



August 2015

Vol. 32, No. 8

THE DICTA

The Docket

August 18 (Tuesday)

DAYL Elder Law Committee Meeting
Noon, Belo Mansion

August 19 (Wednesday)

DAYL CLE – A Candid Discussion on Mental Health
Noon, Belo Mansion

August 21 (Friday)

DAYL Freedom Run Committee Meeting
Noon, Belo Mansion

August 22 (Saturday)

DBA Law Jam
7:00 p.m. Granada Theater

August 25 (Tuesday)

DAYL Aid to the Homeless Committee Meeting
7:15 a.m., Breadwinners

August 25 (Tuesday)

DAYL Assisting Lawyers in Transition Program
7:15 a.m., Breadwinners

August 25 (Tuesday)

DAYL Law Firm Model Program
Noon, Belo Mansion

August 25 (Tuesday)

DAYL What to Expect When You're Expecting...Bar
Results
Part 1 of 4 – Networking
6:30 p.m., SMU Dedman School of Law

August 27 (Thursday)

DAYL Social
6:00 p.m., Le Taco Cantina

August 28 (Friday)

DAYL Freedom Run Committee Meeting
Noon, Belo Mansion

August 31 (Monday)

DAYL Solo / Small Firm Committee Meeting
Noon, Belo Mansion

September 1 (Tuesday)

DAYL What to Expect When You're Expecting...Bar
Results
Part 2 of 4 – The Proof is in the Pudding
6:30 p.m., UNT Dallas College of Law

September 2 (Wednesday)

DAYL Judiciary Committee Meeting
Noon, Belo Mansion

September 10 (Tuesday)

DAYL Freedom Run
6:30 p.m., Dallas City Hall

DAYL ONE TO WATCH

Jared Slade has been selected as the August 2015 DAYL One to Watch! To find out why, visit www.dayl.com.

Come Cantina with Us!

Join DAYL at **Le Taco Cantina** (2808 Oak Lawn Ave., Dallas, Texas 75219) on **Thursday, August 27th** from 6:00 to 8:00 p.m. for the August Social! Our host and sponsor, **Le Taco Cantina**, offers a unique spin on Mexican cuisine staples like tacos and tortas with a one-of-a-kind atmosphere and patio. Le

Taco Cantina is open 7 days a week serving breakfast, lunch, and dinner. Call 469-802-6753 or visit <http://letaco.com/> for more information. Check out Facebook or Instagram to like and follow Le Taco Cantina.

Entry to the August DAYL Social is \$3.00 for DAYL members and \$ 5.00 for non-members. The entry fee will get you two drink tickets and light appetizers.

A Candid Discussion on Mental Health

The Dallas Association of Young Lawyers (“DAYL”) will present a panel presentation on **Wednesday, August 19, 2015** entitled “*A Candid Discussion on Mental Health: Improving Support for Peers & Families.*” The panel will include **Marcus Brown**, Winstead, **Brian Farlow**, Gruber Hurst Elrod Johansen Hail Shank, and **Miranda Rhine** with Texas Lawyers Assistance Program.

Statistics consistently cite lawyers as having one of the highest rates of substance

abuse, suicide, and mental health problems among professional groups. Rather than reiterate statistics, this panel discussion will present a candid view on what we can all do to help a colleague, friend, or family member. The panelists will draw on behavioral studies conducted among other professional groups that, if put into place, could have a transformative impact on our profession.

The one-hour ethics CLE program will be held at the Belo Mansion at noon. RSVP to **Cherie Harris** (cherieh@dayl.com).

It is Time to Register for the 2015 Freedom Run 5K!

September 10th marks the fifteenth annual Freedom Run 5K and Bill Carollo One-Mile Walk, which was first organized by the Dallas Association of Young Lawyers in the weeks after the tragedies of 9/11. The Freedom Run continues to celebrate and honor the first responders who take great risks to serve and protect our community. Proceeds from the Freedom Run benefit the Dallas Assist the Officer Foundation (www.atodallas.org), which provides financial assistance to Dallas’ first responders and their families in the wake of serious injury, life-threatening illness, or death.

Race day registration begins at 5:00 p.m. at Dallas City Hall on September 10th.

Packet pick-up will be held on September 7th - 9th at Luke’s Locker, 3046 Mockingbird Lane.

Please help support this wonderful cause by registering as an individual or as a 5-member corporate team today! **Volunteers are also needed!** More information and registration is available at www.freedomrun.com.

LET FREEDOM RUN.



September 10, 2015

6:30 p.m. | Dallas City Hall

THE DICTA

Charles Gearing, Editor

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Copy Deadline for September Issue:

August 20, 2015

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From the President

Summertime And the Living is Busy!



Jonathan Childers

DAYL is staying strong this summer. Here are some upcoming events:

1. Freedom Run.

DAYL's Freedom Run will occur on **September 10, 2015 at 6:30 p.m.** at Dallas City Hall Plaza. Freedom Run features a 5k run and 1 mile walk. Freedom Run was created by the 2001 DAYL Leadership Class to honor the heroes and victims of the tragic events of September 11, 2001. Proceeds benefit Assist the Officer Foundation. After the run, stick around for a fun outdoor evening of cold beverages and live music.

2. What to Expect When You're Expecting... Bar Results. DAYL's Law Student Assistance and Solo and Small Firm Committees have created a four-part program in August and September designed for those who have taken the July 2015 bar exam and await results. Topics include: (1) "Dallas Networking 101," discussing the benefits of involvement in Dallas-specific professional organizations (**August 25**); "The Proof is in the Pudding," addressing best practices for navigating Dallas Courts (**September 1**); (3) "The Business of Law," dealing with practical strategies not covered in law school including time management and also billing and collecting (**September 15**); and (4) "Being a Happy Lawyer," identifying strategies for avoiding burn-out, maintaining a healthy lifestyle, and enjoying a solid professional reputation (**September 29**).

3. Deal Skills Boot Camp. DAYL will host its second skills boot camp of the year, the **DAYL Deal Skills**

Boot Camp, on Saturday, **September 19, 2015** from 10:00 a.m. to 3:00 p.m. at the UNT Dallas College of Law. The Deal Skills Boot Camp features several presentations particularized to young lawyers who want to hone their transaction and deal skills. Topics include: "Non-Disclosures, Confidentiality Agreements, Letters of Intent, and Term Sheets"; "Assets v. Stock Deal: Considerations in Deal Structure"; "How to Be a Good Associate on a Deal Team"; and "Key Provisions in an Asset Purchase Agreement." It will also feature an experiential learning opportunity through a Due Diligence Interactive Session.

4. Probate Symposium. The DAYL's Elder Law Committee will host its bi-annual **Probate Symposium** on **October 7, 2015**. The Probate Symposium will take place from 9:00 a.m. to 4:30 p.m. at the Belo Mansion.

5. Dinner with the Judiciary. DAYL's Judiciary Committee is hosting its annual **Dinner with the Judiciary** on **October 20, 2015** at The Tower Club. This year's dinner is titled **Privilege Pitfalls**.

Also, be on the lookout for another event geared towards relaxation this fall from DAYL's **Wellness** Committee. DAYL in 2015 strives to incorporate new innovative programming while continuing many of DAYL's flagship events. The result: a variety of interesting programs spanning the breadth of DAYL's membership. The programs discussed above epitomize DAYL's efforts.

Check out these events and join the fun!

Law Firm Confidential: Your Law Firm's Business Model and Your Career

Young attorneys often overlook the impact of their firm's business model on their career and development as an attorney. Don't make that mistake. Join our distinguished panel to draw back the curtain on:

- The different types of law firm business models;
- Why your law firm's business model is relevant to your career path;
- How you can learn more about your firm's (or your potential new firm's)

model; and

- How to make your firm's model work for the kind of practice you want to build.

Tim Newman of Haynes and Boone will moderate a panel featuring **Andrew Jillson, Kelly Noblin, and Jim Chester**. Andy Jillson practiced corporate and bankruptcy law and served on the management team for two major law firms before co-founding law firm business advisory firm Hayse LLC. Kelly Noblin is a legal recruiter at Newhouse + Noblin. Before becoming

a legal recruiter, Kelly practiced law in both large and boutique firms and served as SMU Law School's Assistant Dean of Career Services. Jim Chester is a business and intellectual property attorney and the managing attorney at Chester, Jeter, Siekierski LLP. Jim co-founded VENUE, a "working clubhouse" for partner-level business attorneys and litigators.

The event will be held at the Belo Mansion at noon on **Tuesday, August 25, 2015**. RSVP to **Cherie Harris** (cherieh@dayl.com).

How to Do a Pro Bono Clemency Petition

On **Thursday, August 27th** at noon at the Belo Mansion, the Texas Young Lawyers Association and the DBA Criminal Law Section will present a one-hour CLE on how to do a pro bono clemency petition. Many low-level, non-violent inmates currently serving prison terms ranging from 10 years to life are eligible to have their sentences commuted under the Justice Department's new Clemency Initiative. Come learn more about how to volunteer for pro bono representation of a federal inmate seeking a reduction in sentence under the new sentencing guidelines and policies.

2015 Probate Symposium

The DAYL Elder Law Committee, Dallas County Probate Courts, and the Dallas Volunteer Attorney Program will present a full-day Probate Symposium on **Wednesday, October 7th, 2015**, at the Belo Mansion from 9:00 a.m. to 4:30 p.m. The CLE program will include information from the Dallas County Probate Court Investigator's Office, a Legislative Update, a Judges' Panel with all four Dallas County Probate Court Judges, and much more!

If you practice Probate Law, this is one CLE that you should not miss. Contact **Chris Reed-Brown** (Reed-BrownC@lanwt.org) for more information. A registration form will be available in September.

What to Expect When You're Expecting... Bar Results

DAYL is hosting a series of programs specifically designed for those who have recently taken the bar exam and plan to practice law in the Dallas area. Recently licensed attorneys are also welcome to attend. This series will consist of four great programs, all with practical advice:

- **Dallas Networking 101 - Tuesday, August 25, 6:30 p.m. at SMU Dedman School of Law.** This program will cover the benefits of involvement in Dallas-specific professional organizations, how to create your network system, and how to identify strategic alliances.

- **The Proof is in the Pudding - Tuesday, September 1, 6:30 p.m. at UNT Dallas College of Law.** Join us

to learn best practices in navigating Dallas courts. Identify ways to develop your professional expertise through CLEs, mentorship, and staying abreast of legislative updates in connection with your practice.

- **The Business of Law - Tuesday, September 15, 6:30 p.m. at SMU Dedman School of Law.** Learn important skills you may not have learned in law school including detecting conflicts, calendaring and time management, billing and collection, building relationships within your office, and client engagement and retention.

- **Being a Happy Lawyer - Tuesday, September 29, 6:30 p.m. at UNT Dallas College of Law.** The program

will help attendees learn how to avoid burn out, maintain a healthy lifestyle, stay current on ethical requirements, and maintain a professional reputation. Join us for a happy hour after this program sponsored by the **Family Law Section of the Dallas Bar Association**.

Contact **Cherie Harris** (cherieh@dayl.com) to RSVP or to obtain additional information. Visit the DAYL website (www.dayl.com/what-to-expect) for updates and additional information on parking, confirmed speakers, and more.

This series is structured to provide maximum benefit to those who attend all four programs; however, there is no requirement to attend each part of the series. Each program is expected to last approximately an hour.

Marketing Yourself: Elevator Speeches and Relationship Building

Join DAYL's Assisting Lawyers in Transition Committee for an interactive presentation with independent marketing professional **Paul Maynard**, who will provide an overview of how to market yourself to other professionals in social settings and how to turn brief intro-

ductions into lasting and fruitful professional relationships.

The program will be held on **Tuesday, August 25, 2015** at Breadwinners, 3301 McKinney Avenue, beginning at 7:30 a.m. RSVP or direct questions to **Cherie Harris** (cherieh@dayl.com). There is no charge for DAYL members to attend.

Deal Boot Camp

Following the success of DAYL's Trial Skills Boot Camp in June, DAYL will present a free Boot Camp for transactional attorneys on **Saturday, September 19th** from 10:00 a.m. until 3:00 p.m. at UNT Dallas College of Law.

The **Deal Skills Boot Camp** will feature several presentations particularized to young lawyers who want to hone their transaction and deal skills. Topics include: non-disclosures, confidentiality agreements, letters of intent, considerations in deal structure, being a good associate on a deal team; and key provisions in an asset purchase agreement. This 4 hour CLE will also feature an experiential learning opportunity through a due diligence interactive session.

Direct questions or RSVP to **Cherie Harris** (cherieh@dayl.com).

Upcoming DAYL Volunteer Opportunities

- Freedom Run** – Thursday, September 10th, shifts begin at 2:00 p.m.
- Community Court for the Homeless** – Saturday, September 12th, 7:30 a.m.
- Alzheimer's Walk** – Saturday, September 26, morning shifts vary
- Airborne Angel Cadets (care packages for veterans)** – Saturday, October 3, 9:30 a.m.
- Legalline (free legal advice telephone hotline)** – Wednesday, October 21, 5:15 p.m.
- Ask-A-Lawyer Clinic (free legal advice clinic)** – Saturday, November 7, 10:00 a.m.
- The Birthday Project** – Friday, November 20, 6:00 p.m.

For more information or to volunteer, contact **Cherie Harris** (cherieh@dayl.com).

DAYL was recently recognized by the Texas Young Lawyers Association for outstanding projects by a large city young lawyer organization during 2014. DAYL received **1st Place** in the **Comprehensive Category**, which highlights new and expanded programs, **1st Place** in the Community Service Category for **DAYL's Charity Ball**, **1st Place** in Service to the Bar Category for **DAYL's Business Development Series**, and **1st Place** in the Newsletter Category, for **DAYL's Dicta**. DAYL also received **2nd Place** in the Diversity Category for **The Big Give Back**, which was a joint program between DAYL, DAABA, J.L. Turner, DWLA, and DHBA.

TICKETS ON SALE NOW



DAYL CHARITY BALL

ANOTHER EPIC NIGHT
at
TRINITY GROVES

BENEFITING EPIC AND DALLAS AREA HABITAT FOR HUMANITY

SAT., NOV. 14, 2015 @ 7:00 PM

3015 AT TRINITY GROVES

FOOD | DRINKS | DANCING | SILENT AUCTION
BLACK TIE OPTIONAL

Tickets Available at www.daylcharityball.com
or contact daylcharityball@gmail.com

NEW ORLEANS WITH DAYL

Oct. 22-25, 2015



Email us today for more
information!
tlc_committee@dayl.com

Social Media: Friend or Foe?

by Whitney Keltch

Status Update, Hashtag, Like, Tweet, Retweet, Instagram, Message, Check-In, and Share. These are all social media actions that can truly impact any case. Most clients don't know when they walk into an attorney's office and begin litigation that each piece of information on their social media accounts is discoverable. These pit falls often come into play in personal injury and family law cases.

For example, I had a colleague who tried a personal injury case and the plaintiff had "checked-in" to a paintball field days after his alleged injury and continuously "checked-in" to the gym with "#killingit." Needless to say, that Plaintiff was zeroed out on damages, despite the Defendant being at fault for the accident.

Additionally, I had a child custody case where Father was trying to get more time with his children and had concerns with Mother's alleged drug use. My first exhibit at the hearing was Mother's entire Instagram account, which was full of pictures of marijuana and drug based slogans. The Judge was not pleased and ordered Mother to take an immediate drug test following the hearing.

As attorneys, it is our obligation to warn our clients of these dangers within social media, but also to not engage in any ethical violations. The first thing I tell my family law clients is to either censor their social media accounts moving forward or to make them inactive during the pendency of any case. However, I also warn my clients to not delete any accounts, as that is considered spoliation. If someone intentionally destroys their social media account, such as deleting the entirety of their Facebook with litigation on the horizon, the Court could potentially sanction the Client for this destruction of evidence.

The second thing I do once I have been engaged to represent a client is search the opposing party's social media accounts,

if any exist. Many people do not make their accounts private, and I usually find evidence within the opposing party's Facebook or Instagram that will be helpful at a hearing. Additionally, if and when I send out Requests for Production, I always include this request: "A complete print out of the activity on your facebook page, which can be obtained by logging into facebook, clicking the "down arrow" on the upper right hand side of the page, and selecting activity log. Please make sure that "all" on the upper left hand side of the page is selected prior to printing out the activity log." This request ensures that all messages, posts, status updates, and check-ins are included in the printout.

While social media is intended to be fun and is a great tool for staying connected, make sure you and your clients are cautious when posting things in cyber space. You never know who could ac-

cess your prior posts in the future and how those posts could be used against you.

Whitney Keltch is an associate attorney at the Ashmore Law Firm and practices family law which includes divorce, premarital agreements, modifications, enforcement of prior orders, paternity, child support and child custody cases. She can be reached at wkeltch@ashmorelam.com.

Participate in the DAYL **Freedom Run Corporate Team Challenge**. Enter up to 5 runners/walkers for \$250. Perks include tech t-shirt, entrance into the corporate team area at the event, and packet delivery prior to the Freedom Run.

Corporate Team registration deadline is **August 28th, 2015**.



LAW JAM 5! ROCKIN' FOR PRO BONO

SATURDAY, AUGUST 22, 2015 | GRANADA THEATER

DOORS OPEN AT 6:30 P.M.



FUN, GREAT MUSIC & 4 LAWYER BANDS:

**BIG WHEEL | BLACK DIRT TANGO
RANDOM BLUE | THE CATDADDIES**

\$25 each or \$35 after August 7 | \$10 students (with valid ID)

Proceeds benefit DVAP



DAYL teamed up with DAABA to co-sponsor DAABA's CLE on Human Resources/Employment Law featuring panelists Carolyn Lam (left) of PLH Group Inc., Chris Vaerenyck, of BenefitMall, Aida Wondwessen of PepsiCo, Justin Gobert (right) of HollyFrontier Corporation, and moderator Mey Ly (middle), associate at Littler Mendelson.



DAYL's Solo / Small Firm Committee held a CLE program on hiring and growth. Panelists included James Holmes of Holmes PLLC, Adam Fox of Brown Fox PLLC, and Amy Stewart of Amy Stewart PLLC. The program was moderated by Anthony Ricciardelli with Kizzia Johnson PLLC.



DAYL was well represented at the Bar Leaders Conference at which DAYL received numerous awards from the Texas Young Lawyers Association. Pictured (l to r) are Paul Simon, Justin Gobert, Rebekah Brooker, Stephanie Gause, and Jennifer Larson.



Alex More (right) moderated a panel on the Practical Implications of Obergefell v. Hodges less than a month after the U.S. Supreme Court ruled on the landmark decision that legalized gay marriage across the nation. Other panelists were Mike Birrer (left), Carrington Coleman, The Honorable Dennise Garcia, 303rd Family District Court, and Constitutional Law Professor Brian Owsley, UNT Dallas College of Law.



DAYL's July Lunch and Learn CLE featured Judge Staci Williams (left), 101st Judicial District Court, Judge Bonnie Lee Goldstein (right), 44th Judicial District Court, and Judge Eric Moyé, 14th Judicial District Court.



Thank you to all of the volunteers who helped pack over 300 backpacks at Community Partners of Dallas. The backpacks are for abused and neglected children served by Dallas County Child Protective Services.