

## PLANO BAR ASSOCIATION

October 2008 - Newsletter

### GENERAL MEMBERSHIP MEETING

Several recent decisions of the Texas Supreme Court regarding insurance law in the last year can affect how you evaluate your own cases. Alex Shilliday of the law firm of Hermes Sargent Bates will speak at our next meeting at noon on Friday, October 3 at Tino's at Collin Creek Mall. The topic of the discussion is "Insurance Coverage--A Recent Battleground Issue in Texas Law." Although the cases focus on coverage issues, these cases necessarily have an effect on how insurers handle and evaluate underlying cases and will perhaps enable you to better understand why insurance companies do what they do, including some insight into the thought processes that persuade insurers to settle – or not. Alex will describe a bizarre decision from the Texas Supreme Court that may lead multiple insurers in one case into a game of "chicken" – who will blink first? – and plaintiffs, plaintiffs' counsel, and the insured are the losers. Alex will also discuss the steep penalties that insurers face if they improperly deny a defense to their insureds. Alex will tailor his discussion so that it will be applicable to as many practice areas as possible. Also with the election coming up, look for an election theme in the presentation.

Alex represents and advises insurers on coverage matters in third-party liability situations, including prosecuting and defending declaratory judgment actions related to the duty to defend and duty to indemnify. He also represents insurers in defense of claims of "bad faith" and violations of the Texas Insurance Code. He has drafted numerous coverage opinions on many aspects of general liability policies, auto policies, trucking policies, and ERISA plans. Alex has extensive experience in coverage matters related to construction defect cases, employee injury and workers' compensation "bad faith" claims, and insurance agent failure to procure cases.

## **OTHER DATES TO CALENDAR**

Meetings:

- ▣ 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 14<sup>th</sup> 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.

## **OKTOBERFEST**

This year's Oktoberfest celebration will be held from 5:30 to 7:30 p.m. Wednesday, October 22, 2008, at the Bavarian Grill. Our group will gather at the grill's beer garden located at 221 W. Park Road, which is located roughly at the northwest corner of Central Expressway and Parker Road. Members of the Plano Bar will get two free drink tickets and lots of delicious German food appetizers. Nonmembers, including spouses and guest, may attend for \$15. Here is a link to a map showing the location:

<http://www.mapquest.com/maps?city=Plano&state=TX&address=221+W.+Parker+Road#/a/maps/l::221+W+Parker+Rd:Plano:TX:75023-6914:US:33.038559:-96.70702:address:Collin+County/m::12:33.038558:-96.70702:0::/io:0::::f:EN:M:/e>

## **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 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 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.

## **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.

## **ONLINE ACCESS TO NEWSLETTERS**

About one year of issues of his newsletter are be included on the site at [www.planobar.com](http://www.planobar.com).

## **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](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 October 1, 1955, the CBS television comedy *The Honeymooners* debuted, starring Jackie Gleason. The show originated in 1951 as a sketch on Gleason's variety show *Cavalcade of Stars*. He continued the sketches when he launched a new program, *The Jackie Gleason Show*, in 1952. In these skits, Gleason played bus driver Ralph Kramden, and Audrey Meadows played his long-suffering wife, Alice, who deflated his get-rich-quick schemes but often saved the day. Art Carney played friend and sidekick Ed Norton, and Joyce Randolph played Ed's wife, Trixie.

By 1955, Gleason had tired of the hour-long variety-show format and wanted to try something new. He suggested creating two half-hour programs instead. One would be *The Honeymooners*, a sitcom, and the other would be *Stage Show*, a musical-variety show that Gleason would produce. Among *Stage Show's* many musical guests was first-time TV performer Elvis Presley, in January 1956.

In a departure from most TV shows at the time, *The Honeymooners* was filmed in front of a live audience and broadcast at a later date. To allow Gleason more time to pursue other producing projects, he taped two episodes a week, leaving him free for several months at the end of the season.

The two shows did not do as well with audiences as Gleason had hoped, and only 39 episodes of the *The Honeymooners* aired. In 1956, Gleason returned to his hour-long variety format, occasionally including *Honeymooners* skits. In 1966, he began creating hour-long *Honeymooners* episodes, which he aired in lieu of his usual variety format. From 1966 to 1970, about half of Gleason's shows were these hour-long episodes. In 1971, the episodes were rebroadcast as their own series. On May 9, 1971, the final episode aired. Gleason died

in 1987 at the age of 71. Source: history.com.

## **FORMER PBA PRESIDENTS**

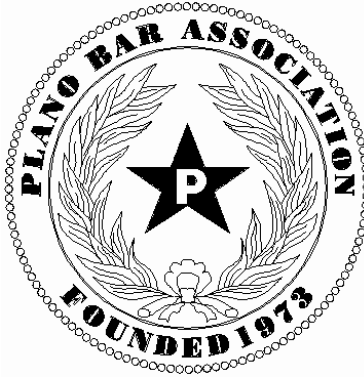
Here is a list of those who have served as president of the PBA.

1973-74	Byron H. Schaff	1991-92	Tom Ford
1974-75	David McCall	1992-93	Richard Armstrong
1975-76	Bill Kramer	1993-94	Nancy B. Amick
1976-77	Robert T. Dry, Jr.	1994-95	John A. Goren
1977-78	Howard Shapiro	1995-96	Deborah Brown Kovac
1978-79	Richard Schell	1996-97	Michael R. Puhl
1979-80	Jim G. Bray	1997-98	Scott Carpenter
1980-81	William Roberts	1998-99	Jean Power
1981-82	John O'Keefe Barry	1999-2000	Sharon Curtis
1982-83	Howard Hamilton	2000-01	Savannah (Dyer) Sorrels
1983-84	Stephen Chapman	2001-02	Ann Shuttee
1984-85	Ray Wheless	2002-03	Gwen Rawls
1985-86	Harry F. Smith	2003-04	Susan Whitson Periquet
1986-87	Alex Modelski	2004-05	Shawn Ismail
1987-88	Charles F. Sandoval	2005-06	Shelly Dukes
1988-89	Nathan E. White, Jr.	2006-07	Keith E. Davis
1989-90	Douglas T. Floyd	2007-08	Melinda Eitzen
1990-91	Luke Laman	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:

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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