



November 2015

Vol. 32, No. 11

THE DICTA

The Docket

November 12 (Thursday)
Young Professionals Fall Fest
6:00 p.m., Bomb Factory

November 14 (Saturday)
DAYL Charity Ball
7:00 p.m., 3015 @ Trinity Groves

November 16 (Monday)
DAYL Wellness Committee Meeting
7:00 p.m., Sip Stir Cafe

November 17 (Tuesday)
DAYL Elder Law Committee Meeting
Noon, Belo Mansion

November 17 (Tuesday)
DAYL Swearing-In Ceremony
4:00 p.m., Belo Mansion

November 19 (Thursday)
DAYL Cans for K-9s and Felines
6:00 p.m., Lakewood Growler

November 20 (Friday)
DAYL Generation Generosity Service Project
6:00 p.m., The Birthday Project

December 2 (Wednesday)
DAYL Foundation Fellows Luncheon
11:30 a.m., Belo Mansion

**DAYL Foundation
Fellows Luncheon**
Wednesday, December 2
11:30 a.m. | Belo Mansion

**David R. McAtee, II, Senior
Executive Vice President and
General Counsel of AT&T Inc**
will be the keynote speaker.

Tickets are \$35 and tables of
ten are \$350.

Contact Cherie Harris
(cherieh@dayl.com) for more
information or register online at
<http://fellowsluncheon.eventbrite.com>.

DAYL ONE TO WATCH

Jay Forester has been selected as the November 2015 DAYL One to Watch! To find out why, visit www.dayl.com.

Fall Fest Young Professionals Happy Hour

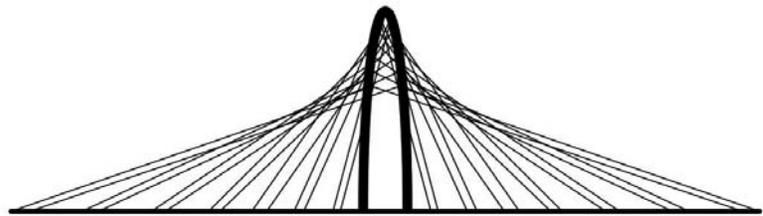
As attorneys, we are provided with many wonderful opportunities nearly every day. With the holidays around the corner, networking opportunities will be numerous. One of those networking opportunities you don't want to miss is Fall Fest, an annual event in Dallas for young professionals from a variety of fields who come together for a great cause: Big Brothers Big Sisters.

DAYL is proud to be part of this year's must-attend event, which will be held at the **Bomb Factory** on **Thursday, November 12**, from 6:00 - 9:00 p.m. Brush up on your networking skills and get ready to enjoy a night of fun for a wonderful cause.

RSVP at www.YPFallFest.com and bring a minimum \$10 donation for Big Brothers Big Sisters.

We hope to see you there.

TICKETS ON SALE NOW



DAYL CHARITY BALL

ANOTHER EPIC NIGHT
at
TRINITY GROVES

BENEFITING EPIC AND DALLAS AREA HABITAT FOR HUMANITY

SATURDAY, NOVEMBER 14, 2015 AT 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

THE DICTA

Charles Gearing, Editor

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Copy Deadline for December Issue:

November 15, 2015

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From the President

What I'm Learning



Jonathan Childers

1. Having a thriving law practice requires working within and eventually leading a team. Teamwork leads to increased productivity and efficiency. By learning to work with and lead others, you break free of the mentality of a 1:1 leverage ratio, whereby your success hinges solely upon your own effort and time invested.

2. Victory loves preparation. Barry Sorrels told me this. Results in the law often correlate with the effort expended preparing. Work *intelligently in addition* to working hard. Spend your time addressing the issues that will drive the Judge's decision or the deal. The issue you ignore because it is too difficult is usually the determinative one. Though preparation does not guaranty success, it is consistent with it.

3. Clients hire lawyers who are responsive, decisive, and proactive. Clients expect lawyers to act rather than being acted upon. They love lawyers who render competent advice with confidence. Strive to practice professional excellence and not absolute perfection, and remember that leverage results from quality work delivered quickly. While there are few things in the law that cannot be corrected or supplemented, delay from indecisiveness or procrastination may harm how a client perceives you even if it is cured in court.

4. "Don't wish it were easier; wish you were better." This is a favorite Jim Rohn quote. Instead of hoping for luck or for fewer problems, strive to improve your skill set and your ability to handle complex problems smoothly. My first boss in the law, the **Honorable Sam A. Lindsay**, told me, "Practicing law is like climbing a set of stairs: you stand on what you learn and keep walking upwards." Rely upon your past experi-

ences and apply them each day to new challenges.

5. Law Practice is relationship driven, so get comfortable being outside the office. To be a top-notch lawyer and business generator, your reach must extend beyond your law firm and into the legal and business community. Join an organization, have lunch with a colleague, or ask your boss if you can prepare and co-present a CLE with him or her. Become a regular at the Belo and the Courthouse.

6. Healthy living is a lifestyle. Practicing law as a sustainable career means taking care of your physical, mental, and spiritual health. Develop boundaries and have the discipline to enforce them. Non-negotiables: eating healthy, exercising even when you're busy; resting and downtime; and interacting with friends and family.

7. Harvest follows planting. On those days where I feel that I have performed substantial work without seeing any benefit, I remain optimistic that the efforts will, in time, bear fruit.

8. Manage your time. Organize and execute around priorities. Reserve blocks of time to accomplish major tasks. Consider using a few hours on the weekend to review e-mails, enter time, and make a to-do list for the week ahead. This way, when Monday morning comes, you are ready to work.

9. Positive attitude and resilience matter. A positive attitude influences performance and results, and it contributes to a better work environment. Law practice requires mental toughness. Not every day is going to end with a victory and a pat on the back. But having a positive attitude generates the strength and renewal needed to be resilient, and resilience provides the perseverance necessary to achieve meaningful success.

DAYL Elects 2016 Board of Directors

DAYL members recently elected the following people to the DAYL Board of Directors in 2016: **Alex Bolton, Andy Jones, Ann R. Chao, Barbara M. Pelaez, Bri Turner (Simpson), Nnamdi M. Anozie, Paige Tackett, Stefanie Bradshaw, Tim Newman, and Whitney N. Keltch.**

Stephanie Gause will serve as Presi-

dent, **Paul Simon** will be President-elect, **Jennifer Larson** will be Vice President, **Charlie Gearing** will be Treasurer, and **Justin Gobert** will be Secretary. **Jonathan Childers** will be Immediate Past President.

In addition, the following people were appointed to serve on the DAYL Board of Directors as a representative from their respective sister bar organization: **Janet**

Landry from DAABA; **Tiffanie Limbrick** from DWLA; and **Koi Lamas** from J.L. Turner Legal Association. A representative from DHBA will be appointed soon.

Kevin Pierce, Jennifer Birdsall, and Kelsey Marsh will serve as a liaison between SMU Dedman School of Law, Texas A&M School of Law, and UNT Dallas College of Law, respectively, until May, 2016.

DAYL Elder Law Committee Hosts Successful Probate and Guardianship Symposium

On October 7, the DAYL Elder Law Committee, DVAP, and the Dallas Probate Courts hosted over 100 attendees for the biennial Probate and Guardianship Symposium.

This year marked the first time the Symposium was combined with the Probate Court Investigator's Office Court Visitor Training to provide a full day of valuable information for attendees. The morning focused on guardianship and was highlighted by a presentation by two wards and their guardians to share their stories

of how the guardianship process has positively impacted their lives.

The afternoon including a legislative update to cover the many new changes to the Estates Code, a hospital attorney's perspective on medical decision making, information about ARC trusts and the Elder Financial Safety Center, and concluded with an informative Judges' panel featuring all three Dallas County Probate Judges. Special thanks to all of our speakers for sharing their time and knowledge and to our sponsor, **Cadence Trust!**

Your ABA Representatives
cordially invite you as we honor
Dallas attorney
LACY L. DURHAM
on her election as

Chair
American Bar Association
Young Lawyers Division
2015 - 2016

Thursday, November 19
5:00 p.m.
Eddie V's
4023 Oak Lawn Avenue
RSVP to RFHunter@hotmail.com

**The DAYL Swearing-In Ceremony will be held on
Tuesday, November 17th beginning at
4:00 p.m. at the Belo Mansion.**

**The Honorable David Godbey (U.S. District Court, Northern District of Texas),
The Honorable David Schenck (Fifth District Court of Appeals), and
The Honorable Mary Murphy (First Administrative Judicial Region)
will swear in the newly-licensed attorneys.**

**Participants MUST bring their letter indicating that they have met all
criteria and are ready to take the oath. The Swearing-In Ceremony is free, and
family and friends are welcome to attend.**

The Federal Bar Association will co-sponsor a reception after the event.

RSVP is required to Cherie Harris (cherieh@dayl.com).

DAYL Dinner Focuses on Privilege Pitfalls

Privilege issues were the topic of the night at this year's Dallas Association of Young Lawyers Dinner with the Judiciary. More than 200 young lawyers and judges were in attendance on October 20th for a cocktail hour followed by a fantastic dinner and conversation at the Tower Club.

Federal Magistrate **Judge David Horan**, SMU Dedman School of Law **Associate Professor William Bridge**, and Carrington, Coleman, Sloman & Blumenthal **Partner Kelli Hinson** kicked off the evening by recapping the privileges and immunities that young lawyers most often encounter. **Tim Newman** of Haynes and Boone moderated the event

and solicited extensive advice from the panelists regarding common pitfalls and how best to manage sticky privilege issues.

Judge Horan provided his views on privilege logs, *in camera* review, and the most common uses of the privilege against self-incrimination. Professor Bridge provided a crash course on recent updates to evidence rules regarding privilege and confidentiality, coupled with helpful handouts. Ms. Hinson shared some of the more common questions her colleagues ask her in her role as the head of Carrington Coleman's professional liability group.

The evening concluded with a lightning round of poll-the-audience questions

regarding privilege – and some pop trivia – with instant results from the audience. It was truly a one-of-a-kind event, and the local judiciary was there in force. **Judges Jennifer Bennett, Danielle Diaz, Carl Ginsberg, Bonnie Goldstein, Martin Hoffman, David Horan, Brenda Hull-Thompson, Margaret Jones-Johnson, Jim Jordan, Ken Molberg, John Peyton, Jr., Staci Williams**, and **Tina Yoo Clinton**, and **Justices Robert Fillmore and Lana Myers** were all in attendance.

The event was organized by the DAYL Judiciary Committee and made possible by our premier sponsors: accounting and finance advisory firm, **Park Hartman**, and investigative firm, **The Mintz Group**.



Past, present, and future DAYL Leaders: (l to r) Sarah Rogers, Tim Newman, Justin Gobert, Stephanie Gause, and Jennifer Ryback



DAYL President Jonathan Childers (l), along with Judge Ken Molberg and Judge Staci Williams.



DAYL's fabulous panel: (l to r) Moderator Tim Newman, Judge David Horan, Kelli Hinson, and Professor William Bridge



Texas A&M Dean Arturo Errisuriz (l) and Texas A&M Career Services Coordinator Katharine Adams (2nd from right), along with many students from Texas A&M School of Law.

Why You Need to Protect Your Client From ICE Worksite Enforcement

by John Ting



S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations reduces the demand for illegal employment and protects employment opportunities for the nation's lawful workforce. In 2009, ICE HSI rolled out a revised worksite enforcement strategy. The strategy prioritizes the use of criminal prosecutions against employers that: utilize unauthorized workers as a business model, mistreat their workers, engage in human smuggling or trafficking, engage in identity and benefit fraud, launder money, and participate in other criminal conduct. What does this mean for your client employer? Top industries in terms of both the amount in back wages collected and the number of employees receiving back wages were restaurants and health care.

Section 274A of the Immigration and Nationality Act (INA) prohibits employers from employing individuals who they know are not authorized to work. More specifically, the INA Section 274A provisions, sometimes referred to as employer sanctions, make it unlawful for an employer to knowingly hire, recruit or refer for a fee, or continue to employ an alien who is not authorized to be so employed. It is also unlawful for an employer to hire an individual for employment without examining documents to verify the new hire's identity and work eligibility, and completing and retaining verification forms, known as I-9 forms. If you are a labor and employment attorney, keep an eye out for your client's Human Resources Department.

Under INA Section 274A, civil money penalties can be imposed for failing to comply with the I-9 employment verification requirements and for knowingly hiring, recruiting or referring for a fee, or continuing to employ an unauthorized alien. A person or entity determined to have violated the I-9 requirements may

be subject to a fine ranging from \$110 to \$1,100 for each individual. A person or entity found to have engaged in hiring, recruiting, referring, or employing violations may be subject to a cease and desist order and to fines, as follows: for a first offense, ranging from \$275 to \$2,200 for each unauthorized worker; for a second offense, ranging from \$2,200 to \$5,500. And if your client is cited for more than two offenses, then ICE will assess fines ranging from \$3,300 to \$11,000. If ICE believes that an employer has committed a civil violation, the agency may issue the employer a Notice of Intent to Fine (NIF). A NIF may result in a Final Order for civil money penalties, a settlement, or a dismissal.

Criminal investigations may result in employers and other individuals being charged with crimes other than unlawful employment, such as document fraud or harboring unauthorized aliens. Under President Obama's Administration, ICE has increased enforcement with total fines assessing \$1 million in 2009 to \$16 million in 2014. It was \$0 in 2006 under President Bush.

While the authority to enforce the INA employer sanctions provisions rests with DHS, INA Section 274A does grant DOL the authority to review I-9 verification forms. Under INA Section 274A(b)(3), employers must make completed I-9 forms available to DOL officers for inspection. DOL has separate authority to enforce federal labor laws, including the Fair Labor Standards Act (FLSA), which

establishes minimum wage, overtime pay, youth employment, and other standards.

In addition, employers should be concerned that some undocumented persons (otherwise known as illegal aliens) may commit criminal activity, including document fraud, Social Security fraud or identify theft to obtain employment. Employers have reason to be concerned. ICE worksite enforcement cases are often lead-driven and are initiated from a variety of sources, from tips by the public or a company's current or former employers to referrals from other investigating agencies. Like other white collar crimes, they can be complex and lengthy, often requiring months or years to fully investigate. Because fines are per violation, they can quickly add up even where relatively few I-9s are involved. Employers in violation of worksite enforcement provisions can also be debarred from federal contracts.

In an era of severe worksite enforcement actions, every employer must have a plan for responding to everything from receiving a Social Security No-Match Letter to handling inquiries from law enforcement officials to defending itself against potential civil penalties and criminal charges.

John Ting practices Immigration and Nationality Law, advising general counsels, business owners, and individuals. Follow him on twitter @JohnTingLaw for recent updates. You also may reach him at John@TingTranLaw.com

Please join DAYL on Saturday, December 12, 2015, from 12:45 p.m. to 4:00 p.m. as we sort gifts at the Salvation Army Warehouse. Volunteers will help sort Angel Tree gifts prior to the distribution of those gifts to families for the holidays.

The holidays are the perfect opportunity to give back and remind ourselves how much we have to be thankful for. Volunteers like us make it possible for the Salvation Army to help more than 50,000 North Texas children and seniors each year in connection with the Angel Tree program. If you are interested in joining us on December 12, please contact Cherie Harris at cherieh@dayl.com.

DALLAS ASSOCIATION OF YOUNG LAWYERS ANIMAL WELFARE COMMITTEE

presents

CANs FOR K-9s & FELINES

*Benefitting the dogs &
cats of the residents at
Senior Source.*



PLEASE JOIN US ON
NOVEMBER 19, 2015
AT LAKEWOOD GROWLER

6448 E. MOCKINGBIRD LN.
DALLAS, TX 75214

FROM 6 P.M. - 8 P.M.



REMEMBER TO BRING SOME THANKSGIVING GOODIES FOR DOGS
AND CATS, SUCH AS FOOD, TREATS, AND TOYS!

Please contact Shaun for more info at shasset@mcguirewoods.com

THANK YOU TO KATY TRAIL VET HOUSE FOR
SPONSORING THIS EVENT!