

PLANO BAR ASSOCIATION

September 2008 - Newsletter

GENERAL MEMBERSHIP MEETING

Imagine a case in which the plaintiff has virtually no burden at all, and the defendant has to prove a negative – and you are the defendant! Our next meeting will feature Tom Culpepper of Thompson Coe, who will grab our attention with his talk on “Ethical Issues and Malpractice in Litigation.” Tom specializes in defending clients in grievance proceedings and litigation, often involving alleged malpractice and almost always breach of fiduciary duty. According to Tom, all the plaintiff has to prove is that an attorney had a fiduciary duty to his client, which we all know is a given. A prima facie case having been proven, the attorney / defendant then has to prove that he did not breach that fiduciary duty. It’s not easy, according to Tom, who will illustrate the experience in vivid detail. The meeting will be Friday, September 5, at Tino’s at the south end of Collin Creek Mall. Tom is Chairman of his firm’s professional liability group and a member of the securities litigation (D&O liability) practice group. He represents attorneys, real estate brokers, and insurance agents throughout the state and has considerable trial experience in professional liability cases. Tom also defends clients in grievance proceedings before the State Bar of Texas, the Texas Real Estate Commission and the Texas Department of Insurance. In 2005, Tom testified before the Texas House and Senate in support of legislation designed to address the inequities insurance professionals face in defending consumer claims. Tom was named a Super Lawyer by Texas Monthly magazine in 2005 and a Texas Rising Star by Texas Monthly magazine in 2004.

OTHER DATES TO CALENDAR

Meetings:

- ▣ October 3: Alex Shiliday of Hermes Sargent Bates will speak on “Insurance Law Issues Every Lawyer Needs to Know.” Noon.
- ▣ October 16: Pro bono legal clinic, Salvation Army, 3528 E 14th St. in Plano. 6 p.m.

PRO BONO LEGAL CLINIC

The next pro bono legal clinic will be held at 6 p.m. Thursday, October 16, at the offices of the Salvation Army, 3528 14th Street. Depending on how many volunteers participate, the clinic should conclude by about 8:30 to 9:00pm. The Clinic usually has about 40 applicants sign in requesting legal advice and/or representation. Some will be turned away because of income limits or because they are seeking help in matters ineligible for legal aid (*e.g.*, criminal matters or fee generating litigation). Dress for volunteers is business or business casual.

Attorneys with practices in any area of the law are welcome. Also, non-attorneys (office staff, friends or spouses) are welcome to assist in screening applicants for income eligibility and in getting paperwork ready before speaking with an attorney.

Volunteers can enjoy light snacks and refreshments at Kelly's Eastside (1422 K Avenue) after the clinic, with the tab on PBA.

UNIVERSITY OF NORTH TEXAS COLLEGE OF LAW

The University of North Texas System has requested that the Texas Legislature and Texas Higher Education Coordinating Board approve plans for the State's first new public law school in longer than 40 years. When the proposed UNT College of Law opens its doors to students in 2010, it will be the fruition of a goal that began as early as 1980—that's when the UNT library initiated its law library collection. Nearly a quarter of a century later, in December 2004, Chancellor Lee F. Jackson, Dallas Mayor Laura Miller, Texas State Senator Royce West and State Representative Tony Goolsby announced plans for the UNT College of Law on the steps of the Old Dallas Municipal Building at Main and Harwood.

The building, shown below, is a granite and limestone Beaux Arts building built in 1914. The proposed new law school building served as Dallas' fourth City Hall until 1978. It then served as the Dallas Police Headquarters until 2005. For a brief moment, the entire world became aware of the building two days after the assassination of President John F. Kennedy. It was in the basement of the Old Municipal Building that Jack Ruby shot Lee Harvey Oswald, Kennedy's accused assassin.

Supporters have asked PBA for a resolution supporting the new school. The board of PBA would appreciate it if you would share your thoughts / concerns. Feel free to reply to the email by which you received this newsletter.



PAST PLANO BAR ASSOCIATION PRESIDENT DAVID MCCALL

Plano attorney David McCall cannot imagine living anywhere other than Plano or doing anything as a career other than practicing law. McCall, president of the Plano Bar Association for the year 1974 through 1975, continues to practice law at the firm of Gay McCall Isaaks Gordon and Roberts, P.C., in downtown Plano. McCall's accomplishments and community participation are too numerous to list here, but they include his past presidency with this organization during its second year of existence, as well as past president of the Collin County Bar Association.

The first year of the PBA boasted 20 members. The makeup of the bar has changed. At that time, most lawyers had their offices in McKinney, but not so McCall, who said he "got here [to Plano] as fast as I could" after being born in Dallas. "Probably the biggest change we've had was that back then you couldn't run writs – you had to wait until the Plano police transported a prisoner to McKinney." Obviously, McCall practiced criminal defense work, along with "everything else." Today, specializes in real estate, wills, and probate, and he represents numerous municipalities and counties. Advice for young lawyers: "Get it in writing. Back then, when a lawyer told you something, there was a 99 percent plus chance that you could take it to the bank. That's not necessarily true today."

During the early years of McCall's practice, Collin County had no judge it could call its own. Instead, it shared a visiting judge with Grayson County. Collin County got its own judge in 1973, McCall said.

"This [practicing law] is what I like to do. I can't imagine coming to work everyday and having to do something else."

You can read more about McCall on his page of his firm's website: <http://www.ntexas-attorneys.com/law/attorneys/DavidMcCall.aspx>.

SUBMISSIONS FOR PLANO BAR ASSOCIATION NEWSLETTER

Do you have news you'd like to share with other members of the Plano Bar Association? If so, please submit the information to Evy Davis at the email address from which the newsletter was sent. Or call 214.769.0019.

JOINING THE PLANO BAR ASSOCIATION

Attorneys can join the Plano Bar Association at any time. Please pass along the the attached application. New members should send it, along with a check for \$65, to our treasurer:

Doug Floyd
6521 Preston Road, Suite 100
Plano, Texas 75024

Please type your personal information directly on the form – Adobe 8 will perform that function. If you handwrite, *please be sure to print legibly* to ensure we can reach you. Let us know if any of your information changes.

WEBSITE UPDATE

While the rest of us go about our business with the elementary practice of law, far more intelligent and extremely talented people have been busy enhancing PBA's website to include our newsletters. This edition, as well as approximately one year of back issues, will be included on the site at www.planobar.com.

OKTOBERFEST

Board members are busy planning the annual Oktoberfest. The date and location will be announced soon. Be on the lookout.

CONTINUING LEGAL EDUCATION AT SEA

Get your sea legs while updating yourself with continuing legal education on the Carnival Ecstasy this fall. The ship will leave the port of Galveston November 6 and head for Cozumel, arriving back in Texas on November 10. Five cabins, all outside staterooms, are still available. You can reserve yours for a deposit of \$150, with the total cost (including all onboard meals, entertainment, and CLE) being \$517 per person. CLE will focus on trial skills for civil and criminal practitioners.

You'll need a passport. Here is a link to the U.S. Department of State, which handles the process of passports. http://travel.state.gov/passport/passport_1738.html. Here's a tip based on recent experience. If your passport is damaged in any way, consider replacing it before you travel, even if the passport is still readable. A passport that went through the wash in a pants pocket, still fully readable, was deemed "mutilated" and not available to support travel outside the United States.

REFERRALS

An application for inclusion in the association's Lawyer Referral Service is attached. The fee pays for the answering service for each attorney.

THIS DATE IN HISTORY

On September 1, 1864, Union Army General William Tecumseh Sherman lays siege to Atlanta, Georgia, a critical Confederate hub, shelling civilians and cutting off supply lines. The Confederates retreated, destroying the city's munitions as they went. On November 15 of that year, Sherman's troops burned much of the city before continuing their march through the South. Sherman's Atlanta campaign was one of the most decisive victories of the Civil War.

William Sherman, born May 8, 1820, in Lancaster, Ohio, attended West Point and served in the army before becoming a banker and then president of a military school in Louisiana. When the Civil War broke out in 1861 after 11 Southern slave states seceded from the Union, Sherman joined the Union Army and eventually commanded large numbers of troops, under General Ulysses S. Grant, at the battles of Shiloh (1862), Vicksburg (1863) and Chattanooga (1863). In the spring of 1864, Sherman became supreme commander of the armies in the West and was ordered by Grant to take the city of Atlanta, then a key military supply center and railroad hub for the Confederates.

Sherman's Atlanta campaign began on May 4, 1864, and in the first few months his troops engaged in several fierce battles with Confederate soldiers on the outskirts of the city, including the Battle of Kennesaw Mountain, which the Union forces lost. However, on September 1, Sherman's men successfully captured Atlanta and continued to defend it through mid-November against Confederate forces led by John Hood. Before he set off on his famous March to the Sea on November 15, Sherman ordered that Atlanta's military resources, including munitions factories, clothing mills and railway yards, be burned. The fire got out of control and left Atlanta in ruins.

Sherman and 60,000 of his soldiers then headed toward Savannah, Georgia, destroying everything in their path that could help the Confederates. They captured Savannah and completed their March to the Sea on December 23, 1864. The Civil War ended on April 9, 1865, when the Confederate commander in chief, Robert E. Lee, surrendered to Grant at Appomattox Courthouse, Virginia.

After the war, Sherman succeeded Grant as commander in chief of the U.S. Army, serving from 1869 to 1883. Sherman, who is credited with the phrase "war is hell," died February 14, 1891, in New York City. The city of Atlanta swiftly recovered from the war and became the capital of Georgia in 1868, first on a temporary basis and then permanently by popular vote in 1877.

FORMER PBA PRESIDENTS

Here is a list of those who have served as president of the PBA.

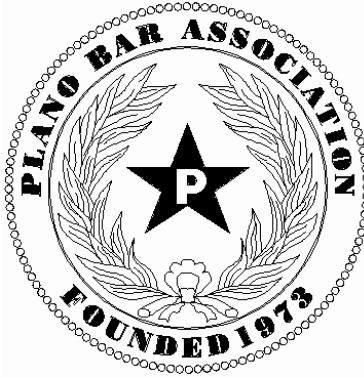
1973-74	Byron H. Schaff	1985-86	Harry F. Smith
1974-75	David McCall	1986-87	Alex Modelski
1975-76	Bill Kramer	1987-88	Charles F. Sandoval
1976-77	Robert T. Dry, Jr.	1988-89	Nathan E. White, Jr.
1977-78	Howard Shapiro	1989-90	Douglas T. Floyd
1978-79	Richard Schell	1990-91	Luke Laman
1979-80	Jim G. Bray	1991-92	Tom Ford
1980-81	William Roberts	1992-93	Richard Armstrong
1981-82	John O'Keefe Barry	1993-94	Nancy B. Amick
1982-83	Howard Hamilton	1994-95	John A. Goren
1983-84	Stephen Chapman	1995-96	Deborah Brown Kovac
1984-85	Ray Wheless	1996-97	Michael R. Puhl

1997-98	Scott Carpenter	2003-04	Susan Whitson Periquet
1998-99	Jean Power	2004-05	Shawn Ismail
1999-2000	Sharon Curtis	2005-06	Shelly Dukes
2000-01	Savannah (Dyer) Sorrels	2006-07	Keith E. Davis
2001-02	Ann Shuttee	2007-08	Melinda Eitzen
2002-03	Gwen Rawls	2008-09	Israel Suster

CURRENT PBA OFFICERS

PBA officers and directors for 2008-2009:

Israel Suster, President	972.380.0130
Bert Starr, President Elect	972.633.2588
Doug Floyd, Treasurer	972.578.8186
Laura Calhoun, Secretary	214.423.5100
Shelly Shilling, Director- CLE	972.333.8609
Connie Pena, Director- CLE	214.423.5100
Kim Killebrew, Director - Social	972.436.9300
Stuart Brown - Membership	972.731.6789
Keith Davis - Website	214.473.9626
Evy Davis - Newsletter	214.769.0019
Melinda Eitzen, Immediate Past President	972.403.1200



6521 Preston Road, Suite 100
Plano, Texas 75024
972.578.8186
972.578.8412(fax)

PLANO BAR ASSOCIATION DUES NOTICE 2008-2009

DUES ARE \$65.00 PER YEAR. PLEASE PAY BEFORE JUNE 1, 2008. IF YOU PAID AFTER JANUARY 1, 2008 YOU ARE PAID UP FOR 2008 AND TO JUNE 1, 2009. MAKE CHECKS PAYABLE TO: PLANO BAR ASSOCIATION and MAIL TO: DOUGLAS T. FLOYD, 6521 Preston Road, Suite 100, Plano, Texas 75024

You can use Adobe 8's typewriter function to complete this form. If you do not have Adobe 8, please *write legibly*. We all know how unforgiving the internet is with respect to incorrect addresses.

NAME: _____

FIRM NAME: _____

BUSINESS ADDRESS: _____

HOME ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

HOME TELEPHONE NUMBER: _____

FAX NUMBER: _____

E-MAIL ADDRESS: _____

BAR CARD NUMBER: _____

LAWYER REFERRAL SERVICE

The Plano Bar Association has sponsored a Lawyer Referral Service for over 25 years. The LRS is a certified as a lawyer referral service as required by the State of Texas under Article 320d, Revised Statutes, Certification No. 9307.

If you would like to join the lawyer referral service, please read the following information.

Plano Bar Association (PBA) Lawyer Referral Service (LRS)

BY JOINING THE LRS, YOU AGREE THAT YOU WILL CHARGE NO MORE THAN \$20 FOR THE INITIAL CONSULTATION WHICH MAY LAST FOR UP TO 30 MINUTES

The method of operation is that each member agrees to pay his or her proportionate share of the cost of operation of the LRS.

Currently we advertise the LRS in the Verizon yellow pages for southern Collin County and northern Collin County. The annual cost of operation is approximately \$30,000.00. We currently have 25 members making the average annual cost per member \$1,200. The Verizon yellow pages generate about 400 calls per month in all categories.

We also advertise the LRS in the AT&T yellow pages for Collin and Dallas Counties. The annual cost of operation is approximately \$30,000.00. We currently have 10 members making the average annual cost per member \$3,000. The cost will be less expensive as more join. The AT&T yellow pages generate about 500 calls per month.

All calls are routed through an answering service. The system works as follows:

The six categories of referral are: personal injury, family law, criminal law, bankruptcy, wills and probate and general civil. A potential client calls the referral number and someone at the answering service takes the call. The person gives the answering service the category of the law that they require an attorney. The answering service refers the potential client to three attorneys in that category. The attorney's names are rotated each time and an attorney is 1, 2 and 3 on a rotating basis. You may put your name in one or more categories.

State Bar rules require that you may not charge more than \$20 for the initial 30 minute consultation.

BY JOINING, YOU AGREE THAT THE ABOVE REFERRAL SERVICE ANNUAL DUES ARE AN ESTIMATE. YOU MAY BE ASSESSED ADDITIONAL DUES IN THE FIRST QUARTER OF THE NEXT YEAR. FAILURE TO PAY THE ASSESSMENT WHEN REQUESTED WILL CAUSE YOU TO BE TERMINATED FROM THE REFERRAL SERVICE AND BAR YOU FROM FURTHER PARTICIPATION IN THE REFERRAL SERVICE WITHOUT SPECIAL APPROVAL OF THE BOARD.

IF YOU JOIN AFTER JULY 1, AN ADDITIONAL CHARGE OF \$50.00 COVERS THE SERVICE FEE CHARGED BY THE ANSWERING SERVICE TO ADD EACH ADDITIONAL

ATTORNEY.

Remember, in order to be a member of the LRS you must first be a member of the Plano Bar Association. The annual dues to join the Plano Bar Association are \$65.00. The fiscal year for PBA starts June 1.

IF YOU WOULD LIKE TO JOIN, PLEASE MAKE YOUR CHECK PAYABLE TO PLANO BAR ASSOCIATION, c/o Douglas Floyd, 6521 Preston Road, Suite 100, Plano, Texas 75024. Complete the following form and return it with your check:

NAME: _____

DAYTIME TELEPHONE NO.: _____

NIGHTTIME TELEPHONE NO: _____ (if you want calls after hours)

CHECK THE CATEGORIES IN WHICH YOU WISH TO RECEIVE CALLS.

1. ___ Personal Injury includes auto accidents, medical malpractice, product defects
2. ___ Bankruptcy
3. ___ Criminal Law (THIS INCLUDES JAIL CALLS 24/7)
4. ___ Family Law includes divorce, modification and adoptions
5. ___ Wills and Probate
6. ___ General Civil - broad category that includes civil matter including, civil litigation, contract review and drafting