of credibility that was simply unparalleled in legal education's interscholastic circles," Toben said.

Chervinsky, who earned her undergraduate degree from the University of Chicago, was the student director of the Trial Advocacy Team at Yale Law School and actually founded the program as a 1L in

2009. Since that time, the Yale team made a name for itself on the national stage. In only three years, the team won two NTC New England Regional Championships. It was a quarterfinalist at the NTC nationals last year, and this year missed the break for the quarterfinals by only one point. It also competed in the AAJ for the first time this year and placed third in the New York regional. Chervinsky, who competed in each of the competitions, received the award for the Best Advocate at the NTC regional in 2009 and 2011.

O'Guin is a two-year member of Cumberland's National Trial Team and was the 2010 AAJ regional winner and the 2011 AAJ regional finalist. She also received Cumberland's Advocate of the Year award for 2011.

In addition to Yale and Cumberland, other schools that sent competitors to the Top Gun were Akron University Law School, Barry University School of Law, Chicago-Kent School of Law, Denver School of Law, Duquesne University School of Law, Georgetown University Law Center, Loyola Law School, Los Angeles, Northern Kentucky University College of Law, Northwestern University School of Law, South Texas College of Law, Stetson University College of Law, Suffolk University Law School, Temple University School of Law, University of South Carolina School of Law, University of Wisconsin Law School and Washington University School of Law.



 FEATURE

By Jeremy Counsellor Professor of Law

With a Little Help from Our Friends

Thanks to some good friends, Baylor Law School successfully hosted the 2011 Top Gun National Mock Trial Competition, the most realistic and innovative law student advocacy competition in the country.

Last year Baylor Law School created and hosted the first Top Gun Competition. The inaugural competition received rave reviews from competitors and coaches alike, largely because the format of the competition was truly unique.

We invited the best student trial advocates in the country to Waco. We gave them the problem just 24 hours before their first trial. Unlike all the other mock trial competitions, the students would not have months to memorize prepared arguments and examinations. The tournament was winner take all. First place was \$10,000.00, and, in keeping with the Top Gun theme and the nature of trial practice, there were “no points for second place.”

We also provided the witnesses. The competitors would not get to use well-rehearsed teammates as witnesses.

Following the success of the 2010 Top Gun Competition, everyone involved struggled with an important question—how could we outdo the 2010 tournament in 2011?

I learned the answer one afternoon in the office of Professor Gerald R. Powell, director of the Practice Court Program and creator of the Top Gun competition, when he said, “In Top Gun this year, I want real Texas Rangers to refresh the memory of a key witness through hypnosis.”

This seemed like a great idea and I immediately started thinking about the details of bringing Powell’s idea to life. Of course we would need some Texas Rangers and a “key witness.” On the Ranger front we were fortunate. One of our newest colleagues is Jim Huggins, who recently retired from the Rangers to teach forensic science at Baylor. He agreed to serve as an expert and he also recruited his fellow Ranger, Frank Malinak, to help as well. We were all set on the Ranger front.

Of course, if we had a Texas Ranger testifying as to the effectiveness of hypnosis,

we’d need an honest-to-goodness expert testifying as to its ineffectiveness. Dr. Charles Weaver, professor of psychology in Baylor’s department of psychology, was kind enough to lend us his considerable expertise.

With our experts in place, all we needed was the key witness. Powell had one more wrinkle to deliver on this front.

“I want Robert Griffin, III, to be the witness whose memory the Rangers refresh,” he said.

“All right,” I said, but I had a question. “At the competition, who is going to play the part of RG3?”

“RG3 is going to play RG3,” Powell said.

He would accept no substitutes and who can blame him? There is only one RG3.

Our law school colleague Mike Rogers works closely with Baylor’s athletic department on a wide variety of issue, and he asked RG3 if he would be interested in playing himself as a witness.

Robert Griffin said yes immediately.

Last year, our competitors had only 24 hours to prepare before trying the case. The same was true this year, but they also faced a new twist—discovery had not yet been completed.



Texas Ranger Frank Malinak, BU quarterback Robert Griffin, III, Ranger Jim Huggins appeared as witnesses in the Top Gun National Mock Trial Competition.

A few hours after receiving the problem packet each competitor had to participate in taking the deposition of a nonparty fact witness.

The competitors arrived at the deposition to find that the nonparty fact witness sitting before them was Heisman Trophy Candidate Robert Griffin, III.

In order for him to play this role, we had to fill his head with a ton of details (many of which were conflicting) in a short amount of time, and he had to remember them while being questioned by the nation's best student advocates. It was a very good thing for us that Robert has a steel trap for a mind, but that's exactly what we expected from a young man who finished his degree in less than four years and has started graduate school while becoming an All-American in track and leading Baylor football back to a bowl game.

During his deposition, Robert displayed a quick wit. One competitor asked him if he had ever heard the name of one of the other important witnesses in the case—a man named Russell Bell. Quick as a whip, Robert responded by saying “it doesn't ring any bells.”

The competitors who reached the semifinal round were required to conduct

“I want real Texas Rangers to refresh the memory of a key witness through hypnosis.”

— Gerald Powell

an expert deposition by deposing Ranger Huggins, Ranger Malinak, or Dr. Weaver, depending on which party they represented. The deposition had significant consequences because the competitors were stuck with the depositions they conducted and defended for the semi-final and final rounds of the competition. All the competitors learned what it's like to depose a real expert because the Rangers and Dr. Weaver are real experts. The Rangers and Dr. Weaver also testified live in the final round of the competition.

Robert also returned to the law school for the final round of the competition, but when he returned his testimony had changed thanks to the hypnosis session Rangers Huggins and Malinak (pretended to) perform on him.

The Rangers and Dr. Weaver devoted most of their weekend to the tournament, and all they received in exchange was a plate of barbecue. Robert Griffin gave up several afternoons for prep sessions and the better part of two different days for his competition testimony. He not only didn't complain, he thanked all of us for letting him participate. Robert didn't even get a plate of barbecue for his trouble, but for what it's worth I can tell everyone that all the great things they've heard about Robert really are true.

Top Gun 2011 was an enormous success and the most innovative mock trial competition ever held. Baylor Law School could not have pulled it off without the help of dozens of students, staff and faculty at the law school. A special thanks is in order to Rangers Jim Huggins and Frank Malinak, Dr. Charles Weaver, and Robert Griffin whose contributions helped set the competition apart from the rest and who were willing to help simply because another member of the Baylor family asked for it.



Baylor Law Welcomes Four to Faculty

Baylor Law School added four new faces — Judge Ken Starr, Luke Meier, Wieber Lens and Rachel Little — to its faculty this year.

Judge Ken Starr

On June 1, 2010, the Honorable Kenneth Winston Starr became the 14th president of Baylor University. Judge Starr was elected unanimously by the Baylor Board of Regents on Feb. 12, 2010, following a search process that included representatives from all parts of the Baylor family. He also serves as the Louise L. Morrison Chair of Constitutional Law, the oldest endowed chair at Baylor University, and is teaching a constitutional law class at Baylor Law School in fall 2011.

Starr has had a distinguished career in academia, the law and public service. Prior to coming to Baylor, he served for six years as the Duane and Kelly Roberts Dean and Professor of Law at Pepperdine, where he taught current constitutional issues and civil procedure. He also is of counsel to the law firm of Kirkland & Ellis LLP, where he was a partner from 1993 to 2004, specializing in appellate work, antitrust, federal courts, federal jurisdiction and constitutional law.

As Solicitor General of the United States from 1989 to 1993, Starr argued 36 cases before the U.S. Supreme Court. He also served as United States Circuit Judge for the District of Columbia Circuit from 1983 to 1989, as law clerk to Chief Justice Warren E. Burger from 1975 to 1977 and as law clerk to Fifth Circuit Judge David W. Dyer from 1973 to 1974. Starr was appointed to serve as Independent Counsel for five investigations, including Whitewater, from 1994 to 1999.

Starr previously taught constitutional law as an adjunct professor at New York University School of Law and was a distinguished visiting professor at George



Mason University School of Law and Chapman Law School. After graduating from San Antonio's Sam Houston High School, he earned his B.A. from George Washington University in 1968, his M.A. from Brown University in 1969 and his J.D. degree from Duke University Law School in 1973. He is admitted to practice in California, the District of Columbia, Virginia and the U.S. Supreme Court.

He is the author of more than 25 publications, and his book, *First Among Equals: The Supreme Court in American Life*, published in 2002, was praised by U.S. Circuit Judge David B. Sentelle as "eminently readable and informative... not just the best

treatment to-date of the Court after (Chief Justice Earl) Warren, it is likely to have that distinction for a long, long time."

He has received a multitude of honors and awards, including the J. Reuben Clark Law Society 2005 Distinguished Service Award, the 2004 Capital Book Award, the Jefferson Cup award from the FBI, the Edmund Randolph Award for Outstanding Service in the Department of

Justice and the Attorney General's Award for Distinguished Service.

Starr was born on July 21, 1946, in Vernon, Texas, and was raised in San Antonio. He and his wife Alice have three children and four grandchildren. The Starrs made their home in Malibu, Calif., from 2004 to 2010, and lived in McLean, Va., from 1978 to 2004. He has volunteered many hours teaching in the inner city and assisting disadvantaged students with summer internships, after-school programs and guidance for financing a college education.

Jill Lens

Lens, assistant professor of law, joined the Brandeis School of Law as a Visiting Assistant Professor in July 2009. She taught torts in the 2009 fall semester.

Professor Lens graduated with highest distinction from the University of Iowa College of Law in 2005, is a member of the Order of the Coif, and received the West Publishing Company Award for Outstanding Scholastic Achievement at graduation. She also served as a Note & Comment Editor of the *Iowa Law Review*. She also was a member of the Organization of Women Law Students and played intramural sports, specifically flag football.

Prior to entering academia, Professor Lens practiced commercial, appellate, and class action litigation at Husch Blackwell Sanders, LLP, in St. Louis, Missouri. She is admitted to practice law in Missouri and Illinois.

Professor Lens' research interests include civil procedure, evidence, torts, and federal court jurisdiction.

She is the author of *Punishing for the Injury: Tort Law's Influence in Defining the Constitutional Limitations on Punitive Damages Awards*,



39 Hofstra L. Rev. (forthcoming 2011); *Honest Confusion: The Purpose of Compensatory Damages in Tort and Fraudulent Misrepresentation*, 59 U. Kan. L. Rev. 231 (2011); and *The (Overlooked) Consequence of Easing the Prohibition of Expert Legal Testimony in Professional Negligence Claims*, 48 U. Lou. L. Rev. 53 (2009), reprinted in Def. Law J., Vol. 60, No. 1, at 103 (Feb. 2011).



Luke Meier

Luke Meier, who is no stranger to Texas, earned his bachelor's degree cum laude from Kansas State and his J.D. with high honors from the University of Texas in 2000. While at UT, he served as managing editor of the *Texas Law Review* and was a member of the Chancellor's Honorary Society. He also served as research assistant for professors Charles Alan Wright and Bill Powers.

In 2000-2001, he clerked for Judge Michael Murphy, United States Court of Appeals for the Tenth Circuit. He was an associate for Vinson & Elkins LLP in Austin and worked as assistant attorney general in the Office of the Texas Attorney General from 2002-2004. He also served as Visiting Assistant Professor of Law at the University of Nebraska-Lincoln College of Law from 2005-2007. While at Nebraska, he was selected Upper Class Professor of the Year and First Year Professor of the Year. He joined the Drake faculty in 2007 and was named Drake University Law School Professor of the Year, as voted on by graduating class for 2010.

His fields of expertise include Federal Courts, American Legal History, Natural Resources, Property and Torts. His list of publications includes *Using Tort Law to Understand the Causation Prong of Standing*, 80 Fordham L. Rev. ____ (2012, forthcoming); *Why Twombly is Good Law (But Poorly Drafted) and Iqbal will be Overturned*, 87 Indiana L.J. ____ (2011, forthcoming); *Facial Challenges and Separation of Powers*, 85 Ind. L.J.; *Tort Law and the Relationship between the Establishment Clause and the Free Exercise Clause*, 40 Ind. L. Rev. 519 (2007); *RLUIPA and Congressional Intent*, 70 Alb. L. Rev. 1435 (2007); *Constitutional Structure, Individual Rights, and the Pledge of Allegiance*, 5 First Amen. L. Rev. 162 (2006); and *A Broad Attack on Overbreadth*, 40 Val. U. L. Rev. 113 (2005). He also has appeared as a presenter or panelist at academic conferences at Washington University Law School, the University of Denver's Strum College of Law and at Chongqing Jiaotong University in China.



Rachel Little

Rachel Little became the Reference Librarian for the Baylor Law Library in June 2010. She is responsible for providing research and reference services to the faculty and students of the Law School, the University, the legal community, and the general public. She additionally assists with legal research instruction and oversees the library's public services department.

Little has a bachelor's degree in International Political Economy from the University of Puget Sound and earned her J.D. from the University of Houston, where she won two awards for scholastic excellence in legal research and writing. She practiced immigration law with Tindall & Foster P.C. (now FosterQuan LLP) in Houston for two and a half years. Little later returned to graduate school and completed her Master of Science in Information Studies at the University of Texas at Austin. While in Austin, she served as a Tarlton Fellow at the UT Tarlton Law Library, where she received

almost two years of on-the-job training as a part of the library's reference and public services staff. In addition to her legal and library experience, Little spent five years working on domestic violence and immigration issues with nonprofit organizations in Washington, D.C., and El Paso. During two of those years, she served as a volunteer with two Lutheran-based organizations: the Lutheran Volunteer Corps and the Border Servant Corps.

Little grew up on the West Coast and in Hawaii, though she has called Texas home for the past 10 years. She speaks Spanish fluently, studied abroad

in Mexico, and loves traveling in Latin America (with her most recent trip being to Peru).



Baylor Law Professor's “Pre-embryos in Probate” Article Wins Inaugural Award

from ABA Law Section

Bridget Fuselier, associate professor of law at Baylor Law School, received the inaugural “Section Award” presented by the Real Property, Trust and Estate Law Section of

the American Bar Association for her article “Pre-embryos in Probate: Property, Person or Something Else?” The article appeared in the September issue of *Probate & Property*. A more in-depth version of the article, which also ties into

some other issues, can be found in the Benjamin N. Cardozo University *Journal of Law and Gender*.

“Professor Fuselier’s article was in large part the impetus for the Section Award. The article is unique,

well-written and well-researched and has appeal for both real property and trusts and estates lawyers across the nation,” said Edward T. Brading, editor of *Probate & Property*.

“I was just in shock when I found out. You think no

one will read your article, and then you find out that not only did they read it, but they liked it,” Fuselier said.

In the article, Fuselier discusses the probate issues involved in cryogenically preserved embryos

following the death of one or both of the donors.

“It’s a complicated area and is getting more complicated. This topic not only is of interest to probate and property law, but also to family law, criminal law, tort law

and others. The areas just converge. There aren't laws to deal with it and disputes are happening. After all, at last count there are 500,000 embryos that are cryogenically preserved," she said.

Fuselier became interested in the issue when she began teaching her first property class. She wanted to show her students that "property" could be more than just land. In response to her students' interested reaction, she began research on her first article, "The Trouble With Putting All of Your Eggs in One Basket: Addressing Potential Property Issues With Cryopreserved Embryos," which was published in the *Texas Journal on Civil Liberties & Civil Rights*. She also has spoken to Baylor University's pre-medical society and to its medical ethics society about the topic.

"This is a wonderful example of where science, law and medicine come together, but the law is not moving as swiftly as the science and medicine. There needs to be discussion among the disciplines," she said.

Fuselier plans to continue to study

the subject and will look at embryo adoption in a future article. She also has a homestead article forthcoming in the *St. Mary's Law Review* and a forthcoming textbook on common interest community law that she co-wrote with Campbell University Law Professor Pat Hettrick.

Fuselier 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. She 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.

After receiving her J.D., Professor Fuselier moved to Beaumont and 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, she 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.

She joined the Baylor Law faculty in 2006 and teaches Property I and II and Texas Land Practice. She coaches a number of advocacy interscholastic teams

and is the faculty sponsor for Baylor Law's Public Interest Society. She also serves as contributing editor in the area of Real Estate Law for *General Practice Digest*. She had worked as a guest member for the National Board of Bar Examiners, Real Property Drafting Committee.

Fuselier was recognized as the Baylor University Outstanding Professor (Untenured/Research) during commencement exercises in May. Baylor awards one non-tenured (tenure track) research award from all schools of the university.

“
There aren't laws to deal with it and disputes are happening. After all, at last count there are 500,000 embryos that are cryogenically preserved.”

— Bridget Fuselier



Baylor Law Professor Receives “Glass Cutter” Award from ABA Business Law Section

Elizabeth Miller, professor of law at Baylor Law School has received the 2011 Jean Allard “Glass Cutter” Award from the American Bar Association Business Law Section. Miller accepted the award at the Section luncheon at the 2011 Spring Meeting in Boston, Massachusetts.

Miller was nominated for the award by the leadership of the LLCs, Partnerships and Unincorporated Entities Committee of the ABA Business Law Section, in which she has been active for many years and of which she served as Chair from 2004-2007.

“Jean Allard was widely celebrated among her colleagues for her legal acumen, professionalism, commitment to service and generous mentoring, especially for other women in the profession. Beth Miller holds in abundance those same characteristics, and Baylor Law School is immensely proud to claim her as one of our own,” said Baylor Law Dean Brad Toben.

A Baylor Law alumna, Miller has taught at her alma mater since 1991 and is a nationally recognized authority on the law of limited liability companies (LLCs) and limited liability partnerships (LLPs). She has helped draft legislation affecting Texas business organizations and was a principal drafter for the ABA’s Revised Prototype Limited Liability Company Act and Prototype Limited Liability Partnership Agreement. In addition to her service to the ABA Business Law Section, she has held leadership positions for the State Bar of Texas, including Chair of the Business Law Section of the State Bar of Texas. She also has served as president, vice-president, secretary and treasurer of the Waco-McLennan County Bar Association. She is an elected member of the American Law Institute, the American Bar Foundation, and the Texas Bar Foundation.

Miller writes and publishes frequently, and is highly regarded for preparing and publishing summaries of nearly every LLC and LLP case decided in every jurisdiction. She is also the co-author of a three-volume treatise (with annual supplements) on Texas business organizations law published



by Thomson/West (Vols. 19, 20 and 20A, Business Organizations, Texas Practice Series).

“Of the many extraordinary women I have had the opportunity to work with on the Committee over the last 15 years, as well as in my general private practice over the last 25 years, I can think of no one who has made as meaningful a contribution to the profession and to the Business Law Section as Beth while at the same time demonstrating the highest level of professional excellence in the alternative entity field,” said Louis G. Hering, partner at Morris, Nichols, Arsht, & Tunnel LLP in Delaware.

Miller received her J.D. from Baylor Law with highest honors and was first in her graduating class. While at Baylor Law School, she was Editor in Chief of the *Baylor Law*

Review and the recipient of numerous academic awards. Upon graduation, she received the highest score in the State of Texas on the July 1985 bar examination. She received her B.A. from Baylor University in 1982, *summa cum laude*.

Given annually since 1993, the “Glass Cutter” Award recognizes an exceptional woman business lawyer who has made significant contributions to the profession and the Business Law Section. The award is named for Jean Allard, the first woman to Chair the Business Law Section in 1989-1990.



Beal's "From the Bench:
Judicial Perspectives on
Environmental/Administrative
Cases" **Video Series Now
Available in State Bar's
Online Classroom**

“

I met for almost two hours with each of the judges, and we spoke about different aspects of administrative law, which is unique.”

— Ron Beal

judges were all fired up to participate, and I think we have some very valuable information in the interviews.”

Each judge suggested appropriate questions to Beal, who said his goal was to produce content filled with “what lawyers would want to know.” In the interviews, the judges discuss what they like, explain procedural issues and give a “how to” for effectively writing briefs. In addition to general information, some discussed specific aspects of administrative law. For example, Larson focused on personal licensing and Bennett discussed TCEQ mega licensing. Each interview runs from 1 hour to almost 2 hours in length.

Beal is the author of *Texas Administrative Practice and Procedure* and numerous law review articles that have been cited as authoritative by the Texas judiciary. He has taught training courses for administrative law judges and lectured in advanced courses for practicing lawyers. He also has served as Editor-in-Chief of the *General Practice Digest* of the General Practice, Solo and Small Firm Section of the State Bar of Texas for the last 25 years and has been the contributing editor for *Texas Administrative Law* for 25 years.

A series of interviews that was conducted by a Baylor Law professor with some of Texas most influential judges is now available as part of the State Bar of Texas CLE Online Classroom. Prof. Ron Beal’s “From the Bench: Judicial Perspectives on Environmental/Administrative Cases” features sessions with the Chief Justice of the Texas Supreme Court, two Third Court of Appeals Justices, the Chief Administrative Judge of the Travis County District Court and four administrative law judges. The interviews were taped and digitalized for access via the internet.

Participating in the interviews were Wallace Jefferson, the Chief Justice of

the Texas Supreme Court; Chief Justice J. Woodfin “Woodie” Jones and Justice Bob Pemberton, both of the Third Court of Appeals; Judge Craig Bennett, Judge Ami Larson and Judge Travis Vickery of the State Office of Administrative Hearings; Judge John J. Vay, Groundwater Conservation District Hearings Examiner; and Judge John K Dietz, 250th Judicial District Civil Court.

The interviews are available at no charge to members of the State Bar of Texas’ Environmental Law Section and Administrative Law Section and at a nominal charge for all members of the bar.

“I went to Austin six or seven times to conduct the interviews,” Beal said. “It was really quite fun. I met for almost two hours with each of the judges, and we spoke about different aspects of administrative law, which is unique. The

Dawson Scholarship Donors

Professor Matt “Mad Dog” Dawson is credited with creating the modern Practice Court program, Baylor Law’s award-winning program to educate young lawyers in not only the law of procedure but also the practical application of both procedural law and the companion skill of trial advocacy. Dawson served as the director of the Practice Court program from 1971 to 1983. Better known as “Mad Dog” Dawson by Baylor students and lawyers who faced him in the classroom or courtroom, Dawson instituted the “mini-trial” into Practice Court so Baylor law students would receive the maximum possible trial experience in the course. An



important component of the mini-trial process in Dawson’s Practice Court program was a tournament in which students competed against one another until a final winning

team was determined. The tradition continues today in the form of the intrascholastic Bob and Karen Wortham Top Gun Competition with the winner receiving the “Mad Dog,” a statuette of Dawson.

In 2009, the “R. Matt Dawson Endowed Professorship in Trial Practice” was established to honor Professor Dawson. More than \$620,000 has been raised so far to ensure the Practice Court program will continue for future generations. If you are grateful for the training “PC” provided you, please honor Professor Dawson with your gift of support. www.baylor.edu/law/give

**Baylor Law School
faculty and staff
would like to thank
the following donors
for their support
of this important
initiative:**

3M Foundation
Apffel, E. A.
Atlas & Hall, L.L.P.
Austin Community
Foundation for the
Capital Area, Inc.
Bank of America
Foundation, Inc.
Batista, Paul Jennings
Black, H. D.
Blizzard, Edward *+
Blodgett, Warren
Terrell
Blount, Justin Robert
Bonath, Keane
Boulware, Dan M. *
Boyd & Brown PC
Brantley, Rickey *

Brian, William H. +
Buchanan, Michael R.
Bustamante, Luis C.
Campbell, William L.
Carden, William R.
Carrington, Royle P.
Clark, Mary Lou M.
Clements, Jerry K. *+
Cole, Cole and
Easely, P.C.
Conrad, Dennis
Michael
Crain, Gayla Campbell
Cumbie, B. Allen
Cunningham, John P.
Davis, Derek
Davis, John A.
Davis, Richard H.
Denny, Otway B. +
Dillard, Jack Kelly
Eiker, Carmen Elaine
Fenwick, Lynda Beck
Fisher Boyd Brown
Boudreaux &
Huguenard *+
Fitzwater, Sidney

Fuller, Hayes +
Gillam, Harry L.
Gilstrap, J. Rodney +
Giotes, Johnny
George
Glenney, Cynthia S.
Hale, Linda A.
Harris, David Alan
Haworth, Steven C.
Henderson, Carl R.
Henderson,
Richard Allan
Hill, David
Hurt, Joseph Richard
Jackson, Leah
Witcher
Johnson, Roland Kent
Johnson, Vaughn, &
Heiskell
Jones, Fred Mickey
Joseph D. & Lillie H.
Jamail Foundation *
Judin, Carl Henry
Kee, Richard Dow
Keeshin, Scott A.
Keith, John R.

Kelly, Joseph John
Kelly, Larry E.
Kelsoe, Anderson,
Khoury & Clark, PC *
Kent, David Charles
Key, Terry David
King, Steve M.
Kirkman, Bill L. *+
Langston, Robert T.
Larkin, Lee M.
Lewis Law Firm
Lewis, J. Craig
Long, Crawford
Mann, J. Mark
Marilee Neff
Doud Trust
Matkin, Karen Cable +
Mays, Jeff Warren
McBride, Ralph D. +
McCall, Richard V.
McConnico,
Stephen E. +
McFate, Robert W.
McGee, Becky
Meyer, Jim
Moe, Barbara S. +

Mueller, Leslye A.
Myers, Thomas E.
Palmer, Susan T.
Peden, R. Scott
Pickett, James D.
Rambin, W. Neil +
Ruffino, Carolyn L.
Sage, Robin Dale
Saringer, John R.
Scroggins, Joan
Elizabeth
Shaddock,
William C. *+
Sifford, Lewis R. +
Simpson, Mike *+
Smith, Gary E.
Stacy, Frances Hujar
Staggers, Allen C.
Steinke,
Theodore Paul
Stone, R. Dary *+
Sutton, Deborah E.
Swindle, Mack Ed
Taylor, Amanda G.
Tindel, Andy +
Torrance, Gregory S.

Vaughan, Julia
Elizabeth
Waldrip, Glenn J.
Watanabe, Corinne K.
Weber, John W. +
Williams, John Eddie *

* **Lead gift**
+ *Coordinated
class letter*



Student Leadership Leads to New Role at Baylor Law

When Dean Brad Toben speaks of the success of the Baylor Law School, he never fails to mention one of its most important elements: its alumni.

In that spirit, Toben recently created a new staff position, assistant director of alumni relations, and hired Berkley Scroggins (JD '10) to fill the role. Scroggins, former Student Bar Association Executive President and now Baylor Law alumna, transitioned from student to staff upon graduation.

"What a privilege to join the incredible Baylor Law team," she said. "I am thrilled for the opportunity to keep you connected to our law school and to our community of Baylor Lawyers."

An Amarillo native, Scroggins attended the University of Texas at Austin as an undergraduate where she received a degree in public

relations. She is actively involved in the Waco and Baylor communities. A member of St. Paul's Episcopal Church, she is a Sunday School teacher for the pre-K and kindergarten class and is a provisional member of the Junior League of Waco, where she is placed on the Talitha Koum committee. She is a Court Appointed Special Advocate (CASA) of McLennan County and is currently advocating for her seventh CASA kid. Additionally, Scroggins participates in the Greater Waco Community Education Alliance Reading Program and reads to a student each week at J.H. Hines Elementary School in East Waco. On Tuesdays, she eats lunch with the kindergarteners at Sul Ross Elementary School, Baylor Law's Adopt-a-School partner, as part of a lunch program she established while she was a second-year law

student. Scroggins also serves on the Sears Methodist Foundation Events Committee for Wesley Woods Alzheimer Care Center. On the Baylor campus, she serves as an advisor to the Kappa Alpha Theta sorority and is a member of Baylor Round Table.

"As a Baylor Law graduate, I have a strong allegiance to the Law School, and I look forward to connecting with alumni soon. Baylor Law School has an outstanding community of Baylor Lawyers, and with their support and active involvement, together we can continue the Baylor Law legacy," she said. "Please let me know how I can make your alumni experience more meaningful – I am here for you."

Scroggins is excited about her new role, citing the partnership of her office, Toben and Director of Development Julie Corley as ideal for Baylor Law alumni.

"Our alumni/ae know Julie, and have experienced first-hand how genuine and caring she is and how very dedicated she is to our law school," Scroggins said. "Julie understands the law school, and she understands our community of Baylor lawyers. It is an absolute blessing to work with Julie Corley and Dean Toben."

Scroggins is eager to meet the needs of the law school's alumni in creative ways.

"I am here to serve you. Whether you are looking to connect with a classmate or professor, want to plan an alumni event in your hometown, or just need a Baylor Law Alumni decal for your car, I'm just a phone call or e-mail away," she said.

To contact Scroggins, call her office at 254.710.4346 or e-mail her at Berkley_Scroggins@Baylor.edu.

7,027 Baylor Lawyers

Where do our 7,027 Baylor Lawyers live? Baylor Lawyers live in 49 states, Guam, the Virgin Islands, Canada, Australia, China (PRC), Netherlands, UAE, UK, and Anguilla. The only state in the U.S. without a Baylor Lawyer

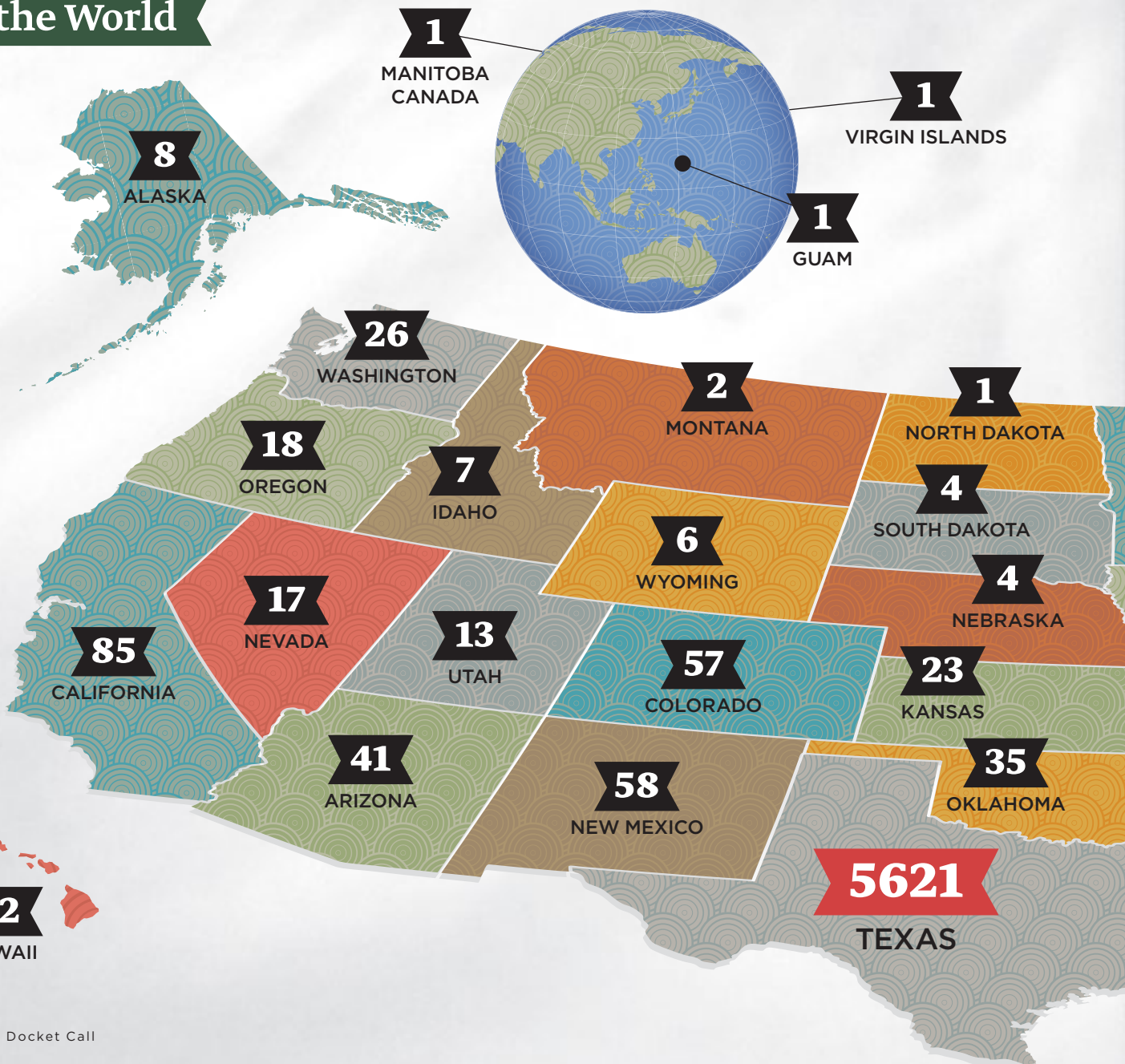
is Maine – if you are an alumnus/a who lives in Maine or want to move to Maine, so there will be a Baylor Lawyer in every state, just let us know.

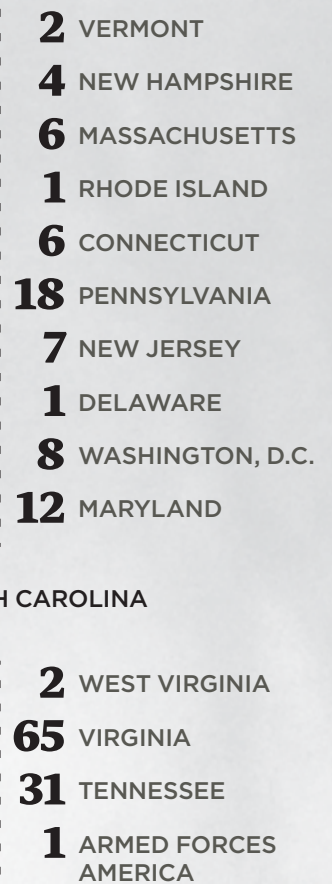
Our records are only as good as the information we receive or collect. Will you

help us update our records? To update your contact information, please visit www.baylor.edu/law/alumni/update. Please let Berkley Scroggins, Assistant Director of Alumni Relations, know how we can help keep you connected to Baylor Law School and to our community of 7,027 Baylor Lawyers. You can contact Berkley at Berkley_Scroggins@Baylor.edu or 254.710.4346.

Baylor Lawyers

in the World





Big Trial Case Files Needed



The capstone of the Practice Court experience for every Baylor Law student since 1920 has been the “Big Trial.” This final test of skill has for decades given soon-to-be attorneys a taste of the “real world” of practice, by requiring them to take a case from pleadings to post-judgment motions. The tradition of preparing students for the “real world” of practice remains the same today - but the world of practice has evolved.

During their last quarter of Practice Court, students are assigned to represent a party in a case assigned by the instructors. These cases are constructed from actual case files in real lawsuits— ranging from medical malpractice and toxic waste disputes to complex business litigation.

Students must engage in discovery, depositions, motion practice, voir dire, and ultimately a final trial on the merits before student-judges and jurors. It is through this process that Baylor

students have been trained to hit the ground running, earning a well-deserved reputation for excellence along the way.

To ensure that Practice Court continues to produce the best young trial lawyers each year, fresh Big Trial case files are needed. You can help to ensure that future generations of Baylor lawyers continue to receive the best training in the nation by donating your closed case files to the Practice Court program. No case is too big or too small, too straightforward or complex. If

you or your firm have closed case files that you think would help provide students with valuable exposure to modern litigation, you are invited to contribute to an important Baylor Law teaching tradition.

Please contact the Practice Court Associate, Will King for further details.

Contact Information
Email: will_king@baylor.edu
Office Phone: 254.723.0663
Fax: 254.710.2817



2011 Alumni Weekend

October 7th-8th

RSVP AT:

www.baylor.edu/law/alumni/weekend

Join us for the 2011 Baylor Law Alumni Weekend on October 7 & 8, 2011.

Festivities include a Friday Night Fiesta at the home of Judge & Mrs. Ken Starr, Baylor vs. Iowa State football game, Burgers & Blue Bell at the

home of Dean & Mrs. Brad Toben, and a morning at the Sheila and Walter Umphrey Law Center.

In the past, Baylor Law Reunions celebrated certain graduation classes. This year we invite ALL Baylor Lawyers, families &

guests to the first annual Baylor Law Alumni Weekend!

We're on the hunt for Class Reps. If you would like to organize a class event for your group, please let us know. We are glad to provide support. For more details, please visit the Alumni

Weekend website at www.baylor.edu/law/alumni/weekend or contact Berkley Scroggins, Assistant Director of Alumni Relations, direct at 254.710.4346 or Berkley_Scroggins@Baylor.edu.



ALUMNI PHOTOS



Alumni Admitted to Bar of SCOTUS

Eleven Baylor Lawyers were admitted to the Bar of the Supreme Court of the United States on Tuesday, Nov. 30, 2010. The Honorable Ken Starr, Baylor University president, appeared in court to move the admission of the group.

Alumni who were admitted were Larry P. Boyd, Richard E. Brophy, Jr., David Michael Guinn, Jr., Martin Edward Loeber, William Gregory Looser, John H. Minton, Jr., Woodrow Milton Roark, JoAl Cannon Sheridan, Michael A. Simpson, M. Richard Warner and Thomas W. Wilkins

FRONT ROW (LEFT TO RIGHT):

Judge Ken Starr (Baylor University President), Rick Brophy (Waco, JD '77), JoAl Cannon-Sheridan (Austin, JD '92), Chief Justice John Roberts, Mike Simpson (Bridgeport, JD '77), Woody Roark (Tyler, JD '71), and Marty Loeber (San Antonio, JD '92).

SECOND ROW (LEFT TO RIGHT):

Dean Brad Toben (Waco, JD '77), John Minton (Tyler, LLB '56), Richard Warner (Austin, JD '75), Tom Wilkins (McAllen, LLB '66), Greg Looser (Houston, JD '94), Professor David Guinn (Waco, JD '63), Larry Boyd (Houston, JD '82), and David Guinn, Jr. (Lubbock, JD '89).



Jeff Mays (JD '75), Dana Mays, Lee Mays



Judge Ken Starr and Beth Toben



Victoria Honey (TOC team member), Jennifer Salim (TOC team member), David Weaver, Pat Weaver (JD '85), Robert Swafford (JD '85), Steve Ogle (JD '05), Lisa Ogle, Erin Hilary Huber (JD '04), Aaron VonFlatern (TOC team member), Ashley Yearick (TOC team member)



Alice Starr and Judge Ken Starr



J. Michael Tibbals (JD '72) and Bunny Tibbals



Melissa Kinkeade, Hon. Ed. Kinkeade (JD '74), Michael Wray Price (JD '74), Susan Price, Ted Steinke (JD '75)

Dinner & Dialogue with the Starrs May 5, 2011, Tyler



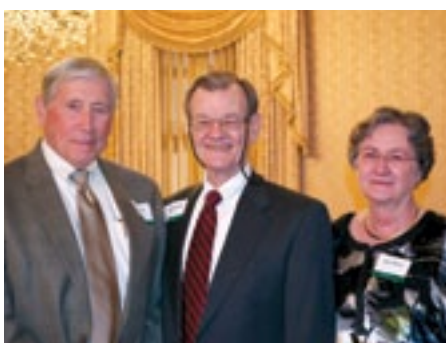
Noley Bice, LLB '61, Nancy Crawford, Tracy Crawford, JD '62, BA '60, Dean Brad Toben, JD '77



Dean Brad Toben, JD '77, Alice Starr, Judge Ken Starr skyping with Col. Benjamin Butler Ferrell, LLB '50, BBA '51 before the Dinner & Dialogue with the Starrs



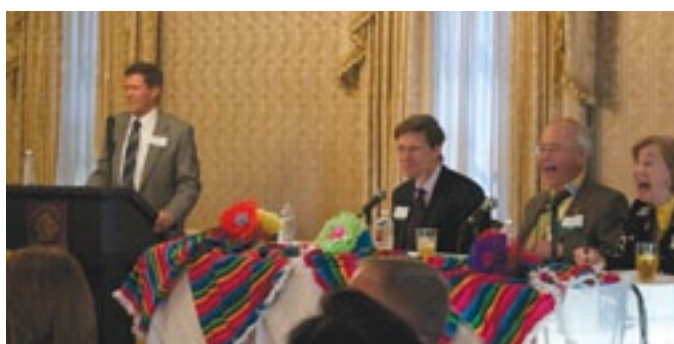
Guests applaud Professor Jerry Powell, JD '77, for his leadership of the Practice Court program and the Top Gun National Mock Trial Competition.



FAR TOP: Noley Bice, LLB '61, Woody Roark, JD '71, Judy Roark
ABOVE: Ann Steger, wife of the late Hon. William M. Steger



Dr. Jerry Haag, Vice President for University Development, BBA '88, MBA '89



Mark Mann, JD '97, Dean Brad Toben, JD '77, Judge Ken Starr, Alice Starr



John Minton, LLB '56, BA '54, Mark Mann, JD '97, Dean Brad Toben, JD '77, Judge Ken Starr



State Bar Alumni Reception June 23, 2011, San Antonio



Dean Brad Toben (JD '77), Judge Wyatt Heard (LLB '52), Judge Jim Clawson (LLB '48), Judge C.W. Duncan (LLB '50)



Steve Brown (JD '85), Judge Rick Morris (JD '75), Bill Henry (JD '88), Bart Westmoreland (JD '77)



FAR TOP: Rick (JD '77) and Carolyn Brophy

ABOVE: Baylor Law Alumni Association President Traci Kenner (JD '87) and Dean Brad Toben (JD '77)



Jim Wray (LLB '47), Harper Estes (JD '79), Gib Gayle (LLB '54) and Wayne Fisher (LLB '61)



JoAl Cannon-Sheridan (JD '92) and Joe B. Cannon



Dee and Harper Estes (JD '79)



SBOT President Elect Buck Files, Judge Diane De Vasto (JD '74)

Homecoming Breakfast October 23, 2010, Waco



Taylor Lyons, Mike Elkins, Natalie Arledge



David Mead (JD '10), Becky Mead, Landry Mead



FAR TOP: Jessica La Rue (JD '11) and Daniel Harper (JD '10)

ABOVE: Ed Merritt (JD '81), Alan Brown (JD '81)



Hon. Ed Kinkeade (JD '74), Jerry Powell (JD '77), Colin Powell



Harry Wright (LLB '54), Jim Price (LLB '54), Betty Price, Brad Toben (JD '77)

Judge Ed Kinkeade Named **2010 Baylor Lawyer of the Year**



The Honorable Ed Kinkeade, U.S. District Judge for the Northern District of Texas, was named the 2010 Baylor Lawyer of the Year by Baylor Law School. Judge Kinkeade was honored at a luncheon at noon Nov. 19 at the Petroleum Club in Dallas.

“Judge Ed Kinkeade personifies the selection criteria for the Baylor Lawyer of the Year recognition,” said Baylor Law Dean Brad Toben. “I have known Judge Kinkeade for over 25 years. I have, with others, followed his progression from being a respected and admired practitioner, to taking the criminal court trial bench, then to

quick elevation to the state district court bench, and thence to appointment on the Texas Court of Appeals for the Fifth Judicial District.” From this bench, Judge Kinkeade in 2002 was appointed to the federal bench by President George W. Bush.

“Since that time, in a position of considerable power, prestige and standing, Judge Kinkeade has gained an across-the-board reputation as a jurist of humility and insight. He shows compassion when warranted and a no-nonsense approach when deserved. The Judge has the intellect, dedication, and work ethic that are expected in an outstanding lawyer and jurist. He exudes a warmth

and magnetism that make him the antithesis of the stereotypical image of a federal judge – stern, removed, lacking humor. Ed to the contrary is a magnet in any room, makes everyone feel special as a person and has a disarming humor that leaves everyone amused even in difficult circumstances. The Judge never fails to impress – and make an indelible impact upon – all whom he meets, professionally and personally. He has been universally lauded for the very characteristics that are required of a nominee for Baylor Lawyer of the Year.”

Kinkeade earned his undergraduate degree in 1973 and his law degree in 1974 at Baylor University. He earned a master of laws degree from the University of Virginia in 1998. He was in private practice as an attorney from 1974 to 1980, first with the firm of Dennis G. Brewer, Inc., and then he became a partner at the firm of Power and Kinkeade in Irving.

In 1981, he left private practice at the age of 29 when he was elected

judge of County Criminal Court No. 10 in Dallas. Eight months later Gov. William P. Clements appointed him to be judge of the 194th Judicial District Court. After seven years on the district bench, Kinkeade was appointed to the Court of Appeals, Fifth District, in 1988 also by Gov. Clements. He was appointed to the federal bench of the Northern District of Texas in November 2002 by President George W. Bush.

An adjunct professor of law, Judge Kinkeade has taught Professional Responsibility at Baylor Law School. He also teaches legal ethics courses at Texas Wesleyan University School of Law in Fort Worth. He has coauthored two books, *Kinkeade & McCollochs Texas Penal Code Annotated* and *A Practical Guide to Texas Evidence: Objections, Responses, Rules and Practice Commentary*, and numerous law review articles. In 2004, Texas Wesleyan University awarded Judge Kinkeade an Honorary Doctor of Laws degree, and that same year Dallas Baptist University awarded

“He has been universally lauded for the very characteristics that are required of a nominee for Baylor Lawyer of the Year.”

— Brad Toben

him an Honorary Doctor of Humanities degree.

In addition to his law career, Judge Kinkeade is active in his community, having served as chairman of the board of trustees of the Baylor Medical Health Care System. He also served on the Baylor Medical Center at Irving board of trustees, the Dallas Mayor’s Blue Ribbon Task Force on Alcoholism, the Baylor University Alumni Association, the Baylor Law Alumni Association, the Dallas Volunteer Center, the board of the Downtown YMCA, and as a charter member of the Board of Irving Schools Foundation. Judge Kinkeade was named Outstanding Young Alumni of Baylor University in 1988, and received the W. R. White Meritorious Service Award from the Baylor University Alumni Association in 2003. He was named ABOTA Jurist of the Year



for the State of Texas for 2010. As a volunteer, Judge Kinkeade trained his yellow Lab, Bo, as a pet therapy dog, and he and Bo work with disabled patients at various Baylor Health Care facilities in the area.

Kinkeade is a charter member of the Fellowship Church, which his family and other individuals started in 1989 as a mission of Irving's First Baptist Church. His wife, Melissa who also is a Baylor graduate, teaches reading for Irving ISD and was named Teacher of the Year for the district in 2008-2009. Their children are Mandy Kinkeade Anderson, a Baylor University graduate (BBA '01) and a new Regional Director of the Baylor Women's Network; Mandy's husband, Thomas Anderson, a Baylor University graduate (BBA '02) and a graduate of Texas Wesleyan University School of Law (JD '05); and Brad Kinkeade, a Baylor lawyer (BBA '05, MBA '09, JD '10) who works in Waco as the in-house counsel for Lindsey Contractors. Judge and Mrs. Kinkeade also have one grandchild, Carol Beth Anderson.

"Judge Ed Kinkeade embodies the strong character and important qualities of a Baylor Lawyer," said Jerry Clements, chair of Locke Lord Bissell & Liddell and president of the Baylor Law Alumni Association. "In upholding the tradition of those honored before him, he is not only a great

attorney and outstanding jurist, he is perhaps most importantly a good and decent human being with a strong sense of fairness and a commitment to service. Judge Kinkeade makes us all proud to be his fellow Baylor lawyers."

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, former U.S. Rep. Jack Hightower and Gov. Price Daniel Sr., among a panoply of distinguished practitioners and public servants. The award has been presented by Baylor Law School since 1963.

LEFT: Judge Ed Kinkeade showed off his Baylor boots at the Lawyer of the Year celebration.

Baylor Law Alumnus Receives Scholarship Award

from American
Agricultural Law Association



Baylor Law alumnus Stuart R. White was named the 2010 AALA Student Scholarship Award Winner by the American Agricultural Law Association at its 2010 annual Agricultural Law Symposium. The AALA Student Scholarship Award is awarded to recognize excellence in recently-published law review articles related to agricultural law. White received the award for his Winter 2010 article titled “Guitar Holding: A Judicial Re-Write of Chapter 36 of the Texas Water Code?” that appeared in the *Baylor Law Review*.

White’s article focused on groundwater law in Texas, with his central analysis focusing on whether a recent decision from the Texas Supreme Court, *Guitar Holding Co. v. Hudspeth County Underground Water District*, is in concert with, or contradictory to, existing Texas groundwater regulation. “Guitar Holding: A Judicial Re-Write of Chapter 36 of the Texas Water Code?” was selected as the award winner because water law and policy issues are of great importance to agricultural law practitioners and because White’s erudite analysis of the impact of a court decision in an area that has previously been reserved to legislative action is applicable across all facets of agricultural law. The citation for the article is 62 *Baylor L. Rev.* 313 (2010).

“Having grown up in Uvalde, a community dependent upon farming and ranching, I realized how important water rights are to everyone and my father explained to me at an early age how important water rights would be in the future,” White said about his article.

He also praised Baylor Law adjunct professor Walt Shelton, who teaches courses that deal with environmental law issues, for his assistance with the article.

“Professor Shelton was amazing,” White said. “He was always willing to meet with me to look over a draft or to bounce ideas off of. Professor Shelton really went the extra mile working with me and I could not have asked for a better professor to have worked with.”

After graduation, White served as law clerk to the Honorable Andrew S. Hanen in the United States District Court for the Southern District of Texas. In August, he began working with Sico, White, Hoelscher and Braugh, a plaintiffs trial firm which has offices in Corpus Christi and Los Angeles.

The AALA is a national professional non-profit organization focusing on the legal issues affecting agriculture. It provides a network through which those with an interest in agricultural law, practitioners, educators, government attorneys, policymakers, researchers, and those in the industry can share information and ideas.

Baylor Law Alumni Elected to **Baylor Board of Regents, Baylor Lawyer Named Chairman**

Two Baylor Law alumni have been elected to Baylor University's Board of Regents while another Baylor Law alumnus has been named Chairman of the Board. M. Jay Allison and Jerry Clements, both of whom received their JDs in 1981, were elected at the May meeting of the Board of Regents. Additionally, Neal T. “Buddy” Jones of Austin was elected chairman of the board. He follows Dary Stone, also a Baylor Law alumnus. Currently six Baylor Law alumni—Allison, Clements, Jones, William K. Robbins, Jr., Philip Stewart, and Stone—are serving on the board of 23 members.



Neal T. “Buddy” Jones

is principal/owner of HillCo Partners, LLC, an Austin public affairs firm excelling in lobbying, public relations, crisis management, direct mail and phone, grass roots, investor and media relations. Previously in private law practice, he served as District Attorney, 66th District of Texas, and was a member of the Texas House of Representatives, District 34. He also served as County Attorney of Hill County, Texas. Jones

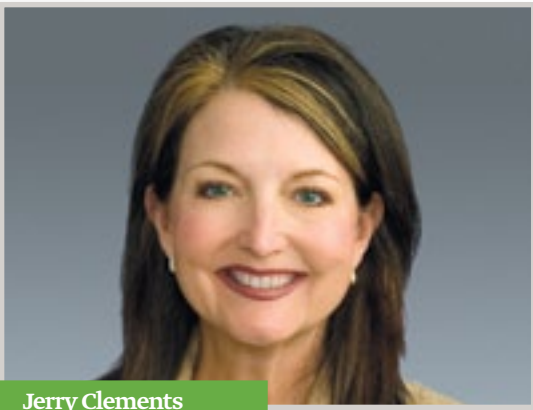
serves on the board of the Austin Symphony Orchestra and is the former board chair for the Dell Children's Hospital Foundation of Austin, Bachelors of Austin, and Knights of the Symphony. He has been selected on multiple occasions as one of the “25 Most Powerful Texans” by *Texas Monthly* magazine. He earned a B.A. from Baylor in 1973 and his J.D. in 1975.



M. Jay Allison

has been a director of Comstock Resources, Inc., a NYSE oil and gas company, since 1987 and has been president and chief executive officer of the company since 1988. He was elected chair of the Board of Directors in 1997. From 1981 to 1987, he was a practicing oil and gas attorney with the firm Lynch, Chappell & Alsup in Midland, Texas. Allison was chair of the Board of Directors of Bois d'Arc Energy, Inc., a NYSE oil

and gas company, from the time of its formation in 2004 until its merger with Stone Energy Corporation in 2008. He has served as a director of Tidewater, Inc., a NYSE oil and gas company, since 2006. He received B.B.A., M.S. and J.D. degrees from Baylor University in 1978, 1980 and 1981, respectively. A three-time Baylor football letterman, he played for Baylor's 1974 Southwest Conference championship team.



Jerry Clements

serves as Chair of Locke Lord Bissell & Liddell LLP, and is one of only a few women heading a top 100 law firm in the country. She has been named one of the Top 50 Most Influential Women Lawyers in America by *The National Law Journal*; one of 30 Extraordinary Women in Texas Law by *Texas Lawyer*; one of the Top 10 Litigators in the Dallas-Fort Worth area by the *Dallas Business Journal*;

one of the Top 50 Female Litigators in the State by *Texas Monthly* magazine; and one of Texas' Most Powerful Women by the Texas Diversity Council. She is a Fellow in the American College of Trial Lawyers and serves on the Board of Trustees of the Foundation of the American College of Trial Lawyers. She also is a Member of the American Board of Trial Advocates, a Fellow in



Dary Stone

the International Society of Barristers, a Fellow in the Litigation Counsel of America, and a Board Member of Business Counsel Inc. She received her J.D., *cum laude*, and served as Editor in Chief of the *Baylor Law Review*. In June, she completed a term as President of the Baylor Law Alumni Board.

is president and chief executive officer of R.D. Stone Interests. He is active in the real estate and financial services industry, currently serving as a director of Cousins Properties, Inc. (NYSE: CUZ), and the Tolleson Private Bank and formerly serving as a director of Lone Star Bank and as chair of the Texas Finance Commission.



William K. Robbins, Jr.

is founder and CEO of North American Corp., which originated in 1971. He serves on the boards for several United States and foreign corporations. He has served as an officer and director of various international subsidiary

companies of Union Carbide Corp. from 1963 to 1971. From 1956 to 1963, he was a legal counsel for Humble Oil and Refining Company (now Exxon Corp.).



Philip Stewart

is the president of Terravista Corporation, a real estate investment firm engaged in the acquisition, development, and management of commercial, multi-family, and residential properties in Texas and

California as well as the State of Jalisco, Mexico. Prior to Terravista, he was a partner at Vinson & Elkins, LLP and Akin, Gump, Strauss, Hauer & Feld.

Baylor Law Alum Installed as **President-Elect** of Texas Trial Lawyers Association



Steve Harrison, a Baylor Law School alumnus and partner and founding member of the Waco law firm Harrison Davis Steakley Morrison, P.C., was installed as 2011 President-Elect of the Texas Trial Lawyers Association at its Annual Board and Membership Meeting on Dec. 3 in Austin. Harrison will be the fifth Baylor Lawyer to serve as TTLA president in the last decade, joining George Chandler, John Eddie Williams, Nelson Roach and immediate past president Tex Quesada. Houston lawyer Steve

Mostyn will serve as 2011 President.

“Steve has the heart and mind of a servant and has always been moved to serve the under-served and the marginalized,” said Baylor Law Dean Brad Toben. “In the law center, Steve and the partners of his predecessor firm generously underwrote one of our courtrooms. At their initiative, the courtroom was to be one that is disabled - accessible. That sort of caring is quite special and it’s the same sort of character trait that draws peers and colleagues in the bar to Steve as a leader.”

Harrison has been a trial lawyer for 35 years. A founding member of Harrison Davis Steakley Morrison, P. C., he has successfully represented both individuals and businesses in a variety of sophisticated catastrophic injury, product liability, toxic tort and business litigation matters.

An accomplished civil litigator, Steve is double board certified, holding that distinction in both civil trial and personal injury trial work. He has been a member of the TTLA for 30 years and also is a member of the invitation-only trial organization, the American Board of Trial Advocates (ABOTA), an organization founded to promote ethical and technical standards of practice in the field of advocacy. He served for many years as a member of the National Board of Directors of the ABOTA. Additionally, he is a member of the Christian Trial Lawyers Association, is a Life Fellow of the Texas Bar Foundation and is the former President of the Waco-McLennan County Bar Association.

Harrison was lead counsel in the case that resulted in the largest jury verdict in the history of McLennan County, Texas, as of that date. He

also was lead co-counsel in what has been reported as the nation’s first jury verdict to hold a bus manufacturer liable for its failure to install passenger seat belts and safety glass.

Steve lectures frequently at Baylor Law School and at various continuing legal education programs, such as TTLA’s Advanced Personal Injury Seminar. He also has testified in the Texas Senate concerning the effects of proposed legislation concerning litigation. He has authored and coauthored numerous papers and presentations, including “The Case Against the Certified Repair Station-Plaintiffs Approach,” presented to the Tort and Insurance Section at the ABA Annual Meeting in Toronto; “Aviation Tort Law,” in *Texas Torts & Remedies*; “Removal and Remand - Who Moved My Cheese? - Practical Tips for the Prevention & Cure of Relocation

Anxiety” presented at the TTLA’s Advanced Personal Injury Course; and “Referral Fees in Texas” presented at TTLA’s Advanced Personal Injury Course.

Harrison is a member of First Baptist Church Woodway. He was appointed by the Mayor of Waco to a steering committee to implement a plan to end chronic homelessness in Waco, a program that has become a model for the nation. He served as chairman of the Board of Directors of Hillcrest Health System and has served on that board and the Board of Trustees of Hillcrest Baptist Medical Center for more than 27 years.

The Texas Trial Lawyers Association was founded in 1949 and is a professional association comprised exclusively of attorneys whose primary area of practice is representing plaintiffs in the civil justice system.

Baylor Law Graduate Chosen As President of Litigation Counsel of America

Baylor Law School alumna Sharla J. Frost has been inducted as President of Litigation Counsel of America. The Litigation Counsel of America is a trial lawyer honorary society composed of fewer than one-half of one percent of American lawyers.

In keeping with the guiding principles of LCA, Frost has a national reputation for effective client representation. Licensed in five states, including both Texas and Oklahoma, Frost serves as a member of the trial team for several different companies in products liability and toxic tort matters. She also defends clients in a broad variety of civil litigation matters, including employment, breach of contract and other business disputes.

"I tell people that I throw myself between juries and my clients' money," she says, when describing what she does.

Frost attended Baylor Law School on a Jaworski Scholarship, a full tuition scholarship awarded as the result of her college debate experience. She was active in the Student Bar Association, where she was elected to the position of executive secretary. She was a member of the ABA moot court team in the fall of 1986 under the tutelage of Professors Bill Trail and Mike Rogers. She received the Best Oral Advocate Award for the school moot court competition as a second-year student and the prestigious Williams, Pattillo and Squires Outstanding Advocate Award when she was a graduating senior. She also won the Dawson & Sodd Moot Court Competition and claimed the first prize of a two-week, expenses paid trip to England. She says that one of her most vivid memories from law school would be the grilling she and her partner received from Practice Court Professor Louis Muldrow on the morning of their final moot court round.

"He kept us on our feet for almost the entire hour of the class. We knew it was just his special way of wishing us good luck," she says.

In addition to her work as an advocate on behalf of her clients and the legal profession, Sharla maintains ties with Baylor Law School and her Baylor classmates. She was invited to speak on the topic of "Negotiating the Profession: Benefits and Burdens of a Women Lawyer" to the Women Law Student Seminar Luncheon in February 2008 and will participate in the Jaworski Fellows Program in the trial advocacy program.

"I am hopeful that my position with LCA will inspire the next generation of Baylor lawyers – both male and female – to commit themselves to the important work that litigators do in our system," she says. "We cannot have trials without trial lawyers, and no place trains them better than Baylor does."

One of the founding members of Powers & Frost, headquartered in Houston, Texas, Frost serves as the managing partner of the firm, a certified majority woman-owned business. In addition to her work with LCA, she is a member of two other elite bar associations: the American Board of Trial Advocates and the International Association of Defense Counsel.

Active in issues

related to women in the law, she has served on the Supreme Court Nominee Evaluation Committee for the National Association of Women Lawyers for each of the nominee evaluations over the past five years. She is the vice-chair (and only woman from the United States) of the DRI Europe Liaison Committee. She also is active in the DRI Women in the Courtroom Committee and the ABA Women Rainmakers. Recognized as a *Texas Monthly* Super Lawyer each year since 2005, she is a frequent speaker and writer on a broad range of legal issues. She provided the Charge to the Fellows at LCA's spring conference in California, emphasizing the crucial importance of the jury in American jurisprudence and exhorting her fellow LCA members to protect the integrity of the jury process.

LCA Fellows are selected based upon effectiveness and accomplishment in litigation, both at the trial and appellate levels, and superior ethical reputation. The LCA is aggressively diverse in its composition. Established as a trial and appellate lawyer honorary society reflecting the American bar in the 21st century, the LCA represents the best in law among its membership.



L|C|A

In Honor of Excellence

LITIGATION COUNSEL
OF AMERICA



ALUMNI **STORIES**

**“We cannot
have trials
without trial
lawyers,
and no place
trains them
better than
Baylor does.”**



ALUMNI “ STORIES



Two Baylor Law School Alumni Receive **Baylor Meritorious Achievement Awards**

Two Baylor Law School alumni received Meritorious Achievement Awards

at a Board of Regents dinner on Oct. 21. Cary Gray was named Alumnus of the Year while Sen. Kirk Watson received the Pro Texana Medal (for Civic Service). Gray, Watson and eight other members of the Baylor family were honored for their contributions to the university and society and were special guests at several Homecoming events on Oct. 23.

The Baylor Alumnus of the Year is awarded annually to a graduate of Baylor University who has demonstrated remarkable achievement in the previous year. While consideration for the award is not based solely upon the individual's contribution to the University, contributions to the prestige and betterment of Baylor University bear a fitting weight in the selection process.

Gray, BBA '79, BA '80, JD '83, was president of Sigma Alpha Epsilon and a member of Baylor Law's 1983 National Quarterfinalist Mock Trial Competition team. He is president and managing director of the commercial law firm Looper, Reed & McGraw P.C. in Houston and has been recognized a "Texas Super Lawyer" by *Texas Monthly* and *Law & Politics* magazines.

Throughout the years, Gray has remained actively involved with Baylor as a member of the Old Main Society and Athletic Director's Club and by serving on the board of directors of the Baylor Bear Foundation and the Friends of Baylor Steering Committee. An avid sports fan, Gray has supported capital projects, excellence funds and student-athlete scholarships relating to baseball, football, men's golf and men's basketball. He has generously supported Hankamer School of Business, Baylor's Student Foundation and

Cary Gray

the Houston Women's Association Scholarship. Additionally, he has contributed to Baylor Law's faculty fund, alumni endowment and building campaign.

He and his wife, Amber, have three children.

"Cary is always there to help the university and the law school, often behind the scenes," said Baylor Law Dean Brad Toben. "He exemplifies superbly the Baylor Lawyer who serves in every venue in which he is found."

The Pro Texana Medal of Service is awarded to an individual whose contributions in furthering the mission of Baylor University in the public or non-profit sector have made an immeasurable impact.

Former Mayor of Austin and current Texas Senator Kirk Watson earned his BA in political science in 1980 and a law degree in 1981. While attending Baylor Law School, Watson was editor-in-chief of the *Baylor Law Review* and graduated first in his class. He clerked for the U.S.

Court of Appeals for the Fifth Circuit.

In 1991 Watson was appointed by Gov. Ann Richards to serve as chair of the Texas Air Control Board, the state agency that was charged with protecting air quality in Texas. In 1997, he was elected mayor of Austin. Watson was elected to the Texas Senate in 2006. In 2009, he was recognized by *Texas Monthly* magazine as one of the state's "10 Best Legislators," among other recognitions.

He has been named an outstanding young alumnus of Baylor, Young

Baylor Lawyer of the Year, and the Outstanding Young Lawyer of Texas.

He is currently a partner with the law firm Brown McCarroll, L.L.P., working as a lawyer, mediator, public affairs consultant.

Sen. Watson has been married to his wife, Liz, for more than 27 years. They have two sons.

"Kirk has achieved a commanding profile in every endeavor in which he has served – in the bar, in the profession and in the public sector. He never fails to impress all

with whom he works," Toben said.

"What an honor it is to have the opportunity to recognize these magnificent individuals and their exceptional contributions to the betterment of Baylor and society," said Baylor President Ken Starr, who also serves as the Louise L. Morrison Professor of Constitutional Law at Baylor Law School. "Each one is a fitting example of how and why Baylor University continues to be such a remarkable place."



Kirk Watson



George Chandler **Receives Prestigious State Trial Lawyer Award**

Baylor Law alumnus George Chandler was named the 2009 recipient of the Texas Bar Foundation's Ronald D. Secrest Outstanding Trial Lawyer Award. The Ronald D. Secrest Award is handed out annually by the Texas Bar Foundation. It was established in 2002

by Houston law firm Beck, Redden & Secrest in memory of the late trial lawyer Ronald Secrest. The award honors an active trial lawyer who, by his or her practice, has demonstrated outstanding trial and advocacy skills, high ethical and moral standards and exceptional professional conduct, thus enhancing the

image of the trial lawyer, according to the Texas Bar Foundation.

Additionally, Chandler was named the 2009 Baylor Lawyer of the Year and received the Lifetime Achievement Award for 2009 of the Texas Trial Lawyers Association for contributions to the justice system.

Chandler, founder and chairman of Chandler, Mathis &

Zivley in Lufkin, Texas, graduated from Baylor University in 1960 with a bachelor's degree in history. He received his J.D. in 1962. He served as the 2003 President of the Texas Trial Lawyers Association, an organization he has been involved with since 1974. He has served as director and director emeritus of the TTLA and has sat on the TTLA Executive Committee

since 1999. Additionally, Chandler is a member of the prestigious International Academy of Trial Lawyers, limited by invitation to 400 trial lawyers worldwide. He is a Diplomate of both the American Board of Trial Advocates and the National Board of Trial Advocacy and has served by appointment on various committees of the State Bar of Texas.



Baylor Law Alumnus Mike Baggett **Receives Morris Harrell Professionalism Award**

Baylor Law School alumnus W. Mike Baggett, Chairman Emeritus and Dallas Shareholder of Winstead, was named the 2010 recipient of the Morris Harrell Professionalism Award. The award is presented annually by the Dallas Bar Association and the Texas Center for Legal

Ethics and Professionalism to the "attorney who best exemplifies, by conduct and character, truly professional traits who others seek to emulate and who all in the bar admire." Baggett received the award at the Dallas Bar Association's Annual Meeting on Nov. 5 at the Belo Mansion.

Baggett received his B.B.A. from Texas

A&M and his J.D., *cum laude*, from Baylor Law School. He clerked for Justice Price Daniel, Sr., of the Texas Supreme Court and was awarded a Bronze Star for Viet Nam service as a first lieutenant in the U.S. Army.

Baggett served as the chairman and CEO of Winstead from 1992 through 2006. Baggett is board certified in Civil

Trial Law, past member of the board and executive committee of the State Bar of Texas, and past president and chairman of the board of the Dallas Bar Association. He serves as a fellow of the American Bar Foundation; former chair of fellows and current trustee, Center for American and International Law;

past chair of fellows and trustee, Texas Bar Foundation; past chairman, trustee and fellow, Dallas Bar Foundation; and fellow, Litigation Council of America. He is a previous recipient of the Judge Sam Williams Leadership Award from the State Bar of Texas.



1965

— **FORMER TEXAS GOVERNOR MARK WHITE** was appointed as Counsel on Rural Broadband Development.

1967

— **JACK KLEIN** of Jackson Walker was selected as 2010 Dallas Top Lawyers by LexisNexis. This is the inaugural year of the Top Lawyers award, and the attorneys are chosen as the best in their field by both their clients and peers. The list was published in the December 2010 issue of *Smart Business Dallas* magazine.

1971

— **GARY D. COMPTON** joined the Jackson Walker L.L.P. in its Austin office in December 2009 as a partner in its Environmental & Legislative group.

1972

— **DAVID MCCALL** was honored at Chabad of Plano's 19th annual "Evening of Leadership, Friendship and Purpose." McCall received the Distinguished Civic Leadership Award from Rabbi Menachem Block.

— **CHARLES M. MEADOWS, JR.**, founding partner in the Dallas law firm of Meadows, Collier, Reed, Cousins & Blau, has received the Jules Ritholz Memorial Merit Award from the American Bar Association Tax Section's Committee on Civil and Criminal Tax Penalties. Meadows, who is Board Certified in Tax Law by the Texas Board of Legal Specialization and is also a Certified Public Accountant, has more than 35 years of experience in representing public and private corporations as well as individuals in litigation involving tax and white collar legal defense matters.

1973

— **DON D. MARTINSON**, a name partner in Dallas-based Fanning Harper Martinson Brandt & Kutchin P.C., argued the case, *In re Universal Underwriters of Texas Insurance Company*, No. 10-0238, before the Supreme Court of Texas on December 8, 2010.

1974

— **THE HONORABLE ED KINKEADE**, U.S. District Judge for the Northern District of Texas, was recognized as Jurist of the Year by the Texas regional chapter of the American Board of Trial Advocates (ABOTA) at the group's annual meeting in Fort Worth on Oct. 16, 2010.

1975

— **TOM FORBES** has moved to Longbow Partners, LLP, in Austin to work in government, regulatory and business consulting with companies and institutions. He also is Of Counsel with the Cox Smith law firm, which has its main office in San Antonio and offices in Austin, Dallas, McAllen and El Paso.

— **KEN STOHNER** has been named 2010 Dallas "Top Lawyers" by LexisNexis. Stohner practices at Jackson Walker.

1976

— **STEVE MCCONNICO** was selected as Distinguished Lawyer of 2010 by the Austin Bar Foundation.

1977

— **WILLIAM C. (BILL) LOWREY** of Shell Oil Company is the new chair of the Houston Bar Foundation.

1978

— **CARMEN EIKER**, partner in the Family Law firm of McCurley Orsinger McCurley Nelson & Downing, L.L.P., has earned recognition in *D Magazine's* 2010 listing of the Best Women Lawyers in Dallas.

— **DAVID KENT** was named "2010 Volunteer of the Year" by the Hugh O'Brian Youth Leadership of North Texas organization at its annual leadership conference held May 13-16, 2010 on the TCU campus. David is with the Dallas office of Sedgwick Detert Moran & Arnold LLP.

1980

— **MICHAEL W. JOHNSTON** has been designated as a Texas Super Lawyer for the sixth year in a row. The Super Lawyers list is "a comprehensive, good-faith and detailed attempt to produce a list of lawyers that have attained high peer recognition, meet ethical standards, and have demonstrated some degree of achievement in their field." The majority of Michael's cases involve civil commercial matters including representing insurance companies in first-party and third-party disputes and large subrogation cases. Michael resides and practices in Fort Worth, Texas where he served as a partner in several major law firms prior to opening Johnston Legal Group in 1997. In addition to the principal office in Fort Worth, Johnston Legal Group has an office in Houston, Oklahoma City, San Antonio and Lubbock.

1981

— **LINDA A. HALE**, Of Counsel to Clouse Dunn Khoshbin, LLP in Dallas, Texas, was elected to membership in the Fellows of the Texas Bar Foundation. Ms. Hale is also a Fellow of the Dallas Bar Foundation and practices in the areas of business litigation and employment law.

— **MARK G. SESSIONS** has joined Strasburger & Price, LLP in its San Antonio office as Of Counsel in the Litigation Practice Unit.

1982

— **DON SWAIM** has been named one of Texas' Top Attorneys in the Texas Super Lawyers list.

1983

— **KEITH BRANYON** of Jackson Walker was selected as a 2009 Fort Worth "Top Attorney" by *Fort Worth, Texas* magazine in the November 2009 issue.

— **KEITH NELSON** has been recognized on the 2010 listing of the Best Lawyers in America. He is a partner in the Family Law firm of McCurley Orsinger McCurley Nelson & Downing, L.L.P.

1985

— **SHAREHOLDER WAYNE W. BOST** has been named head of Litigation and Dispute Resolution Department at Winstead PC. Bost replaces Shareholder Jay Madrid who was elected to Winstead's Executive Committee in December 2009. Bost was formerly chair of Winstead's

Commercial Litigation practice group. As the head of Winstead's Litigation and Dispute Resolution Department, Bost will oversee more than 90 attorneys in six practice groups, including Appellate, Commercial Litigation, Construction, Intellectual Property, Energy and Environmental, and Labor, Employment and Immigration.

— **RUTH ANN DANIELS**, a name partner in Dallas' Gibson, McClure, Wallace & Daniels, L.L.P., has earned selection to the Texas Super Lawyers list of the state's top attorneys. Daniels, a 25-year trial lawyer, specializes in employment litigation defense for a variety of companies. Her work includes defending employers against claims of sexual harassment, wrongful termination and age, sex and racial discrimination.

— **WINSTEAD HOUSTON SHAREHOLDER MARK GUTHRIE** was elected as the new chair of the Texas Association of Workforce Boards (TAWB) during the board meeting held in Dallas on Nov. 17, 2010. Guthrie has served TAWB as a representative of the Gulf Coast Workforce Development Board since 2001, has chaired its Policy Committee Chair since 2001 and served as its Vice Chair since 2007.

— **DAVID HENRY** has joined Dykema's Intellectual Property (IP) Department as a member in the firm's Dallas office. Prior to joining Dykema, Henry was a partner with Patton Boggs LLP, where he headed the Texas IP practice. He will also spend time in Dykema's Washington, D.C., office.

— **CYNTHIA S. OLSEN**, a shareholder in Wilson, Cribbs & Goren, P.C. in Houston, was elected to a two-year term as Director on the Board of CREW (Commercial Real Estate Women) Houston, an organization dedicated to the advancement of women in commercial real estate.

— **MARK K. SALES** has become an equity member in Dykema Gossett, a new firm in the Dallas legal market. Sales' practice will continue to focus on probate, trust and fiduciary duty related litigation and will also encompass all types of commercial litigation.

1986

— **DALLAS ATTORNEY BLAKE L. BECKHAM** has partnered with Roger L. Mandel in the formation of their new firm, Beckham & Mandel. Beckham has led The Beckham Group since 1994, establishing an overwhelming record of success in commercial litigation.

— **STEPHEN COCKERHAM** has joined Brown McCarroll, L.L.P., as a partner in the Dallas office and chair of the firm's labor and employment practice.

— **THOMAS J. FARMER** of Dallas' The Law Offices of Frank L. Branson was named a Texas Super Lawyer for 2010. The 2010 Texas Super Lawyers listing appears in the October edition of *Texas Monthly* magazine and *Texas Super Lawyers* magazine.

1988

— **CHARLES A. SPAIN, JR.** has been appointed associate judge of the City of Houston Municipal Courts by Mayor Annise Parker. He will continue to serve as a senior staff attorney at the Court of Appeals for the First District of Texas.

1989

— **KIRSTIN L. HUMANN** has joined the Seattle Office of Stoen Rives LLP as of counsel. She will focus her practice in estate planning and tax-exempt organization law where she will counsel clients on tax, trust and estate, charitable giving, real estate and family business law matters.

— **AUSTIN LABOR AND EMPLOYMENT SHAREHOLDER PEYTON SMITH** has been named Winstead PC's new firm-wide lateral hiring shareholder. Smith holds various leadership positions in the legal and civic community and was recently named a Fellow of the Litigation Counsel of America (LCA) and a charter member of the LCA Diversity Law Institute.

1990

— **ERIC D. BEAL** has co-authored a new book on the strategies and challenges of practicing Texas Divorce and Family Law. From the "Inside the Minds" series, and titled *Strategies for Family Law in Texas*, the book targets practicing attorneys and others interested in recent trends and tips for life in the Texas family law arena. The just-released collection, written in conjunction with other experienced matrimonial attorneys, provides a look at everything divorce lawyers see on a regular basis, from adultery to drug and alcohol abuse. Eric is the senior attorney at the Beal Law Firm, with offices in Southlake and Fort Worth and practices exclusively family law. He is married, with five children.

— **BRIAN L. BUNT** merged his law practice in summer 2009 with Shore Freeman Mills PC of Longview, Texas.

— **LAUREN BECK HARRIS** joined Porter & Hedges as a partner and head of the Firm's Litigation Appellate Group.

1991

— **DALLAS ATTORNEY BRYAN R. HAYNES** with Scheef & Stone has been elected to membership in the Fellows of the Texas Bar Foundation. Fellows of the Foundation are selected for their outstanding professional achievements and their demonstrated commitment to the improvement of the justice system throughout the state of Texas.

1992

— **STRASBURGER & PRICE, LLP PARTNER FRANCINE BRECKENRIDGE** earned her Board Certification in Labor and Employment Law by the Texas Board of Legal Specialization. Breckenridge counsels and represents companies in all areas of labor and employment law and in a variety of business disputes. She handles arbitrations, Fair Labor Standards Act and Department of Labor audits, Equal Employment Opportunity Commission and related state statute claims, Texas Workforce claims, Occupation Safety & Health matters and assisted employers during Bureau of Immigration and Custom Enforcement investigations. She frequently conducts training seminars for managers and non-managerial employees on important issues confronting today's work force, is a frequent speaker on important employment and labor topics, and writes and publishes articles in conjunction with her lectures.

— **DUANE L. COKER** has secured the AV Preeminent Peer Review rating from Martindale-Hubbell. Duane L. Coker & Associates, P.C. is a full service family law firm representing divorce, family law, and guardianship clients primarily in Denton County and Collin County, Texas. Coker is past chair of the Denton County Family Law Section and the President Elect of the Denton County Bar Association (will serve as President in the 2012-2013 fiscal year).



— **MICHAEL C. SMITH** of Marshall received the Cy Pres: Impact on Justice Award in May 2009 in recognition of a recent award of cy pres funds totaling \$230,160 to help bolster legal aid in Texas. He helped settle a federal case and played an instrumental role in awarding the resulting cy pres funds to the Texas Access to Justice Foundation. He also was recently appointed as Chair of the Board of Editors for the *Texas Bar Journal*, the monthly publication of the State Bar of Texas. Smith is a partner in the Marshall office of Siebman, Burg, Phillips & Smith, LLP, and has served on the editorial board for the *Texas Bar Journal* publication since 2005, most recently as vice chair for two years.

1993

— **RANCE M. BRYSON** has joined the Dallas law firm of Stacy & Conder, LLP. Mr. Bryson received his B.A. degree from Texas Christian University. He was active in Baylor's nationally recognized trial advocacy program and coached Baylor's lacrosse team.

— **LISA L. HAVENS**, Scott & White Healthcare's director of Risk Management and senior vice president of Legal Counsel, has been named "Risk Manager of the Year" by *Business Insurance* magazine.

1995

— **C. SCOTT GLADDEN** has been added to the Energy & Environmental Law Practice Group of Winstead PC's Fort Worth Office. Gladden is of counsel, and he was formerly with K&L Gates. He is Board Certified in oil, gas & mineral law by the Texas Board of Legal Specialization.

— **KRISTIE WRIGHT** was named Attorney of the Year at the Texarkana Bar Association's September 2009 meeting. The award recognizes an individual who represents the profession by exhibiting honesty, integrity and professionalism while also contributing to the bar and community. Kristie is the first female recipient of the award. She practices with the law firm of Haltom & Doan in Texarkana.

1996

— **LEANE C. MEDFORD** with Elrod PLLC has been elected to membership in the Fellows of the Texas Bar Foundation. She also has been recognized as a "Texas Super Lawyer" in *Texas Monthly Magazine* from 2007 to 2010, and in 2009 she was named as one of the "Top 50 Women attorneys" in Texas. She has also been named one of the "Top 40 Lawyers Under 40" for commercial litigation and appeals in Dallas by *D Magazine*.

— **ANDREW WEBER** has joined Kelly Hart & Hallman as a partner in the firm's Austin office. Immediately prior to joining the firm, Weber served as First Assistant Attorney General at the Texas Attorney General's Office.

1997

— **IVAN A. ANDARZA** was elected Chairman of the Board of Directors of the Texas Guaranteed Student Loan Corporation. He was originally appointed to the board by Governor Perry and confirmed by the Texas Senate in 2007.

— **BRAD ADAMS** recently joined The Brinkmann Corporation in Dallas as its General Counsel. Brad and his wife, Jen Cannella Adams, live in Dallas, together with their three children.

— **GREG BAIRD**, an Assistant State Attorney with the State Attorney's Office in Clearwater, Florida, appeared on the episode, "Written in Blood" from the Investigation Discovery network show *Solved*, about a capital murder case he helped prosecute in 2007. Greg is currently assigned to the Special Prosecution section of the State Attorney's Office.

— **DAVID JOHNSON** from the Fort Worth office of Winstead PC was recognized as a Texas Rising Star by *Texas Monthly* magazine. Johnson works in the Appellate Practice Group.

— **ERIC J. WEATHERFORD** of Brown McCarroll's Dallas office has been named a Texas Rising Star in Health Care Law by *Texas Monthly* magazine.

1998

— **MATHEW JACOB** joined the Dismuke, Waters & Sweet law firm as a shareholder. His practice is focused on estate planning and probate, corporate transactions and litigation. While at Baylor, he received an award in Alternate Dispute Resolution, and later interned for Federal Magistrate Dennis Green.

— **LYNN GRAY** Ruvang of Thompson & Knight LLP was recognized in the November 2009 issue of *Fort Worth, Texas* magazine. In its ninth annual listing, *Fort Worth, Texas* magazine features Tarrant County's "Top Attorneys" in selected fields who were nominated by their peers.

2000

— **AMBER L. SLAYTON** announces the formation of Lafferty & Slayton, PLLC, in Dallas. The firm offers legal services in the areas of litigation and appeals, business transactions, and municipal law.

2001

— **JOHN T. WILSON IV**, a member of Kelly Hart & Hallman's Appellate and Litigation practice groups, has been named a partner. Wilson was a *summa cum laude* graduate of the law school.

2002

— **G. EDEL CUADRA** has been promoted from associate to senior attorney for the Austin office of Godwin Ronquillo PC. Cuadra is a member of the Labor and Employment section. He routinely counsels clients on workplace issues, including compliance, best practices, internal investigations, policies and procedures, and human resources guidelines. He also assists with litigation and arbitration, training, government proceedings and investigations, employee disputes, and claim prevention.

— **BRYAN L. LARSON** has been elected to partner at Thompson & Knight LLP. Larson, a member of the Firm's Real Estate and Banking Practice Group in Dallas, focuses his practice on the acquisition, disposition, financing, development, and leasing of commercial real estate. He has significant experience representing special servicers in the CMBS market, handling foreclosures, receiverships, loan sales, loan modifications, and restructuring.

— **AIMEE L. VAN WINKLE STONE** is board certified in Estate Planning and Probate Law by the Texas Board of Legal Specialization.

— **ALEX VALDES** has been elected a shareholder at Winstead PC and also was recognized as a Texas Rising Star and was featured in the April 2010 *Texas Monthly* magazine. Valdes is a member of the Litigation/Disputes Resolution Practice Group.

2003

— **PAIGE CASTANEDA** from the Austin office of Winstead PC was recognized as a Texas Rising Star and was featured in *Texas Monthly* magazine. Castaneda is a member of the Corporate & Securities Practice Group.

2004

— **JASON R. BERNHARDT** has joined the Houston office of Winstead PC as an associate. Bernhardt was previously with Lewis Brisbois Bisgaard & Smith LLP. He represents clients in a variety of litigation matters and has significant trial and appellate experience in product liability, professional liability, premises liability, personal injury, insurance, real estate, fraud, consumer protection and commercial construction disputes. His practice is focused on business litigation, including business tort and contract disputes, as well as risk management and planning for his clients. Bernhardt is a member of the State Bar of Texas, the Texas Young Lawyers Association, the Houston Young Lawyers Association, the Houston Young Lawyers Foundation, and he was named a Texas Rising Star in 2010 and 2011.

— **LESLIE L. HUNT**, a senior associate with Decker Jones McMackin McClane Hall & Bates, P.C., has been named the 2011 Outstanding Young Lawyer of Fort Worth and Tarrant County by the Fort Worth-Tarrant County Young Lawyers Association (FW-TCYLA).

— **HAMILTON LINDLEY** has joined the Dallas-based litigation firm of Goldfarb Branham LLP as an associate. Lindley represents shareholders in securities litigation nationwide. He recently was honored in the 2010 Texas Rising Stars listing published by Thomson Reuters, Legal Division. He is a member of the Federal Bar Association's Executive Committee, and currently chairs the CLE, Social, Judiciary and LISTA Committees for the DAYL. He is a Life Fellow with the DAYL Foundation and an active member of the American Bar Association, American Association for Justice, Dallas Bar Association and Federal Bar Association for the Fifth Circuit.

— **MARILYN MONTANO**, a Jackson Walker L.L.P. attorney in the Austin office, who has been selected as a *Texas Monthly* magazine's "Rising Star."

2005

— **CHRISTINE ADAMSON NOWAK** has joined Dykema as an Associate in the Litigation Department. Nowak's practice focuses on business and commercial litigation, with an emphasis in the areas of probate, trust, tax and fiduciary duty litigation. Prior to joining Dykema, Ms. Nowak was an associate with K&L Gates, LLP (formerly Hughes Luce, LLP) in Dallas.

2006

— **LARA D. PRINGLE** has joined Jones Walker as an associate in the Business & Commercial Litigation Practice Group. Ms. Pringle will practice from the firm's Houston office. Prior to joining Jones Walker, Ms. Pringle worked in the Houston office of Fulbright & Jaworski L.L.P. as an associate in that firm's Litigation and Products Liability sections. Pringle graduated *cum laude* from Baylor Law School and served as Executive Editor of the Baylor Law Review and was a member of the Moot Court Team.

2007

— **SEAN CRANDALL** of Jackson Walker L.L.P. was selected one of San Antonio's legal "Rising Stars" in the December 2009 issue of *Scene in S.A. Monthly*.

— **ASHLEY FRANKLIN** has joined Jackson Walker L.L.P. as an associate in its Austin office.

— **CHRISTINA W. PERRONE** has joined The Dallas trial law firm of Rose Walker, L.L.P.

— **SCOTT A. SHAVER** has joined the Law Office of Keith Kebodeaux in Beaumont.

2008

— **MATT ACOSTA** has joined Jackson Walker L.L.P. as an associate in its Dallas office.

— **JUDE T. HICKLAND** has been named an associate at the Dallas law firm of Quilling, Selander, Lownds, Winslett & Moser, P.C. He represents clients in a broad range of commercial and business matters with an emphasis on insurance-related disputes. He holds an undergraduate degree from Clemson University.

— **BEN HOWELL**, has joined the Dallas office of Winstead PC as an associate in the Commercial Litigation Practice Group.

— **TIMOTHY THORNE** has made partner with Judd, Vural & Jacks, P.L.L.C., a mid-size law firm in Fort Worth that specializes in Oil and Gas Title Opinions. Tim Thorne is the third Baylor lawyer to become a Partner in Judd, Vural & Jacks, P.L.L.C., along with Managing Partner Troy Judd, graduate 2005, and Milli (Alexander) Jacks, graduate 1993.

2009

— **JASON GREGORY** joined the Dallas office of Hawkins, Parnell & Thackston on January 1, 2010.

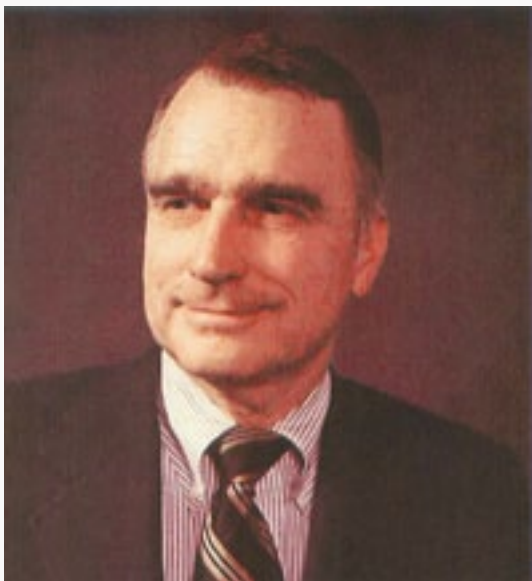
— **JUSTIN T. SCOTT** has joined the firm of Baker & Hostetler LLP as an associate in the Houston office.

— **GAVIN L. SMITH** has joined Husch Blackwell Sanders' Kansas City office as an Associate in the Litigation Department. Smith received his J.D., *cum laude*, from Baylor Law School, where he was Senior Notes and Comments editor of *Baylor Law Review* and attained the rank of Barrister.

2010

— **BRIAN C. BRISCO** has joined the Cantey Hanger law firm. He had interned with the firm during the summer of 2009. He was senior executive editor of the *Baylor Law Review* and externed with Texas Supreme Court Justice Don Willett. He received his Bachelor's in Religion from Baylor and his Masters degrees from Southwestern Baptist Theological Seminary in Theology and from The University of Chicago in Near Eastern Archaeology. Brisco spent two years as a professor at the B.H. Carroll Theological Institute in Arlington, Texas.

— **THOMAS HUNTER LEWIS** has joined the the Family Law firm of McCurley Orsinger McCurley Nelson & Downing, L.L.P. as an associate in the Dallas office. Prior to joining the firm, Mr. Lewis served as an intern for the Hon. Elizabeth Lang-Miers at the Texas Fifth District Court of Appeals in Dallas.



Weldon Funderburk
(LLB '49), WAS BORN ON
 MAY 1, 1925, IN ELKHART,
 TEXAS. HE PASSED AWAY ON
 OCT. 27, 2010, AT HIS HOME IN
 HOUSTON. MR. FUNDERBURK
 GREW UP IN SMALL TOWNS
 IN EAST AND WEST TEXAS.

He was a member of the football team and played in the band at Kermit High School, graduating with many classmates with whom he maintained friendships for many years. In 1943, at the age of 18, he volunteered to serve in the U.S. Navy at the height of World War II. He served his country in the North Pacific as a part of the Naval Construction Force (the Seabees), 66th N.C.B., 102nd detachment, building airfields in the Aleutian Islands and Okinawa.

Upon returning home, he attended Baylor University and Baylor University School of Law, from which he graduated in 1949. He moved to Houston where he worked in the insurance claims business. He opened his own law firm in Houston in 1955. The firm, which became Funderburk & Funderburk, remains one of the city's finest litigation firms to this day.

During his long legal career, he received numerous recognitions as an outstanding defense

attorney. He was a Life Fellow of the Houston Bar Foundation, was admitted to practice before the Supreme Court of the United States, and was elected as a member of the American Board of Trial Advocates.

On December 9, 1961, he married Patricia Ann Bohannon to whom he was happily married for over 48 years. He was a member and deacon of Tallowood Baptist Church. He volunteered with Big Brothers and Sisters of Houston and enjoyed traveling all over the United States with his family, coaching little league baseball, attending his children's school plays and piano recitals and rooting for the Baylor Bears.

When Patricia was diagnosed with a progressive neurological disorder in 1990, he became and remained his wife's steady caregiver for many years until his own health declined.

Weldon is survived by his wife, Patricia; his children, David and wife Becky, Greg and wife Kelly, Laura and husband Mike Fullerton, and Susan; and five grandchildren. He is also survived by his brother, Larry, and his wife, Linda, as well as nephews, Don and Mike Kennedy, and niece Claire Funderburk.

Timothy W. Ferguson
(JD '84), 50, PASSED AWAY AT
 HIS HOME IN BEAUMONT, ON
 MARCH 27, 2011. HE WAS BORN
 IN LANDOVER, MARYLAND,
 TO MARY AND PAUL
 FERGUSON, AND WAS REARED
 IN ALVIN, TEXAS.

Mr. Ferguson received his preparatory and legal education at Baylor University (B.A., 1982; J.D., 1984). He was a member of Phi Delta Phi and on the 1984 Baylor Mock Trial Team. He was admitted to the bar to the Texas State Bar in 1984 and the Colorado Bar in 2002, and also admitted to practice before U.S. Supreme Court of Appeals, Fifth Circuit; and U.S. District Court, Southern and Eastern Districts of Texas. He was board certified, personal injury trial law, through the Texas Board of Legal Specialization in 1989; Certified Civil Trial Advocate, National Board of Trial Advocacy, 1992 Diplomat; and American Board of Professional Liability Attorneys, 1993. Mr. Ferguson founded the Ferguson Firm law practice in Beaumont and Jasper in 1994. He was named in *Texas Monthly* magazine's Texas Super Lawyers in 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. He was a member of the Jefferson County and American Bar Associations; State Bar of Texas; College of the State Bar of Texas;

Southeast Texas Trial Lawyers Association (Executive Committee, 1991- President 1999-01); Texas Trial Lawyers Association (Former Board of Directors); American Association of Justice; Million Dollar Advocates Forum; and American Inns in Court. He was a Life Fellow: Texas Bar Foundation and AV Martindale Hubbell Peer Review Rated. Mr. Ferguson served Nutrition for Seniors/Meals on Wheels, was a supporter of the City of Beaumont's Paint-A-Thon, and actively raised funds for the Garth House-Pour Les Enfants, as well as Breakfast with the Bishop, and Catholic Charities. He is survived by his wife, Sandra; and his twin angels, Nateli Rose and Mary Antonina Ferguson.

THE LEGACY, LIFE STORIES OF THOSE CLOSE TO US

— **GORDON G. ASBURY, JR. (LLB '57)** died July 16, 2009. He was born in Pecos, Texas, on Nov. 16, 1930, to Mr. and Mrs. G.G. Asbury, Sr., and moved to Abilene in 1942. He took a break from his education to serve in the United States Navy. He completed pilot training and earned his Naval Aviator's "Wings of Gold" in 1953, at the conclusion of the Korean War. After being honorably discharged from the Navy, Gordon continued his education at Baylor University School of Law, where he served as a member of the *Baylor Law Review*, and graduated with an LLB in 1957. He was married in Abilene to Janice Jennings on Dec 22, 1955. In 1961, Gordon opened his private law practice in Abilene. He was admitted to practice before the United States Supreme Court in 1974. In 1994, Gordon and his son, Gordon Asbury III (a graduate of Baylor School of Law), formed the Abilene-based law firm of Asbury and Asbury, LLP. His survivors include his wife of 53 years, Janice; daughter, Elizabeth Sims; her husband Dean; and their children, Jacob and Sarah of Fairfax, Va.; son, Gordon Asbury III; his wife Aloma; and their children.

— **MAJOR GENERAL (RET.) C. REUBEN AUTERY (LLB '57)** died Feb. 23, 2010, at the age of 76. He was born Sep 23, 1933 in Corrigan, Texas, to Willie and Pearl Autery. He graduated from Baylor University and Baylor Law School. He went on to a 30-year career in the Air Force and a 13-year career in the private sector as president of GAMA. He was a member of First Baptist Church of Boerne, a member of various organizations, and he served on several boards. He was preceded in death by his parents and by his brothers, Dr. Bill Autery and Clay Autery. He is survived by his loving wife of 55 years, Charlotte; his daughter, Lyn; and her husband, Dan; and his son, Reuben, Jr.; and his wife, Beth; and seven grandchildren.

— **WINGATE STUART BARRON, JR. (LLB '50)** died Jan. 19, 2010, at the age of 85. An attorney for 50 years, his practice focused on real estate and oil and gas law, including trial and appellate litigation. He was born in 1924 in Bryan, Texas, to W. S. Barron and Ethel Sanders Barron. He attended Texas A&M University and Baylor University following his 1942 graduation from Stephen F. Austin High School in Bryan. During World War II, he served for three years

in the 99th Infantry Division. He was awarded the Purple Heart and the Bronze Star during the Battle of the Bulge. Upon discharge in 1946, he returned to Baylor where he earned a BBA degree with honors in 1947 and a LL.B with honors from Baylor Law School in 1950. He served as editor-in-chief of the *Baylor Law Review* and vice president of the law school student body. He was one of three law graduates chosen to serve a one-year clerkship as briefing attorney for the Supreme Court of Texas. In this capacity, he worked for Justices W. St. John Garwood and Meade F. Griffin. He entered private practice in Dallas. In 1959 he joined the firm that would become Geary, Brice, Barron and Stahl, in which he was a partner from 1961 to 1975. In 1985 he joined Strasburger and Price, retiring from the firm 1993. His memberships included the Dallas and American Bar Associations, the State Bar of Texas and the American Judicature Society. He has served as vice-chairman of the Continuing Legal Education Committee of the State Bar of Texas and served on various committees of the Dallas and Texas Bar Association. He is survived by daughters Sandra Barron of Dallas, Carol Barron of Carrollton, Nancy Shaunessy and her husband Pat of Coppel, and Kandace Eakin and her husband Dennis of Austin.

— **WILLIAM HENRY "BILL" BORCHERS (LLB '52)** passed away unexpectedly Sunday, Jan. 2, 2011, in New Braunfels. He was born Aug. 13, 1923, in Lavaca County. He was the eldest of four sons of Willie and Mary Schaeg Borchers and grew up in the cattle ranching business. He graduated from Yoakum High School in 1940. He joined the U.S. Army and served in the infantry during World War II. After returning home from service, he completed his undergraduate studies at Texas A&M University. He enrolled in Baylor Law School, graduating in 1952. Upon passing the bar exam, he worked as Assistant District Attorney for Harris County. He later joined the law firm of Carl & Lee in Houston. He met and married Joyce Word on June 30, 1956. In the fall of 1959, the family moved to New Braunfels where Borchers began his own legal practice. He practiced law for 56 years in the state of Texas and was the oldest practicing attorney in New Braunfels. He was predeceased by his wife, Joyce. He is survived by two daughters, Marcia McGlothlin and her husband Forrest of New

Braunfels, and Bonnie Duettra and her husband Andrew of Santa Fe, N.M.

— **FORREST GENE "DUKE" BRASELTON (LLB '62)**, 73, of Nacogdoches passed away Sept. 18, 2010. Braselton was the eldest child of Royce Duncan Braselton and Cynthia Gregory Braselton. He was born Oct. 17, 1936, in Beaumont and lived all of his life in East Texas. He graduated in 1954 from Nacogdoches High School and was a graduate of Stephen F. Austin and Baylor University School of Law. Braselton practiced law in the East Texas area for almost 50 years. He was with the Garrison, Renfrow, Zelesky, Cornelius and Berry firm in Lufkin. In 1975, wanting to return to his hometown, he opened his own law office in Nacogdoches. He was a longtime member of First Baptist Church in Nacogdoches. He is survived by his children, Ann Claire Braselton Staneff (and husband, Steve), Royce Duncan Braselton II and Cameron Minard Braselton (and girlfriend, Denise San Nicolas); his grandchildren, Taylor Ann Braselton, Margaret Ashlyn Braselton (and their mother, Shawna Smith Braselton) and Simone Nadia Staneff; and his sisters, Valerie Braselton and Sue Braselton Woodruff (and husband, Thad).

— **JOSEPH ROBERT "JOE" BROWN (LLB '63)** passed away Oct. 3, 2010, at the age of 73. He was a graduate of Amarillo High School and received a golf scholarship and graduated from Westminster College, Mo., and he later from Baylor Law School. He was a U. S. Marine and was a member of the JAG. He retired as an attorney. He is survived by his sister, Sue McIver; brother, J. W. Brown; three children, Caeli Blount, Robert Brown, and Jassen Brown; three grandchildren; and one great granddaughter.

— **LEE A. CLARK (LLB '60)** passed away June 10, 2010, after a short illness at age 76. He was a third-generation attorney. His grandfather, Lee Allen Clark, began a law practice in Greenville in the late 1800s and his father, Allen Clark, joined his father's firm in the 1920s. Lee graduated from Baylor University Law School in 1960 and joined his father's law firm in 1963, after serving as assistant county attorney for two years. Prior to attending law school, he had graduated from East Texas State Teachers College in 1955, where he was in the ROTC. After graduation, he entered

the Air Force as a second lieutenant and attended pilot training, and he became a pilot flying RB-50s in a reconnaissance squadron in Japan. He was a member of the Salvation Army Advisory Board for six years and served as its chairman for one year. He was elected board member of First Greenville National Bank and the First National Bank of Plano. He was also a member of the board of the United Way Fund, chairman of the City Board of Adjustment, member of the Chamber of Commerce Board, and he served as a deacon and Sunday school superintendent in the First Presbyterian Church. Most recently, he served as a member of the Entertainment Series Board. He is survived by his wife of 49 years, Ann George Clark; daughter and son-in-law Laura Lee and John Falconer; a granddaughter, Ana Isabel Falconer; brother Allen Clark; and two nieces.

— **WARREN G. CLARK JR. (LLB '68)** of Anahuac passed away on Tuesday, Dec. 7, 2010, at M. D. Anderson Cancer Center in Houston. He was born on July 13, 1942, in Beaumont to the late Warren and Ruby Clark Sr. Mr. Clark was a graduate of Liberty High School in 1960 and Lamar University class of 1965 where he played football. After law school, he was an attorney with Provost* Umphrey Law Firm for many years. Mr. Clark was a member of First Baptist Church of Anahuac, where he served as a Deacon. He is survived by his wife Cynthia Clark of Anahuac; daughter, Misti Clark of Hankamer; son, Trey Clark and wife Laura of Orange; brother, Champ Clark of Corpus Christi; grandchildren, Trey Traylor, Kadi Smith, Emmalee Melancon, Quade Clark and Hayden Clark.

— **WILLIAM F. COLE (LLB '50)**, 84, of Wills Point passed away Feb. 16, 2010, in Dallas. He was born Dec. 2, 1925, to W. F. and Sarah Ellen Cole in Lubbock. Cole was an attorney, U.S. Navy officer (Lt. Commander) and a veteran of three foreign wars. After serving in WWII, he completed studies at Texas Tech and Baylor University School of Law. He then re-enlisted in the Navy serving in the JAG Corps until 1969. After retirement from the Navy, he was Director of Dallas Legal Aid Society for the next 20 years, providing free legal assistance to those who could not afford an attorney. He was a member of the VFW, the American Legion, AMVETS, and the Democratic Party. He was preceded in death by his beloved wife Faye. He is survived by his son and daughter-in-law William F. and Kristy Cole

of Los Gatos, Calif.; daughter Kimberley Cole of Dallas; son Thomas Ireland Cole of Austin; stepdaughter and husband Cindy and David Hames of West Tawakoni; and grandchildren Jenna and Michael Oxley, Fletcher Cole, Shannon Cole, Ireland Cole, Jason Hames, and Amy Hames.

— **HALSELL SAMUEL (HAL) DAVIS III (JD '91)**, of Plano, Texas, died as a result of injuries sustained in a motorcycle accident on April 17, 2011, at the age of 57. He was born on May 2, 1953, to Halsell Sam Davis, Jr. and Laura Ann Parks Davis. Hal received his Bachelor of Arts degree from Baylor University and a Masters in Business Administration from North Texas State University. Hal graduated from Baylor Law School in 1991. Hal was a lawyer and magistrate, practicing primarily family law. Mr. Davis is preceded in death by his mother, Ann. Survivors include his wife, Ann Singleton Davis; and son, Houston Read Davis; father Sam Davis and wife Mary Ann; brothers and sisters-in-law Bruce and Wendy Davis, Tom and Liz Davis, and Joe and Annette Davis as well as several uncles, aunts and cousins.

— **LAWRENCE DEAN ELLIOTT (JD '98)** died July 15, 2010. He was born April 17, 1956, in Fort Worth. He graduated from L.D. Bell High School in Hurst in 1974 and Baylor Law School in 1998. Larry was a criminal defense attorney in Victoria. He was preceded in death by his father, Quan Elliott. Survivors: daughter, Elizabeth Elliott of Austin; mother, Neva Elliott of Denton.

— **WILLIAM E. "ED" FULBRIGHT (LLB '63)** of Lamesa, Texas, died April 4, 2011. Born on Dec. 9, 1940, in Temple, Texas, and raised in Bellmead, a suburb of Waco, he was the son of James Edward Fulbright and Minnie Ola Wyly Fulbright. Mr. Fulbright entered Baylor University in the fall of 1958. He graduated with a bachelor's degree in political science. He was a *cum laude* graduate and second in his class at Baylor Law School. While in law school, Mr. Fulbright served as associate editor of the *Baylor Law Review* for the Winter 1963 term, was a member of the Texas Gamma Chapter of Alpha Chi, a national scholarship fraternity, was elected to Who's Who among Baylor Law School Students and held membership in the Phi Delta Phi Law Fraternity. He was also the recipient of American Jurisprudence Awards. After graduating from law school, Mr. Fulbright

moved with his wife, Stephenie, to Lamesa and began the practice of law in the firm of Cayton and Gresham. The firm later became the Cayton, Gresham and Fulbright Law Firm, then Gresham, Fulbright and Casselberry Law Firm and finally the Fulbright and Casselberry Law Firm. He was licensed to practice law in the State of Texas in 1963. He was admitted to practice in the U.S. District Court, Northern and Western Districts of Texas in 1968 and in the U.S. Court of Appeals, Fifth Circuit in 1975. In 1987, Mr. Fulbright was selected a Fellow of the Texas Bar Foundation. In 1997 he was named a Life Fellow of the Texas Bar Foundation. Mr. Fulbright's was a member of the Optimist and Rotary Clubs and served on the Board of Trustees of the Lamesa Independent School District and as City Attorney for the City of Lamesa. He has been a member of the First Baptist Church of Lamesa since 1963. Mr. Fulbright is survived by his wife of 49 years, Stephenie; a daughter and son-in-law, Karen and Eric Pollack of Santa Fe, NM; a son and daughter-in-law, Russell and Robin Fulbright of Lubbock; and two grandchildren, Holly and Wyatt Fulbright of Lubbock.

— **OTTO D. HEWITT III (JD '80)** of League City passed away on April 18, 2010. He was born on Oct. 21, 1946, in Hillsboro, Texas, to Otto D. Hewitt Jr. and Marguerite Porter Hewitt. He graduated from Baylor University in 1969 and then attended Baylor Law School from 1978 until his graduation in 1980. Hewitt was an attorney in Galveston County until he established The Hewitt Law Firm in Alvin, Brazoria County. He was a member of both the US Air Force and US Army. He belonged to Bay Harbor United Methodist Church in League City and was involved in many organizations. Hewitt also worked in California as a Probation Officer and with a special drug SWAT Team. He was preceded in death by his father, Otto D. Hewitt Jr. He is survived by his wife, Sunny Hewitt; daughters, Heather Hewitt Merritt and Heidi Hewitt Carruthers; mother, Marguerite Hewitt; and sisters, Dianna Green, Debbie Case, and Donna Leftwich.

— **KENDALL W. HILL (LLB '66)**, 68, of Alvord, Texas, passed away Monday, March 29, 2010, in Dallas. Mr. Hill was born on July 9, 1941, in Arp, Texas, to Gerald and Doris Hill. He graduated from Arp High School and went to Baylor University School of Law, where he received his Juris Doctor. He had a successful law

practice in Ft. Worth for 30 years. He is survived by his wife of 38 years, Cindy Hill; children, Tiffany Hill Luedtke, Lindsay Hill Thomas and Renee Hanisko; grandchildren, Ryan, Emma and Hill Luedtke, Reagan, Hannah and Camp Thomas, and Kendrik, Kolton and Kaalan Hanisko; siblings Phil Hill and Karen Foster.

— **ANGELA HITES (JD '07)** passed away on July 7, 2010, at Texas Health Presbyterian Hospital in Dallas, Texas. She was a member of the Texas Bar Association and an associate litigator at Patton Boggs, LLP, in Dallas since Sept. 2007. She was very dedicated and had passion for her career as a lawyer. Ms. Hites was a 2000 graduate of Hillsboro High School, a 2004 graduate of Northwestern University in Evanston, IL. She was a member of St. Paul's Lutheran Church in Hillsboro. She is survived by her parents, Nancy and Kent Hites of Hillsboro, IL.; sister, Amanda Hites (fiance Sean Priewe) of Chicago; special friend, Patrick Towne of Dallas, Texas; uncle, Steve Hites of Vandalia; and aunt and uncle, Kellie and Bill Clouse of Mahomet.

— **JAMES H. HOLT (JD '75)**, 82, retired Army officer, died Oct. 9, 2009 at his home in Denison. He was born Nov. 21, 1926, in Bainbridge, Ga., the son of W. Harmon and Lillian Graham Holt. On finishing high school he entered Mercer University and remained there until he entered the U.S. Navy in 1944. After completion Navy boot camp, he received an appointment to the United States Military Academy, West Point. At graduation, he was commissioned in the Cavalry. Overseas assignments while married to his first wife, Verlee Schelske, included Germany, Korea, Hawaii, and Vietnam. He was awarded the Legion of Merit, Bronze Star Service Medal, Joint Service Commendation Medal, three Air Medals, and the Meritorious Service Medal. He retired as a Lieutenant Colonel to enter Baylor Law School. After graduation from law school, he became the chief prosecutor in Grayson County. After his public service, he entered into private law practice and decided to concentrate most of his effort on *pro bono* work for the poor and needy. Jim was a member of the Sons of the American Revolution, a Mason with 32nd Degree, a member of the Scottish Rite, York Rite bodies, and the Shrine temple of Dallas, a member of the American legion. He is survived by his wife, Dortha Holt of Denison; one son, James H. Holt Jr., Pastor of Comfort Baptist Church and wife, Janice, one daughter, Pamela Krehbiel and husband Leslie Krehbiel of Columbia, Mo.; step-children Alan Hawkins, Mark Hawkins, Craig Bates, Greg Sager and Lyn and Lee Kellogg.

— **EDWIN NATHANIEL HORNE, JR. (LLB '68)** passed away on July 9, 2009, after a courageous battle with pancreatic cancer. Ed was born in Atlanta, Ga., to Edwin Nathaniel Horne, Sr., and Sara Preston Horne on June 19, 1943. After graduating from Druid Hills Baptist High School, he attended Baylor University, where he became an accomplished basketball player earning All-Conference honors for the Southwest Conference in his senior year. After receiving his undergraduate degree, he later graduated from Baylor Law School. He moved to Austin in the early 1970s and served the state of Texas for over 35 years in several roles, most significantly as the Director of Child Support Enforcement in the 1970s and later as Assistant Attorney General in the General Litigation Division for 26 years. He is survived by his loving wife of 27 years, Deborah Wattman Horne; son, Joedaniel ("J.D.") Horne and wife Shannon Horne; grandchildren, Bailey, Ireland, and Brice Horne of Austin, Texas; daughter, Amber Horne Stratmann and husband Joshua Stratmann; and grandson, Ethan Nathaniel Stratmann of Houston, Texas.

— **C.G. "PETE" HOUSE (LLB '49)** passed away on the Oct. 19, 2010, at the age of 93 following a lengthy struggle with Alzheimer's disease. He was born June 30, 1917, in Rotan, Fisher County, Texas, the youngest child of James Washington House and Theresa Maben House. He graduated from Rotan High School in 1935, attended Hardin Simmons University on a basketball scholarship, and received his BS in 1939. Following graduation from college, Pete worked for General Motors and the Texas Highway Department. He enlisted in the United States Navy and served in the Pacific Theatre during World War II. He obtained the rank of Lieutenant and continued to serve in the U.S. Naval Reserve until his honorable discharge in 1954. Mr. House obtained his law degree from Baylor University School of Law in 1949 and began practicing law with his brother, R.L. House, in San Antonio. He tried hundreds of cases to a jury verdict in a career that lasted more than 40 years. Pete was an active member and Deacon at First Baptist Church. He was also a 32nd Degree Mason and served as a long time member of the San Antonio Kiwanis Club. Pete served the Board of Boysville, Inc. and was President of the Board of Trustees in 1984. Lundells Inc. also benefited from his service as a Board Member for over 30 years. He was preceded in death by his wife of 43 years, Barbara Becker House, as well as his parents, three sisters and four brothers. He is survived by his daughter, Rebecca House Lones, and husband, Greg; son, James B. House, and wife, Catherine; and four

grandsons, Luke Lones, Calvin Lones, Colby House and Nathaniel House.

— **BRUCE EDWARD HYMAN (LLB '66)**, 68, a 40-year resident of Annapolis, died Aug 6, 2010, of complications of heart disease and diabetes. He was born June 23, 1942, in Brooklyn, N.Y. He graduated from the University of Miami and received a J.D. from Baylor University Law School. He was a U.S. Navy Veteran and an attorney in private practice for several years in Texas before coming to Washington, D.C. He was employed for 35 years with the Department of Veterans' Affairs before retiring in 2002 as an Administrative Law Judge. On his retirement, he was honored with an award by the secretary of the Department of Veterans' Affairs. He is survived by his wife, Risa B. Hyman; son, David G. Hyman (Robyn) of Roswell, Ga.; daughter, Carolyn Cordial of Bishopville; sister, Madelyn Klapholz (Henry) of Westin, Mass.; and four grandchildren, Kelly, Ally, Tucker and Keith.

— **THOMAS R. JOSEPH, JR. (LLB '50)** of Granbury died Oct. 30, 2010. Born in Houston, he graduated from high school in Harlingen and entered Texas A&M in 1942. He interrupted his studies to enlist in the Navy during WWII, where he served two years on a destroyer in the Pacific fleet. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1950. He was elected in 1951 to the Texas House of Representatives and served until 1958. Joseph was a private practitioner in Waco from 1955 to 1963. He is survived by his wife of 53 years, Annette Joseph; sons, Thomas Reid Joseph of Tontitown, Ark., and Roger Kirk Joseph of Aledo; daughters Cynthia Lynn Staley of Victoria and Cordelia Annette Kaspar of Shiner; 12 grandchildren; and one great-grandchild.

— **JAMES MARCELLUS KENDRICK (LLB '48)**, 88, died on Feb. 18, 2010. Born in Roswell, N.M. on Feb. 6, 1922, he grew up in Waco, Texas. He graduated from Baylor University with MBA and JD degrees. A long time resident of Conroe, he was an active member of First Baptist and West Conroe Baptist Churches, Gideons International and a Trustee for Buckner Baptist Benevolence. He retired from Amoco after 32 years, served as O/S Senior Landman (2002) and worked for Hamilton Bros, Monsanto Oil, Lincam O&G, Preston Oil and others. He was President (1975) and O/S Landman (1983) of HAPL; a Director and Recipient of the Committee and Citizenship Awards of AAPL, a member of the Senior Landmen, Houston Bar, State Bar of Texas and an Arbitrator with NASD Dispute Resolution,

Inc. His wife of 61 years, Margaret Elaine Bush preceded him in death. Survivors include: sons and daughter-in-laws Jeff and Jeana Kendrick, Blair Kendrick, Evan and Kathryn Kendrick; and grandchildren Kara Brown, Rachel Christians, Michelle Boyd, Andrea Kendrick, Caleb Kendrick, Andrew Kendrick and Seth Kendrick.

— **WILLIAM DUKE (BILL) KIMBROUGH (LLB '49)**, 86, died in Pflugerville, Texas, on Oct. 9, 2010. He was born on Oct. 30, 1923, to Elizabeth Ivy and Thomas Duke Kimbrough. A World War II veteran, Kimbrough graduated from Baylor University Law School and practiced law in Odessa for many years. He moved to Austin in 1970 when he was appointed head of the Corporation Division of the Secretary of State's Office. Later he was an assistant attorney general for Texas until retiring at age 76. He is predeceased by wife, Jane Saubert, of Great Falls, MT; and by second wife, Nita Johnson, of Odessa. He is survived by children, Thomas Duke Kimbrough, MD, of Galveston; Catherine Kimbrough Wedding of San Antonio; John William Kimbrough of Austin; and Nicole Kubena of Chicago, IL; and by grandchildren Christopher D. Kimbrough; Charles W. Kimbrough, MD; Kathryn A. Kimbrough, MD; Jane A. Bascope; and Michael F. Bascope.

— **SIDNEY A. KING (LLB '51)**, 84, passed away on April 20, 2011, at Christus St. Elizabeth hospital in Beaumont, Texas. Born April 24, 1926, in Geneva, Texas, he served during World War II in the Army Air Force. He earned a law degree from Baylor Law School, and maintained an active private law practice in Beaumont since 1959. In addition to his career and family, he devoted his life to his church, serving as an elder at Ridgewood Church of Christ for almost 30 years. He served as president of the Beaumont Coin Club and was an officer in the Lions Club. An avid collector of stamps and Texana literature, he loved to go fishing and play golf. He is survived by Ann Hamby King, his wife of fifty-eight years; daughter Karen King of Grand Rapids, MI; son Sidney A. King, Jr., of New Albany, Indiana; and sister Mary Halloran of San Antonio, Texas.

— **W.C. LINDSEY, JR. (LLB '54)** of Port Neches died Feb. 22, 2010. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1954. He was private practitioner in Port Neches from 1954 to 1955 and from 1957 to 1962. He was assistant district attorney for

Jefferson City from 1955 to 1957 and served as the Jefferson City district attorney from 1962 to 1970. He was a private practitioner in Port Arthur from 1970 until his retirement in 2008. He served as a president of the Jefferson County Bar Association. He served in the U.S. Air Force during the Korean War. He was a member of the First Baptist Church of Port Neches and served on the Executive Board of the Baptist General Convention of Texas. A Mason since 1955, he held membership in the Port Neches Masonic Lodge # 1163. He is survived by his son, William D. Lindsey of Beaumont; daughters, Debbie Blackmon of Hockley and Karen Lindsey of Belville; sister, Ella Mae Fondren of Port Neches; and four grandchildren.

— **CARL E. MALLORY (JD '77)** of Winchester, Ind., and formerly of Arlington, passed away Sunday, July 26, 2009. He was born Oct. 8, 1946, in McDowell County, W.Va. He received his undergraduate degree in history from Texas Christian University. He served in the U.S. Air Force during the Vietnam War. He was a solo practitioner until 1992. From 1992 until February 2007, he was a partner with Mallory & Sturns. Mr. Mallory taught government classes at Tarrant County Junior College and was a mentor to many Arlington attorneys. He is survived by daughters, Jennifer Templin and Kelli Mallory-Potter, both of the Dallas-Fort Worth area; brothers, Robert Mallory of Winchester, Ind., and Randy Mallory of Florida; sister, Audre Reed of Union City, Ohio; two grandchildren; and a host of other family and friends.

— **MR. JOHN EDWARD MANN (LLB '59)**, 75, passed away July 16, 2009, in Laredo, Texas. Mr. Mann was born on March 31, 1934, to Ed and Elvella Mann. He attended Texas A&M College Station and then spent two years in the Army and after being honorably discharged, graduated from Texas A&I in Kingsville. John loved practicing law and defending and supporting his clients. For 50 years in Laredo, he defended civil liberties and strived for and demanded justice for all. He is survived by his wife, Linda Rash Mann; his children and stepchildren: Carlos Y. Benavides III, Mary Alice Law (Steve Carter), Kellie M. Gilpin, Guillermo D. (Susana) Benavides, Linda Cristina Benavides (Patrick) Alexander and Elizabeth Law.

— **SALLY SANDERS MCDONALD (JD '80)**, born Feb. 10, 1956, died Oct. 29, 2010, in Houston,

Texas. She grew up Taft, Texas, and attended Taft High School. She continued her education at Baylor University and graduated from Baylor University School of Law. While attending Baylor University she was an active member of the Pi Beta Phi Sorority. She was an oil and gas attorney for more than 25 years. Sally is survived by her husband, Keavin McDonald; sons, Joe Brooky and Jake Bailey McDonald; daughter, Julia Blayne McDonald; father, R.B. Sanders; brothers and their spouses Roy and Diane Sanders and Jack and Betty Sanders; several nieces and nephews. She is preceded in death by her mother, Regina Jacquelyn Sanders.

— **GREGORY LEWIS MEDLEY (JD '90)**, 43, of Texas City, passed away Tuesday, Nov. 17, 2009, in League City. Mr. Medley was born March 30, 1966, in Texas City and graduated from Texas City High School, where he lettered in tennis. He was also a graduate of Baylor University and Baylor Law School. He was an attorney for the firm of Reti, Antail, Madi, & Landwell in Budapest, Hungary. He was a member of Sigma Alpha Epsilon at Baylor. Survivors include his parents Patsy and Carl Medley, Jr. of Texas City; brother Carl Medley III and wife Rhonda; sister Michele Rene Patterson and husband Brent; nieces and nephews Heath Brandon Medley, Samantha Rene Patterson and Tucker Davis Patterson.

— **RAYMOND ROSS MORMINO (LLB '49)**, 90, passed away Feb. 9, 2011. He was admitted to the Texas Bar in 1949. From 1949 to 1952, he was a private practitioner. He served as a McLennan County justice of the peace in Waco from 1953 to 1959. From 1960 to 1970, he served as a McLennan County judge in Waco. He served as judge of the 170th District Court from 1971 until his retirement in 1989. He served in the U.S. Army Air Force during World War II. He is survived by his wife of 55 years, JoAnn Mormino; sons, Steven Mormino of San Antonio and R. Ross Mormino II, Michael Mormino, Marc Mormino and Christopher Mormino of Waco; daughters, Jamie Mormino and Elizabeth Mormino of Waco; and six grandchildren.

— **DON MORRIS (LLB '54)** died peacefully at his home in Ojo Caliente, N.M., on Aug. 9, 2010. He received his law degree from Baylor Law School at the age of 20. Following service in the United States Army, he joined the FBI. Don was the youngest agent to be promoted to the status

of Inspector. He represented the Bureau as Legal Liaison to the American Bar Association, the National Association of Attorneys General, the Federal Bar Association, and other high level organizations. After 11 years of distinguished service and multiple commendations, he began practicing law. Licensed in Florida and Texas, he was also admitted to practice before the United States Supreme Court. Mr. Morris also built a successful entrepreneurial career. He was active with Santa Fe Pro Musica, where he served as President of the Board of Directors. Other projects he spearheaded included an exhibit which featured an original Beethoven manuscript. In addition, he supported music education programs for area youth. He is survived by his wife of 56 years, Charmion; and his children: Mike and Cathy Morris, Michelle and Rick Delano, Kittye and Moe Mosimann, Ariel and Elida Flores; grandson, Justin and Alicia Morris; and his dog Roxie.

— **JOSEPH LYNN NABERS (LLB '67)**, died July 31, 2010, in Austin. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1967. Immediately following graduation from the law school, he was elected to the Texas Legislature, where he served for 14 years. He will long be remembered for his sponsorship of the Tuition Equalization Grant program that assists students at private universities. During his tenure in the House of Representatives, Nabers was named one of *Texas Monthly's* Top Ten Legislators. He was honored by the Texas Business magazine, the State Bar of Texas, the Texas Youth Commission, and the Texas Army National Guard. He also was the recipient of the Texas Founders Award by the Independent Colleges and Universities for his work on the TEG program. He served as director of the Texas Sesquicentennial Commission, sponsored legislation on the State Bar Act, Medical Practice Act, Tuition Equalization Act and a revision of the Texas Penal Code and carried the repeal of the Property Tax Code and others pieces of legislation dealing with property taxes. He served as chair of the Health and Welfare Committee and the Criminal Jurisprudence Committee and was a member of the House Ways and Means, Water, Reclamation and Conservation, Insurance and State Affairs and Financial Institution committees. He was a partner in Day, Nabers, Smith in Brownwood from 1967 to 1984 and in Brown McCarroll, L.L.P., in Austin. He served as general counsel to the Strategic Partnerships, Inc., in Austin. He is survived by his wife, Mary Scott Nabers; sons, attorney Scott Nabers of Houston and attorney

Tim Nabers of Austin; and six grandchildren.

— **ZEBLIN GERARD PEARSON (JD '76)** of Dallas died June 20, 2010. He received his law degree from Baylor University Law School and was admitted to the Texas Bar in 1976. He also earned an LL.M. in taxation from Southern Methodist University in 1980. From 1980 until his death, he practiced with Bowland & Associates in Fort Worth and Bonney & Bonney in Dallas. He is survived by his wife, Diane Pearson; son, Matthew Pearson; daughters, Rachel Pearson and Kelsey Pearson; parents; Cultus Pearson and Frances Pearson; brothers, William Pearson, Edwin Pearson, Kurt Pearson, and C.O. Gerard Pearson; sisters, Anita Ryan, Candace McNeill, and Quinn Pearson; and two grandchildren.

— **JOHN MYLES PENNINGTON (LLB '49)**, 82, of Houston passed away on Sept. 5, 2010. Mr. Pennington was born in Houston in 1928, graduated from Lamar HS, Baylor University and Baylor Law School. He was a JAG in the USAF during the Korean War and practiced law before becoming a property developer in Houston. John is survived by his wife of 42 years, Mary Ann Pennington; children Melinda, Theresa, Mike, Greg, Charles, and Richard as well as his sister Penny Barger of Oregon, nine grandchildren and two great-grandchildren.

— **JAMES "JIM" EDWARD ROBINSON (LLB '51)**, 82, of Abilene, passed away Wednesday, Sept. 30, 2009. Mr. Robinson was born Jan. 7, 1927, in Danville, La. He attended Texas A&M before enlisting in the Navy in 1944 at the age of 17. He had a private legal practice from 1955 until the late 1990s. He was president of the Abilene Bar Association from 1974 to 1975. He handled several cases in Texas Court of Criminal Appeals and the Texas Supreme Court. He was an Elder at the First Central Presbyterian Church, a member of the Abilene Bar Association, and a member of the Texas Bar Association. Mr. Robinson was preceded in death by his parents, one son, and a brother. He is survived by his wife, Cathy; one son, John Ruther Robinson of Fairview, Texas; a daughter, Janie Robinson Long of Austin, Texas; one granddaughter, Rebecca Cathryn Robinson; and four grandsons: Austin James Robinson, William Travis Long, Wade Tyler Long and Wesley Tucker Long.

— **TED LANE SCHAFER (LLB '62)**, 72, was born on April 13, 1938, in Beatrice, Neb., and died on Oct. 29, 2010, in Jacksonville, Fla. Ted was a graduate of the University of Nebraska and Baylor University Law School. He was an

attorney practicing law in Nebraska and Texas in private and public sectors. Ted enjoyed serving his community through the Lion's Club, and he was dedicated and devoted to AA serving a lot of people through this organization. He is survived by his loving wife of 18 years, Sherrill Schafer; his beloved dog of 13 years, "Little Ricky"; numerous cousins, and many other loving family members and friends.

— **JUDGE FLOYD A. SHUMPERT (LLB '54)**, of Terrell passed away on July 17, 2009 in Terrell, Texas. He was born on March 21, 1917. Judge Shumpert began his career in public service following his return to Kaufman County, Texas, after World War II. During the War, he served in the 8th Infantry Division, 28th Infantry Regiment, 2nd Battalion of the United States Army. After suffering a severe injury requiring amputation of his lower leg when he stepped on a land mine in the Hürtgen Forest in Germany, he was awarded the Silver Star and Purple Heart. After retiring from the United States Army as a Major in 1945, he was elected County Clerk and served four years. After earning his law degree from Baylor University, he was elected as County Judge serving eight years. He went into private law practice in Kaufman and moved to Terrell in 1978. Judge Shumpert was the second judge to ever serve from Kaufman County in 1983, as an Associate Justice on the Texas Court of Appeals from the Fifth Judicial District in Dallas, Texas. After serving in Dallas, he established his private practice Shumpert Law Office. On Aug. 30, 1983, he was presented with the Key to the City of Terrell. Judge and Mrs. Shumpert were both honored with the Community Service Award in 1999. He was preceded in death by his parents; infant son, Phillip T. Shumpert in 1948; brothers, Lewis, Billy and Holton; and sisters, Ellen and Joyce. Judge Shumpert is survived by his wife of 63 years, Katherine Shumpert; children, Greg Shumpert and wife Suzanne of Terrell, Suzy Sullivan and husband Tom of Little Rock, Ark., Floyd W. Shumpert and wife Paula of Dallas and Kim Honey and husband Brian of Terrell.

— **JAMES EWING SIMS (LLB '63)** of Cleburne passed away at his home on Jan. 8, 2011. Mr. Sims was born Jan. 11, 1937, in Brownwood, Texas. He attended Baylor University on the Ball Scholarship. He began his career at the United States Securities and Exchange Commission as a federal prosecutor. He worked in the Houston branch of the SEC as the regional administrator. In 1976 he moved his family to Cleburne to carry on his father's business, Sims Rental. He was

the owner and president of the family business until his return to the SEC in 1990. He was an attorney in the Fort Worth regional office until his retirement in 1995. Mr. Sims served his community as a member of the city of Cleburne Planning and Zoning Commission and as a member of the First Financial Bank board of directors. He served on the Vestry and as Senior Warden at the Church of the Holy Comforter, where he was a 35-year member. He is survived by his wife, Sandy Sims; their children, Keith Ewing Sims and wife, Tammy, Laura Kay Sims and partner, Lissy Bethmann, and James Kyle Sims and wife, Dana; and grandchildren, Shelby Kay Selph and husband, Kevin, James Parker Sims, Mallary Rae Anderson and Jackson Troy Sims.

— **JAMES HENRY TAYLOR, JR. (LLB '43)** died Thursday, June 17, 2010, in a Temple hospital following a very brief illness. He was born on Oct. 7, 1919 to Henry and Martha Jane (Alsup) Taylor. He was a graduate of Temple High School, Temple Junior College and received his legal education at Baylor Law School. He began practicing law with his father on Aug 27, 1943. He was the Bell County Attorney from 1948 to 1952, former Temple City Commissioner from 1960 to 1972, and three-term Mayor of Temple from 1960 to 1964, and 1968 to 1970. He retired from the active practice of law exactly 56 years later and became of counsel to his family law firm of Taylor, Gauntt & Guess. He is survived by his wife, Mary Norman Taylor; children Nancy Taylor Gauntt (John) of Temple, Martha Taylor Guess (Darrell) of Temple, and Henry Taylor, III (Marilyn) of Austin; seven grandchildren; seven great grandchildren; and step-children, Dick Norman, Dutch Norman, Denny Norman, Chris Norman, Steve Norman, and Robin Norman Aldridge.

— **GORDON F. THRALL (LLB '53)**, age 86, passed away Saturday, July 3, 2010, in Tyler, Texas. He was born July 28, 1923, in Jamestown, N.Y. Mr. Thrall was a partner in the Norman, Thrall, Angle, Guy and Day, L.L.P., in Jacksonville from 1972 to 2002. He was admitted to the State Bar of Texas in 1953. He was educated at Alfred University and Baylor University. He served as Assistant District Attorney in Dallas, Texas Assistant Attorney General, Attorney-Advisor, ICC, and Assistant General Counsel for the State Bar. He was a member of Cherokee County Bar Association. A member of First Baptist Church in Jacksonville, Gordon had served as deacon

at Central Baptist Church for many years. He has served on many boards and organizations including being Co-trustee of the Summers A. Norman Foundation from 1988 to 2002, which invested millions in projects for Cherokee County. He was also in the Army in World War II. He was preceded in death by wife, Betty Thrall, in 2005. He was also preceded in death by three brothers, Marvin, Milton and Sidney Thrall. He is survived by his daughter, Jenifer Heflin, and husband, David, and granddaughter, Elizabeth Jane Heflin.

— **LT. COL. WILLIAM O. VREDENBURGH (LLB '55)**, US Army ret., 89, passed away Feb. 6, 2010. He was a graduate of the Baylor University Law School with an LLB Degree, and later received a J.D. degree in 1969. William taught middle school English. He is a Retired US Army Lt. Col., Civitan Pres, Boy Scout Master, member of the Immanuel Presbyterian Church and attended Sandia Baptist Church. He was preceded in death by his first wife of 34 years, Mildred (Munsel) Vredenburg in 1978, three brothers, Fletcher, Richard, and Edmond. He is survived by his wife of 30 years, Georgia (Tillery) Vredenburg; his son, Dr. Jesse W. Vredenburg, and his wife, Terry, of Corpus Christi; one grandchild, Jesse Vredenburg; five step-children, Gayle Pedrick, George Tillery, Gary Tillery, Glen Tillery, and Gena Hoagland; and 13 step-grandchildren.

— **DAVID EARL WEAVER (JD '85)** was born on Sept. 23, 1960, and passed away on June 1, 2010. Mr. Weaver was born in Longview, Texas, to parents Annie Mae Irby Glanden and David Harold Weaver. He received his Associates of Arts from Kilgore College and later his Bachelor of Arts in political science from Baylor University. He served as General Counsel for the Texas State Securities Board for the past 20 years. He served a term as President of the Texas General Counsel Forum. Weaver was a contributing member and committee member of the North American Securities Administrators Association. He served as a board member on the Veterans Commission where he organized an effort to provide financial assistance to Texas Veterans. He was also a board member of the Downtown Austin Neighborhood Association. Weaver is survived by his partner of seven years, Bonsack Phrasavath; sister, Bobbye Sonnier, and husband, Jo-El, of Lake Charles, La.; sister, Dr. Shirley Barker Strange-Allen of Ashland, Va.; brother, Roy Barker, and wife,

Donese, of Linden; brother, James Barker Jr., and wife, LeeAnn, of Wake Village; brother, Johnnie Steed, and wife, Nicki, of Longview; and brother, Gerald Steed of Longview.

— **THE HONORABLE JIMMY L. WHITE (JD '69)** of Mount Pleasant died Nov. 3, 2010. He received his law degree from Baylor Law School and was admitted to the Texas Bar in 1969. After private practice in Northeast Texas from 1969 to 1995, Mr. White was appointed by Gov. George W. Bush as judge for the 76th District Court, where he served until his death. He served as an assistant attorney general for the State of Texas. He served as a president of the Northeast Bar Association. He is survived by his wife of 31 years, Carol White; sons, Jimmy L. White, Jr., and Britton Keck, both of Mount Pleasant; daughter, Lauren White Birkenbale of Dallas; mother, Irene Daughtry of Mount Pleasant; brother, Make White; and sisters, Dorothy Cornstubble, Bettye McGuyer, Mozelle Strain Belva Barrett, and Janis White.

— **GLEN MITCHELL WILLIAMS (LLB '50)**, 86, of Hope, Ark., died Tuesday, July 8, 2008, in Lubbock. Mr. Williams was born Sept. 8, 1921, in Hope. He was a retired attorney and a member of Rotary International Rotary and Texas State Bar Association. He was preceded in death by his wife, Mary Cornelia Holloway Williams.

The Gift that Gives Back: Charitable Gift Annuity

It's a simple contract that offers you a tax-advantaged way to provide additional annual income.

You receive secure income for life, backed by the assets of Baylor University. You may also save on income, capital gains, gift, and/or estate taxes while receiving a current charitable income tax deduction.

Age does have its rewards.

Income rates are based on your age or the age(s) of your beneficiary(ies) when payments begin. The older you are, the higher the rate. A minimum gift of \$10,000 is necessary to establish an annuity. Payments can begin at 50 years of age or older.

Your gift supports Baylor Law's mission of academic excellence and Christian commitment within a caring community.

By giving to Baylor Law, you help secure a foundation for educating the next generation of great leaders who are committed to service and responsibility.

Donor makes a gift today at current age(s)...	...& annuity begins immediately at this rate...	...& waits 5 years before annuity begins at this rate...	...& waits 10 years before annuity begins at this rate.
50	4.2%	5.3%	7.0%
50/50	3.8	4.8	6.3
60	4.8	6.4	8.5
60/60	4.3	5.7	7.6
70	5.8	7.8	11.0
70/70	5.2	6.9	9.2
80	7.5	10.1	14.4
80/80	6.3	8.9	12.9

** These rates are for illustration purposes only and may vary depending on the timing of your gift.

To learn more about Baylor Law's planned giving programs, please contact Julie Corley, Director of Development at 254.710.8799 (Julie_Corley@baylor.edu), Susan Wommack (JD '89), Gift Planning Legal Counsel at 254.710.8537 (Susan_Wommack@baylor.edu) or visit www.baylor.edu/law/waystogive.



BAYLOR
UNIVERSITY

SCHOOL OF LAW

P.O. Box 97288 | Waco, TX 76798-7288

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
BAYLOR UNIVERSITY



PAGE 18

WALT SHELTON'S BALANCING ACT