

Texas ALP 2015 Fall Educational Conference
Wyndham Garden Hotel
3401 South IH-35, Austin, Texas 78741

STATE BAR OF TEXAS
MCLE and State Bar College Accredited
CLE Hours 8.00 and Ethics Hours 1.00

FRIDAY – September 18, 2015

- Apostilles & Authentication of Documents filed with the Secretary of State* 10:30 – 11:30 am
Speaker: Robert Sumners, Director Government Filings
Texas Secretary of State's Office
- Animal Law – What is it and why should I care?* 1:15 – 2:15 pm
Speaker: Kelley Dwyer, The Law Office of Kelley J. Dwyer, PLLC
- Ethics* 2:30 – 3:30 pm
Speaker: Tom Watkins, Husch Blackwell

SATURDAY – September 19, 2015

- Labor & Employment* 9:00 – 10:00 am
Speaker: Joe Miguez, McGuire Woods
- Practicing in the U.S. District Court - Western District of Texas* 10:15 – 11:15 am
Speaker: Philip J. Devlin, Chief Deputy Clerk
- LGBT Issues* 1:45 – 2:45 pm
Speaker: Liz Brenner, Burns Anderson Jury & Brenner, L.L.P.
- Supreme Court of Texas Petition for Review Practice* 3:00 – 4:00 pm
Speaker: Zach Bowman, Cain & Skarnulis PLLC
- The iAttorney: Practicing in the Mobile Age* 4:15 – 5:15 pm
Speaker: Andy Fredericks, Veritext

TEXAS ASSOCIATION OF LEGAL PROFESSIONALS

FALL EDUCATION CONFERENCE

Key Contact Information- Secretary of State Business & Public Filings Division

Authentications Unit

Phone: 512-463-5705

Email: authentications@sos.texas.gov

Corporations Certifying Team

Phone: 512-463-5578

Email: corpcert@sos.texas.gov

Notary Public Unit

Phone: 512-463-5705

Email: notary@sos.texas.gov

Public information and Response Team (General Information – Corporations)

Phone: 512-463-5555

Email: corpinfo@sos.texas.gov

Legal Department (Corporations – cannot give legal advice)

Phone: 512-463-5586

Email: corphelp@sos.texas.gov

Robert Sumners - Director, Government Filings

Phone: 512-463-5562

Email: rsumners@sos.texas.gov

Sara Wagner – Staff Attorney, Business & Public Filings Division

Phone: 512-475-0218

Email: swagner@sos.texas.gov

Hague Conference on Private International Law Homepage: www.hcch.net

Secretary of State Website: <http://www.sos.state.tx.us>

Secretary of State Apostille/Authentication Webpage: <http://www.sos.state.tx.us/authinfo.shtml>

TEXAS SECRETARY OF STATE

CARLOS H. CASCOS

Don't have a photo ID for voting? [Election Identification Certificates](#) are available from [DPS offices](#).

Security Notice: To enhance security our agency has discontinued support for internet security protocol TLS 1.0 and will end support for TLS 1.1 on Sept. 1. Learn more about this [security update](#). You may need to update your browser to use this site. For questions, please consult your internet browser provider.

Authentication of Documents - Frequently Asked Questions

The answers to our Frequently Asked Questions are provided for informational purposes and are not intended to provide legal advice or to substitute for the advice of an attorney. If you have specific legal questions, consult your attorney.

1. [What is an Apostille?](#)
2. [What does an Apostille do?](#)
3. [Who issues Apostilles?](#)
4. [What kind of documents do I need an Apostille for?](#)
5. [How do I get an Apostille?](#)
6. [If I have two documents issued by the same authority, do I need two Apostilles?](#)
7. [What is the guidance about the propriety of authenticating or legalizing certain notarized documents as provided by the U.S. Department of State?](#)
8. [My receipt for mail delivered to the Secretary of State shows TPASS/CPA signed for it, is this correct?](#)
9. [What if my documents need to be translated?](#)
10. [Will you issue a Apostille on a document where the stamp of office is not affixed?](#)
11. [What if my school records need to be authenticated?](#)
12. [Where can I obtain more information about Apostilles?](#)

1. What is an Apostille?

An Apostille is a form of certification set out in the 1961 Hague Convention, to which the United States became a subscriber in 1981. It is a form of numbered fields, which allows the data to be understood by the receiving country regardless of the official language of the issuing country.

2. What does an Apostille do?

The object of the Apostille is to "abolish the requirement of diplomatic or consular legalization for foreign public documents". The completed Apostille certifies the authenticity of the signature, the capacity in which the person signing the document has acted, and identifies the seal/stamp which the document bears.

3. Who issues Apostilles?

Each subscribing nation may designate those authorities which may issue Apostilles for their jurisdiction. The United States has appointed the Secretary of State (or their counterpart) of the various states as said authority. The Secretary of State of Texas has expanded this authorization to include the Deputy Secretary of State and the division directors.

The Secretary of State of Texas may issue an Apostille on documents issued by persons on file with this agency, including county clerks, notaries public, statewide officials. Recently issued birth/death certificates issued by local registrars must have been issued within the past three (3) years in order for the Secretary of State to issue an Apostille.

The competent authority for issuance of Apostilles on documents issued by the federal government are the clerks of the federal courts.

4. What kind of documents do I need an Apostille for?

The Apostille may be obtained to transmit public documents executed in one subscribing country to another subscribing country wherein the documents need to be produced. The Hague Convention defines 'public documents' as:

1. those originating in a court, clerk of a court, public prosecutor or process server,
2. administrative documents,
3. notarial acts,
4. official certificates placed on documents

These types of 'public documents' would include birth/death certificates, marriage licenses, divorce decrees, school transcripts and diplomas/degrees, among others.

5. How do I get an Apostille?

A request for an Apostille may be made in person or through the mail. The document(s) will be handled by the appropriate division within this agency. Requests for corporate documents requiring an Apostille should be directed to the Corporations Section. Requests for Apostille on documents executed before a Texas notary public, documents issued by statewide officials (such as the State Registrar of Vital Statistics, district judges, motor vehicle custodian of records, etc.), and recently issued certified copies by county officials and local registrars should be submitted to the Authentications Unit.

Along with the document(s), please provide us with the name of the country to which the document(s) will be transmitted.

There is a statutory fee of \$15.00 per Apostille being requested unless the Apostille is requested for use in adoption proceedings. If the Apostille is requested for use in proceedings related to an adoption, the fee is \$10.00 per Apostille, and the total fees may not exceed \$100.00 for the adoption of each child. Checks and money orders should be in favor of the 'Secretary of State of Texas'. This office also accepts American Express, Discover, MasterCard, and Visa credit cards (PDF).

A self-addressed, stamped envelope for the return of the document(s) and Apostille must be included with the request. If overnight mail service is required, a pre-addressed, prepaid airbill and envelope must be included.

Walk-In Service

Hours: 8:00 a.m. - 4:30 p.m. Monday - Friday (call for holiday hours)

Processing time is dependent on the number of Walk-In customers and the number of documents being processed.

Mail-In Service

Please allow at least ten (10) business days for processing any request received by mail.

Our office does not offer expedited service for mail-in requests. The use of overnight mail service does not expedite processing time.

Street Address	P.O. Box Address
Corporations Section: (512) 463-5555 Secretary of State Corporations Section 1019 Brazos, B-13 Austin, TX 78701 Walk-In Service: Room 105	Corporations Section: Secretary of State Corporations Section P.O. Box 13697 Austin, TX 78711-3697
Authentications Unit: (512) 463-5705 Secretary of State Authentications Unit 1019 Brazos, B-13 Austin, TX 78701 Walk-In Service: Room 105	Authentications Unit: Secretary of State Authentications Unit P.O. Box 13550 Austin, TX 78711-3550

6. If I have two documents issued by the same authority, do I need two Apostilles?

This is a question that should be directed to the authorities in the country in which the documents will be deposited.

7. What is the guidance about the propriety of authenticating or legalizing certain notarized documents as provided by the U.S. Department of State?

The Apostille does not provide any form of immunity. It is inappropriate to place the Apostille certificate on a document that suggests that the Apostille has such an effect. Moreover, the Apostille should not be placed on any document by state Secretaries of State or Notary Public Administrators if the document is intended for use in the United States or in a country not party to the Hague Legalization Convention. It is only for documents to be used in countries that are party to the Convention. See the Hague Conference on Private International Law web site for a current list of countries where the Convention is in force.

8. My receipt for mail delivered to the Secretary of State shows TPASS/CPA signed for it, is this correct?

Yes, this office has an interagency agreement with the Comptroller of Public Accounts

(Texas Procurement and Support Services) to pick-up and sign for agency mail.

9. What if my documents need to be translated?

If a document needs to be translated then a notary would witness the translator's signature on the translation and the document being translated would be submitted along with the notarized translation for authentication.

10. Will you issue a Apostille on a document where the stamp of office is not affixed?

No, the Apostille that is issued states on it that the document bears the stamp of office so therefore the stamp needs to be on the document itself.

11. What if my school records need to be authenticated?

The school records presented for authentication must be notarized. Follow one of these procedures:

1. Notarization of ORIGINAL school records would require you to have the school official sign an affidavit in the presence of the notary public.
2. For notarization of a PHOTOCOPY of the original school record, the owner of the original document must sign an affidavit on the photocopy, in the presence of the notary public. In either case, the notary must complete the appropriate notarial certificate acknowledging the date the signer appeared before him/her.

12. Where can I obtain more information about Apostilles?

The "Apostille Section" of the Hague Conference website includes the electronic version of the "ABCs of Apostilles" – a brochure that provides basic information about the Apostille Convention and its operation. [Click here to access the Apostille Section and the "ABCs of Apostilles"](#). Brochure prepared by the Permanent Bureau (Secretariat) of the Hague Conference on Private International Law and reproduced with its permission.

TEXAS SECRETARY OF STATE

CARLOS H. CASCOS

Don't have a photo ID for voting? Election Identification Certificates are available from DPS offices.

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Apostilles/Authentication of Documents

1. **Corporations Section:** Certified copies of business organization documents on file with the Secretary of State, including articles of incorporation, certificates of limited partnership, articles of organization, certificates of merger, assumed name certificates, and applications for registration of trademarks. Additionally, certificates of existence or fact issued by the Secretary of State evidencing facts from the records of the office.
2. **Authentications Unit:** The Authentications Unit may issue Apostilles or Certificates for the following types of documents:
 - o Documents that have been notarized by a Texas Notary Public. ***You must submit the complete original document for authentication.*** For information regarding official certificates or apostilles for school records, please see FAQ #19. ***Recordable documents, such as birth certificates, may not be certified by a notary public.*** Request for Official Certificate or Apostille - NOT for use in proceedings relating to the adoption of one or more children - Form 2102.
 - o **Certified copies of recordable documents** issued by a Texas statewide officer. This includes certified copies of birth/death certificates, vehicle title histories, etc.; documents issued by a county official including certified copies of marriage licenses, divorce decrees, probated wills, judgments, birth/death certificates, etc.; documents issued by a city or local registrar including certified copies of birth/death certificates. ***You must submit the complete document for authentication.*** Documents submitted for authentication must be **recently issued certified copies**. Request for Official Certificate or Apostille - NOT for use in proceedings relating to the adoption of one or more children - Form 2102.
3. **Requests Relating to the Adoption of a Child:** Requests for Apostilles or Certificates for use in proceedings related to the adoption of a child must be submitted using Form 2103. Request for Official Certificate or Apostille - Adoption Proceedings - for use in proceedings relating to the adoption of one or more children - Form 2103.

In addition to the above requirements, for all certifications or authentications you will also need to provide the following:

1. The name of the country where the document will be recorded.
2. The statutory fee of Fifteen Dollars (\$15.00) per certificate or apostille unless the certificate or apostille is requested for use in adoption proceedings. * A check or money order drawn on a U.S. Bank and made payable to the Secretary of State of Texas must be submitted with the documents. American Express, Discover, MasterCard, and Visa cards (PDF) are also accepted (subject to a 2.7% convenience fee).
3. A self-addressed, stamped envelope or pre-paid overnight airbill/envelope.

** If the Certificate/Apostille is requested for use in proceedings related to an adoption, the fee is \$10.00 per Certificate/Apostille, and the total fees may not exceed \$100.00 for the adoption of each child.*

The Secretary of State does not translate documents.

Walk-In Service

Hours: 8:00 a.m. - 4:30 p.m. Monday - Friday (call for holiday hours)

Processing time is dependent on the number of Walk-In customers and the number of documents being processed.

Mail-In Service

Please allow at least ten (10) business days for processing any request received by mail.

Our office does not offer expedited service for mail-in requests. The use of overnight mail service does not expedite processing time.

Attention: If you decide to visit our office in person, please verify the agency is not closed due to observance of any federal holidays by reviewing our holiday schedule (PDF).

Street Address	P.O. Box Address
Corporations Section: (512) 463-5555 Secretary of State Corporations Section 1019 Brazos Austin, TX 78701 Walk-In Service: Room 105	Corporations Section: Secretary of State Corporations Section P.O. Box 13697 Austin, TX 78711-3697
Authentications Unit: (512) 463-5705 Secretary of State Authentications Unit 1019 Brazos Austin, TX 78701 Walk-In Service: Room 105	Authentications Unit: Secretary of State Authentications Unit P.O. Box 13550 Austin, TX 78711-3550

Questions not covered by the above information for documents authenticated by the Notary Public Unit and the Statutory Documents Section may be addressed to: authentications@sos.texas.gov

Additional information is available in the [Apostille \(PPS\)](#) or [Apostille \(PDF\)](#) files.

**REQUEST FOR OFFICIAL
CERTIFICATE OR
APOSTILLE**



***NOT FOR USE IN
PROCEEDINGS RELATING
TO THE ADOPTION OF
ONE OR MORE CHILDREN***

Please submit this request form with the documents, the payment and the return envelope.

Contact Information:

Name: _____

Mailing Address: _____

Street _____

City _____

State _____

Zip Code _____

Phone: _____

Email Address: _____

Required:

Destination of Documents – Write name of Embassy or Country: _____

Number of Documents to be authenticated: _____ X \$15.00 = ⁰_____ Total Due

Payment Information:

Check or Money Order payable to Texas Secretary of State

Credit Card/Debit Card-Form 2101 must be included.

Document Return Method:

Self-Addressed Stamped Envelope

Self-Addressed Prepaid US Postal Priority or Express

Self-Addressed Prepaid carrier label. No handwritten airbills accepted. (FedEx, UPS, Lonestar or DHL)

Mailing Address:

Office of the Secretary of State
Authentications Unit
PO Box 13550
Austin, TX 78711-3550

Physical Address:

Office of the Secretary of State
Authentications Unit
1019 Brazos St
Austin, TX 78701

Walk in service is accepted at the physical address Monday – Friday 8:00 am to 4:30 pm.

Payment Form
(Revised 08/15)



Date of Receipt (for office use).

Please type or print clearly
(Expedited Handling Service is only available for Business Entity Filings.)

Expedited Handling Requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	Email address (required for expedited filings)
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(\$25 per document/\$10 for copies/certificates)

PAYMENT

Charge to Credit Card

Card Type: American Express Discover MasterCard Visa

Card No.: Exp: (MM/YY) *Security Code:

Name on Card: Phone:

Credit Card Billing Address:

City: State: Zip Code:

Charge to Secretary of State Client Account No.:
(filings require sufficient funds in client account)

Name on Account:

Charge to LegalEase Account No.: 500679 - - -
(For Information about LegalEase, call 800-253-5749)

Client Reference No.: Case No.:

Fees paid by credit card are subject to a statutorily authorized convenience fee of 2.7% of the total fees incurred.

Signature: Date:

DOCUMENT TO BE FILED OR REQUEST FOR COPIES/CERTIFICATE

(include name on document and SOS file number if applicable)

REQUESTOR CONTACT INFORMATION

Name:

Street:

City: State: Zip Code:

Phone:

* For Mastercard, Visa, and Discover, the Security Code is the last three digits in the signature area on the back of your card.
For American Express, it is the four digits on the front of the card.

Robert Sumners Bio

Robert received both his undergraduate and law degrees from the University of Texas at Austin, and he is a member of the State Bar of Texas. He has worked in private practice and has also worked in government for many years. He has served at the Texas Secretary of State's Office as Director of Corporations, and is currently the Director of Government Filings for that office, in which capacity he supervises the team responsible for producing apostilles and the team which commissions Notaries Public.

Sara Wagner Bio

Sara is a staff attorney with the Business & Public Filings Division of the Office of the Texas Secretary of State. In this capacity, she works closely with the Corporations Section, which is responsible for the receipt, filing and permanent maintenance and retention of documents that create or affect business organizations.

Sara graduated cum laude from Miami University in 2007. She received her law degree from Thomas M. Cooley Law School in 2010. During law school, Sara served as President of the Sixty Plus Elder Law Clinic. Before joining the Office of the Secretary of State in 2013, Sara was in private practice where she handled mostly family law cases.

TEXAS ALP FALL CONFERENCE

AUSTIN TEXAS

2015

THOMAS H WATKINS

HUSCH BLACKWELL

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conflicts

Fee problems

Supervision issues

Future of the profession

HUSCH BLACKWELL

2

ENTITIES

CORPORATIONS

LIMITED LIABILITY CORPORATIONS

LIMITED LIABILITY PARTERSHIP

LIMITED PARTNERSHIP

PARTNERSHIP

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3

CHARTS

The image displays six organizational charts for major tech companies: Amazon, Google, Facebook, Microsoft, Apple, and Oracle. Each chart shows a hierarchical structure with various levels of management and employees. The Amazon chart shows a top-down structure with a CEO at the top and many direct reports. Google's chart is more complex with multiple reporting lines. Facebook shows a network-like structure. Microsoft has a clear hierarchy. Apple's chart is circular, radiating from a central point. Oracle's chart shows a traditional corporate hierarchy.

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4

PIERCE THE CORPORATE VEIL

BOARD MEETINGS

MINUTES

NO PROPER SEPARATIONS OF FUNDS

OVERLAPPING BOARDS AND OFFICERS

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5

**Texas rule
General conflicts 1.06**

(1) involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer's firm; or

(2) reasonably appears to be or become adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests.

Not the ABA rule

Not the rule in other states

Not the rule in federal court

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6

TWO RED FLAGS

TWO PEOPLE COME IN ON THE FIRST INTERVIEW

FEE IS PAID BY SOMEONE OTHER THAN CLIENT

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7

Collection dangers

Violation of Fair Debt collection Act.

Time of day abuse

counterclaim

malpractice

Breach of fiduciary duty

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8

Supervision issues

DRPC 5.03 Responsibilities Regarding Nonlawyer Assistants

a) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer;

(1) the lawyer orders, encourages, or permits the conduct involved; or

(ii) with knowledge of such misconduct by the nonlawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person's misconduct.

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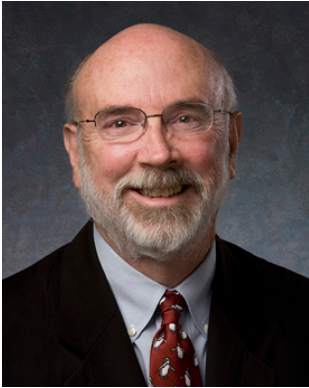
Future of the profession

Attorneys

Paralegals

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10



THOMAS H. WATKINS

Partner

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Austin, TX

Direct: 512.703.5752

Fax: 512.479.1101

INDUSTRY FOCUS

Technology, Manufacturing & Transportation

PRACTICE AREAS

Manufacturing
Technology
Business Litigation
Class Action
IP Litigation

ADMISSIONS

Texas, 1964
U.S. District Court, Eastern District of Texas, 2008
U.S. District Court, Northern District of Texas, 2006
U.S. District Court, Southern District of Texas, 1971
U.S. District Court, Western District of Texas, 1965
U.S. Court of Appeals, Fifth Circuit, 1986
U.S. Court of Appeals, Federal Circuit, 1998
U.S. Supreme Court, 1996
U.S. Tax Court, 1973

EDUCATION

LL.B., University of Texas at Austin School of Law, 1964

Tom has practiced full-time litigation for more than 40 years. A member of the firm's Technology, Manufacturing & Transportation team, Tom focuses on high-profile, bet-the-company litigation in healthcare, patent, oil and gas, environmental and general commercial litigation. His experience on behalf of industry clients includes:

- Defended a Canadian company in a patent infringement lawsuit filed by a Fortune 100 company seeking more than \$5 million in damages for control of the telecommunications splicing market. Case was resolved favorably for client.
- Represented owner of next-generation technology company relating to the clarity of flat-panel televisions in a lawsuit against a Japanese multinational corporation concerning compliance with a license agreement.

Tom defends numerous legal malpractice cases and serves as an expert witness with regard to the Texas disciplinary rules of professional conduct in numerous cases.

A frequent speaker on industry issues and ethics, Tom has lectured for the State Bar of Texas, the American Bar Association, the University of Texas Law CLE, the National Business Institute, Travis County Bar Association, Practising Law Institute, University of Houston Law Center, Water Law Institute, Williamson County Bar, Austin Bar, Corpus Christi Bar and the New Mexico Bar.

Before joining the firm, he was a partner at Brown McCarroll.

Representative Experience

- Defended a California-based startup company against patent infringement and misappropriation of trade secret claims relating to semiconductor technology used in cell phones. Achieved favorable results for client.
- Defended a Canadian company in a patent infringement lawsuit filed by a Fortune 100 company that sought over \$5 million in damages/injunction giving it control of the telecommunications splicing market. Case was tried to a federal court jury, with favorable verdict invalidating two of plaintiff's patents due to obviousness and anticipation. Also, jury invalidated several claims of another patent for indefiniteness.
- Defended the Texas State Board of Insurance in a \$22 million attorneys' fee claim for wrongful prosecution of individuals in an insurance company takedown resulting in take-nothing judgment against the board.

B.A., University of Oklahoma, 1962

- Represented owner of next-generation technology relating to the clarity of flat-panel televisions in a lawsuit against a Japanese multinational corporation concerning compliance with a license agreement between the two. The case was filed in federal court in Austin, Texas.
- Defended a German company in a patent infringement lawsuit filed against it by a university and dominant company in the field of rapid prototyping systems using laser technology.
- Represented a municipality in defending an environmental ordinance against a high profile, media-driven constitutional attack by local developers. Statute ultimately upheld by the Texas Supreme Court.
- Defended legal malpractice/breach of fiduciary duty case in a \$30 million claim and forfeiture of a seven-figure contingent attorneys' fee. Settled the case with a payment of funds to client for his portion of fee for underlying litigation.
- Represented 1,600 class members in a lawsuit against a developer and lender; obtained settlement approved by the district court, the bankruptcy court reorganization and a class action settlement approval.
- Defended client's \$10 million ownership interest involving adverse claim to stock ownership in a closely-held corporation among in-fighting shareholders. Won summary judgment that was upheld on appeal.

Awards and Recognitions

- *Best Lawyers in America*, Bet-the-Company Litigation, Commercial Litigation, Litigation-Environmental, Litigation-Patent, 1989-2016
- Martindale-Hubbell AV Preeminent
- State Bar of Texas, Presidential Citation for leadership in improving bar's grievance system, 1999; Gene Cavin Award for Excellence in Continuing Legal Education, 2003
- State Bar of Texas Foundation, Lola Wright Foundation Award, 1995
- Texas Center for Legal Ethics, Professionalism Award, 2003
- Texas Super Lawyers, Business Litigation, 2003-2007, 2009-2014; Top 50, Central/West Texas, 2003-2007, 2009-2014
- Travis County Bar Association, Distinguished Lawyer Award, 2000

Professional Associations and Memberships

- American Bar Association
- American Board of Trial Advocates
- American College of Trial Lawyers, fellow
- Association of Trial Lawyers of America
- Austin Junior Bar Association, president, 1972
- College of the State Bar of Texas
- State Bar of Texas, Board of Disciplinary Appeals, chair, 1992-1994; District 9 Grievance Committee, chair, 1986-1989; Board of Directors, 1981-1983; CLE Committee, chair, 1992-1995
- Supreme Court Task Force on Texas Disciplinary Rules of Professional Conduct, chair
- Texas Trial Lawyers Association


- Texas Commission for Lawyer Discipline, 1995-1999
- Travis County Bar Association, president, 1979

Civic Involvement

- First United Methodist Church of Austin, Endowment Board, chair, 2008-present
- March of Dimes, State Advocacy and Government, chair, 2003-present
- National Association of Mental Health, director, 1973; vice president, 1972-1974; president, 1976
- Texas Association of Mental Health, director, 1968; treasurer, 1969; president, 1970
- Travis County Mental Health Association, director, 1968; vice president, 1969

Publications and Presentations


- Author, "Ethics: Issues for Eminent Domain Professionals," CLE International, June 2013
- Author, "Avoiding Malpractice at the Speed of Light: Are Your Email Communications Protected and Secure?" *Texas Bar Journal*, 2005
- Author, "Balancing the New Texas Ethics Rules with Federal Ethics Requirements," Business Bankruptcy course, May 2005
- Author, "A Rose Is a Rose Is a Rose – Or Is It?" Fiduciary and DTPA Claims Against Attorneys, *St. Mary's Law Journal*, Volume 35, Number 4, 2004
- Speaker, "Who is the Client?" University of Texas at Austin School of Law, May 2013
- Speaker, "Ethics Roundtable: Navigating the Challenges," University of Texas at Austin School of Law, April 2013
- Speaker, "How to Practice Law Without Selling Your Soul," Texas State Bar College summer school, 2013
- Speaker, "Representing Multiple Parties; The Changing Face of Water Rights," seminar, February 2013
- Speaker, "Ethics Jeopardy," Hidalgo County Bar Association, October 2011
- Speaker, "Knowing Who's Your Client and Nurturing That Relationship," State Bar of Texas, July 2011
- Speaker, "Fee Agreements: Sandbags Against the Tide," The University of Texas at Austin School of Law, June 2009
- Speaker, "Malpractice Issues in the Technology Sector," The University of Texas at Austin, 2004



**Workplace 101 – The Basics of
Texas Employment Law**

Joe Miguez
McGuireWoods LLP


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What we'll discuss:

- At-will vs. employment for term
- Discrimination and other civil rights claims
- Wage and hour
- Employee time off
- Non-competes
- Hot button issues

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Employment At Will – The Basis of Workplace Law

- What does “at-will” mean?
- Pink shirt example
- Exceptions in Texas – not many...
- Public employees (“whistleblower”)
- *Sabine Pilot* claims

WOLBYWOOD II
CONFIDENTIAL

Civil Rights Claims – Protected Categories

- Race
- Color
- Gender
- Age
- Religion
- Disability
- National origin
- Genetic information

- Sexual orientation? (21 states plus D.C.)
- Gender identity? (18 states plus D.C.)

WOLBYWOOD II
CONFIDENTIAL

Other civil rights law claims

- Disparate impact – vs. disparate treatment
- Failure to accommodate
 - What is “reasonable”?
- Retaliation
- Harassment (sexual or otherwise)
 - Two types (quid pro quo vs. HWE)
 - Objective/subjective; severe/pervasive

WOLBYWOOD II
CONFIDENTIAL

Wage and Hour

- Origins of minimum wage law - FLSA
- Exemptions – what/why?
- Big issues we face
 - Misclassification
 - Off-the-clock
 - Independent contractor vs. employee

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Employee Leave Laws/Time Off

- FMLA – Family and Medical Leave Act
 - How much? Types of leave? Entitlements?
- Military leave for servicemembers (USERRA)
 - “Escalator” principle – like FMLA on steroids
- Military caregivers/family members leave (FMLA)
- Reasonable accommodation (religious observance/disability)
- Texas law time off (jury duty, voting)
- Other states

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Non-Competes

- Why use them?
- Consideration
- Elements – reasonable as to:
 - Time
 - Geography
 - Scope of activity prohibited

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Hot Button Issues

- Social media – the new frontier of union/labor law?
- Interns – The Devil Pays Nada
- Sexual orientation as gender stereotype
- Protecting pregnancy
- Religious freedom/accommodation (e.g. – mark of the beast?)

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Questions or Comments?

www.mcguirewoods.com

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CONFIDENTIAL

SPEAKER BIO

Joe Miguez is an attorney with the Austin office of McGuireWoods. Prior to joining the firm, he worked as Senior Counsel for Employment Law at Dell. Joe is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, and for the past thirteen years has focused his practice almost exclusively on employment law matters. Joe's substantial experience includes not only defending and trying lawsuits, but also working with companies both large and small, non-profits, and individuals to help them better understand their legal rights and duties, as well as assisting businesses of all sizes and types in drafting policies, resolving workplace issues, and effectively training their leaders.

Joe graduated *cum laude* from the University of Georgia School of Law, and is also a proud alumnus of Leadership Austin's Essential Class of 2014. A resident of Austin, he is a member of the City of Austin Human Rights Commission, and also works with several local non-profits, including serving as a member of the Board of Directors of Austin-based American YouthWorks. Before becoming an attorney, Joe served for seven years in the United States Army, where he worked as an intelligence analyst and Arabic language instructor assigned to National Security Agency.

BRIEF OVERVIEW OF TOPIC

The law of the American workplace has undergone major changes in the past decade. Employment lawsuits alleging unlawful discrimination, denial of protected leave, and failure to pay wages continue to make up a large percentage of the cases in both federal and state dockets. Meanwhile, amid an overall decline in the power of unions, labor leaders and advocates continue to seek new avenues to educate workers and increase membership. Many employers lack the knowledge they need to understand and follow the myriad laws that apply to them.

This presentation will not only provide an overview of the various laws and regulations that govern employers and employees, but will also cover current trends in labor and employment law, differences between state, local, and federal law, thoughts and observations regarding best practices for employers, and even a brief history of how American workplace law has developed over the past century-plus.

**A HISTORY
OF THE
WESTERN DISTRICT
OF TEXAS**

Lucius D. Bunton, III

[Revised: November 1, 2004]

The judges of the Western District of Texas wish to thank the family of our former colleague and friend, The Honorable Lucius D. Bunton, III, for authorizing an update to "A History of the Western District of Texas," written by the late Judge Bunton.

The amendments allow for our new judges to be recognized and our departing judges to be honored. Great care and considerations were taken to allow the spirit of Judge Bunton's book to remain the same.

**Walter S. Smith, Jr.
Chief Judge**

IN BRIEF

The Western District of Texas is indeed the most unique district in the state of Texas, and perhaps even in the United States. It is the largest district in the United States court system where a state has more than one district. For example, Alaska has only one district that comprises the entire state. The Western District encompasses over 92,000 square miles, which is 4,000 miles larger than the state of Utah. It is rich in history, and it has a fast-growing population.

The District is so large that it is in two time zones. Most of the Western District is in the central time zone, but the two western-most counties, Hudspeth and El Paso, are in the mountain time zone.

The Western District has three of the largest cities in Texas. These are greater San Antonio, with a population of over two million people, and Austin and El Paso, with populations between a half a million to a million people.

Since the District encompasses West Texas, it was the last part of Texas to be populated. Indian raids were not uncommon in the Western District even after federal courts had been established.

The Western District has the Blue Bell Ice Cream factory in Brenham; the city where Dr. Pepper originated, which is Waco; the State Capitol of Texas, which is in Austin; the largest border town in the United States, which is El Paso. Austin and its surrounding area is known as the Little Silicon Valley. One of the nation's largest computer manufacturers is located in Travis County. The District is proud to have the Alamo, which is in San Antonio.

The District also has the three largest military installations in Texas, which are Fort Hood, Fort Sam Houston, and Fort Bliss. It has two national parks, which are Big Bend National Park and Guadalupe National Park.

The geography is varied. The Western District has rolling hills near Waco, the Hill Country just west of Austin, ranches that surround San Antonio, the Permian Basin oil fields, the mountains of West Texas, a bit of the Southern Plains, and the rugged beauty found in the 801,163 acres of Big Bend National Park that surpasses anything else in Texas. Elevations range from 190 feet above sea level in Leon County to the top of Guadalupe Peak in Culberson County, which is 8,749 feet above sea level and the highest point in Texas. A huge part of the boundary between Mexico and the United States is the Rio Grande River, which runs from El Paso, past Eagle Pass, and then on down to the Gulf of Mexico.

The District has less rainfall than the other districts in Texas but produces its share of agricultural products and far surpasses the other districts in the production of oil and gas. Normal rainfall varies from less than 9 inches in El Paso County to more than 40 inches for the counties on the eastern side of the Western District.

The Western District is a district of contrasts. It has rivers, lakes and aquifers. It has desert, cactus, and fields of bluebonnets. It has manufacturing, farms, ranches, learning institutions and the greatest people anywhere.

The geographical location of the Western District of Texas results in a very heavy criminal docket. The El Paso, Pecos and Del Rio Divisions all border the Rio Grande River, and Mexico is the principal source of supply for marijuana and cocaine.

The Western District has more criminal cases filed than seven of the Circuits. There were 4,193 criminal cases commenced from October 1, 2002 to September 30, 2003. This is more than any other district in the United States except for the Southern District of Texas, which exceeded the Western District

of Texas by approximately 600 cases that year. Per active judge, this results in a docket of over 323 cases per an annum for the 13 judges in this Court. Some of these criminal cases have been high-profile cases, such as the Branch Davidian case in Waco. The trial of Charles Harrelson, who assassinated Judge John H. Wood, Jr., garnered a great deal of publicity, as did several of the Mexican Mafia trials. Also, the “Quad Mother” murder trial of Allen Blackthorne in San Antonio received nationwide attention. The Jencks case was tried in El Paso, which resulted the Jencks Act. The first criminal trial involving the hijacking of an airplane also occurred in El Paso.

The Speedy Trial Act ensures that all defendants indicted by a federal grand jury receive a speedy trial, and a median time interval from indictment to disposition is only 5 months in the Western District. This is made possible, not only through hard-working judges, but, with the very capable assistance of thirteen full-time magistrate judges.

This is not to say that the civil docket is not important. All judges have a heavy civil docket and statistics reflect that in the Fiscal Year ending September 30, 2003, there were 3,334 civil cases filed, and 3285 civil cases terminated. Many of the civil cases are routine tax, discrimination, civil rights, and Social Security appeals. Some of the cases, however, are high-profile cases that have generated much publicity, not only in Texas, but, throughout the nation.

All in all, the dockets reflect an extremely heavy caseload for our judges. In fact, the active judges in the Western District consistently fall within the top ten federal courts in the country in the number of weighted filings per judge.

WHERE AND WHEN

WESTERN DISTRICT DIVISIONS

Court is currently authorized in seven divisions in the Western District. This has not always been the case.

PRE-WESTERN DISTRICT

When Texas came into the United States in 1845, federal court was authorized in only one city in Texas. That city was Galveston. The first presiding federal judge was John C. Watrous.

Six years later, in 1851, Congress authorized federal court to be held in four cities in Texas. They were Galveston, Brownsville, Austin and Tyler.

AUSTIN DIVISION

In 1857, Congress established the Western and Eastern Districts of Texas. Austin was one of the two judicial seats for the Western District of Texas. The other was Tyler. The Eastern District held court in Galveston and Brownsville.

The first term of court in Austin was held on June 1, 1857, and Judge Thomas H. DuVal presided.

SAN ANTONIO DIVISION

Congress was busy in 1879. It attached Brownsville to the Western District and created the San Antonio Division. The first court was held in San Antonio on May 5, 1879, and again Judge DuVal presided. This city is now our headquarters.

EL PASO DIVISION

In 1884, Congress established the El Paso Division. The first court was held there on April 6, 1885, and Judge Ezekiel Turner presided.

WACO DIVISION

In 1900, at the beginning of the Twentieth Century, the Western District consisted of Austin, San Antonio, and El Paso, along with Brownsville. In 1902, Congress placed the Brownsville Division in the Southern District. In 1902 also, the Waco Division was transferred from the Northern District of Texas to the Western District of Texas, and the presiding judge on September 22, 1902 was Judge Thomas S. Maxey.

DEL RIO DIVISION

The Del Rio Division was created in 1906. The first court held there was on September 6, and again the presiding judge was Thomas S. Maxey.

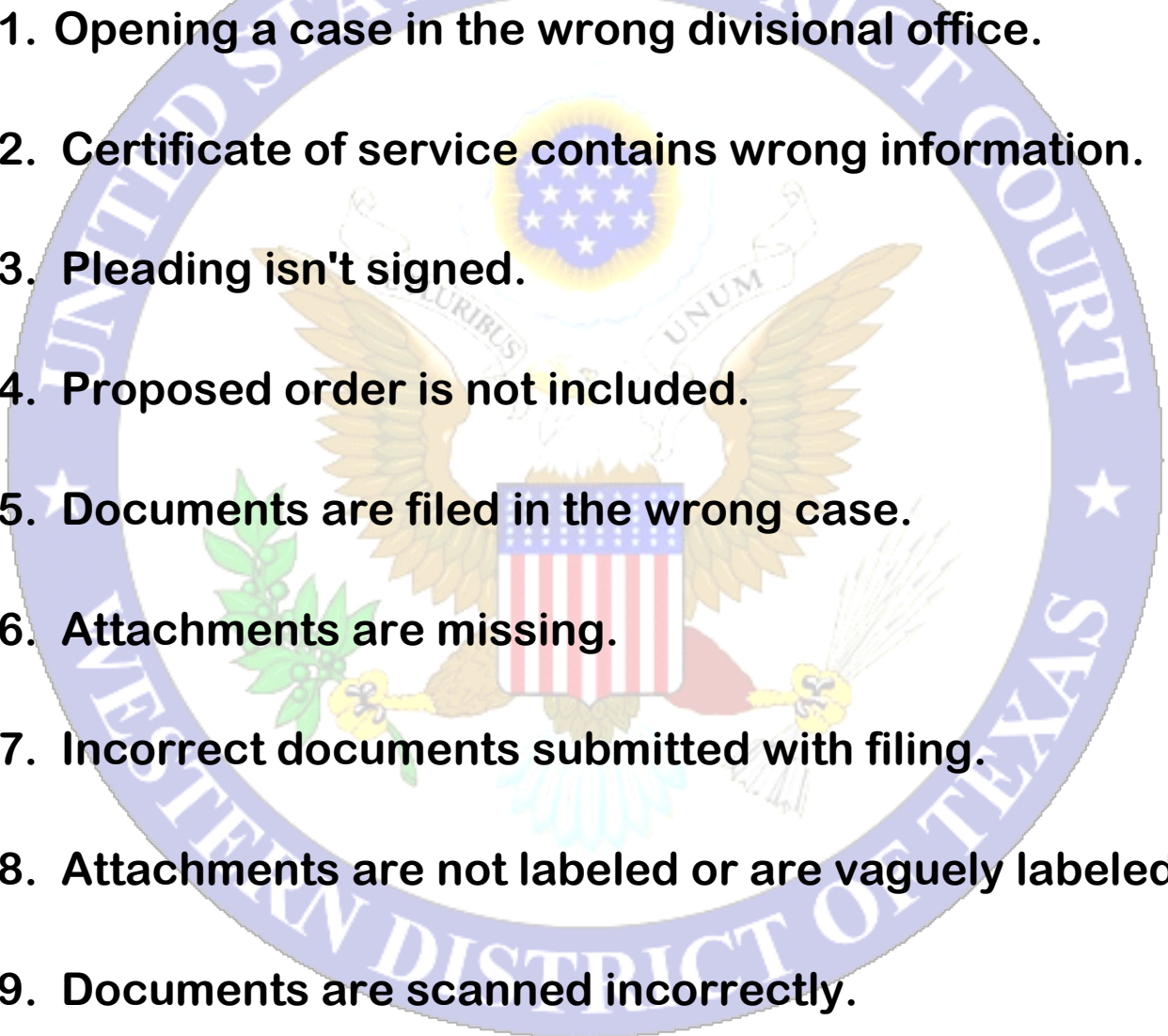
PECOS DIVISION

In 1913, Congress established the Pecos Division. The first court in the Pecos Division was held March 23, 1914, and the presiding judge was Judge Edward Meek, from the Northern District of Texas.

MIDLAND/ODESSA DIVISION

There were no new divisions created in the Western District until 1967, when the Midland/Odessa Division was created. The first court was held in Midland on March 4, 1968, and Judge Ernest Guinn was the presiding judge. The reason it is called the Midland/Odessa Division is that the act creating this division specifically provided that court could be held in either Midland or Odessa, but if held in Odessa, it would be at no cost to the government.

**United States District Court
Western District of Texas
Top Ten Filing Errors**

- 
- The seal of the United States District Court, Western District of Texas, is a large, light blue circular emblem. It features an eagle with wings spread, perched on a shield with a red and white striped field and a blue chief with white stars. The eagle holds an olive branch in its right talon and a bundle of arrows in its left. The shield is surrounded by a laurel wreath. The words "UNITED STATES DISTRICT COURT" are written in a circular path around the top, and "WESTERN DISTRICT OF TEXAS" around the bottom. Two stars are positioned on the left and right sides of the circle. The seal is semi-transparent, allowing the text of the list to be seen through it.
1. Opening a case in the wrong divisional office.
 2. Certificate of service contains wrong information.
 3. Pleading isn't signed.
 4. Proposed order is not included.
 5. Documents are filed in the wrong case.
 6. Attachments are missing.
 7. Incorrect documents submitted with filing.
 8. Attachments are not labeled or are vaguely labeled.
 9. Documents are scanned incorrectly.
 10. Selecting the appropriate defendant in multi-defendant cases.

PHILIP DEVLIN

I received my bachelor's degree in Business Management from the University of Northern Colorado, and my master's degree in Legal Administration from the University of Denver, Sturm College of Law. I began my career as a Financial Administrator, then Firm Administrator for boutique law firms in the Denver area. I joined the Courts in 2012 as the Division Manager of the Lubbock Division in the Northern District of Texas. I was hired as Chief Deputy Clerk for the Western District of Texas in November 2014. My wife, three small children and I reside in San Antonio and are active with school and sports activities. In my downtime, I like to think about what it would be like if I had any downtime.

BRIEF OUTLINE OF PRESENTATION

- Personal Introduction, my history in the court and law firm administration
- History of the Western District of Texas
- Brief tutorial of CM/ECF system
- Special Projects in our court and around the country
- The Future of the Federal Courts

Leadership: What it is, What it is not, and What role do you play

William "Bill" E. Hopkins, Partner

HUSCH BLACKWELL

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Leadership Defined

- Generally, "the action of leading a group of people or an organization."
- The reality is that if you ask 50 people to define leadership, you could easily get 50 different definitions.
- Some definitions focus on the person, some on the purpose and some focus on the group.
- All start in the same direction, and end in successful outcomes, but the "middle steps" can be drastically different, depending on the perspective of the person making the definition and their experiences.

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Leadership Defined (cont'd.)

- The fact is that it really does not matter which definition or definitions you embrace, as long as you understand the concepts and how they apply to you and your specific situation.
- The most important aspect of true leadership is being genuine to who you are, true leadership cannot be faked or pretended.

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30 Ways to Define Leadership

- Article written by: Brittney Helmrich
Business News Daily Staff Writer
June 19, 2015 10:14 am EST
- See more at:
<http://www.businessnewsdaily.com/3647-leadership-definition.html#sthash.chj4YtkM.dpuf>

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30 Ways to Define Leadership

- "Leadership is having a vision, sharing that vision and inspiring others to support your vision while creating their own." – *Mindy Gibbins-Klein, founder, REAL Thought Leaders*
- "Leadership is the ability to guide others without force into a direction or decision that leaves them still feeling empowered and accomplished." – *Lisa Cash Hanson, CEO, Snuggwugg*
- "Effective leadership is providing the vision and motivation to a team so they work together toward the same goal, and then understanding the talents and temperaments of each individual and effectively motivating each person to contribute individually their best toward achieving the group goal." – *Stan Kimer, president, Total Engagement Consulting by Kimer*

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30 Ways to Define Leadership

- "Leadership is the art of serving others by equipping them with training, tools and people as well as your time, energy and emotional intelligence so that they can realize their full potential, both personally and professionally." – *Daphne Mallory, family business expert, The Daphne Mallory Company*
- "Leadership is being bold enough to have vision and humble enough to recognize achieving it will take the efforts of many people — people who are most fulfilled when they share their gifts and talents, rather than just work. Leaders create that culture, serve that greater good and let others soar." – *Kathy Heasley, founder and president, Heasley & Partners*
- "My perspective of a leader is an individual who knows the ins and outs about the business so they can empathize with followers. In addition to being a positive influence on the people they are leading, leadership is about setting the tone, motivating, inspiring, thinking big, and never [giving] up when others feel like quitting." – *Alexis Davis, founder and designer, Hoo-Kong by Alexis Davis*

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30 Ways to Define Leadership

- "A true leader is secure in creating a framework that encourages others to tap into their own skills and ideas and freely contribute to the whole of the project or company." – *Judy Crockett, owner, [Interactive Marketing & Communication](#).*
- "In my experience, leadership is about three things: To listen, to inspire and to empower. Over the years, I've tried to learn to do a much better job listening actively, making sure I really understand the other person's point of view, learning from them, and using that basis of trust and collaboration to inspire and empower. [It's about] setting the bar high, and then giving them the time and resources to do great work." – *Larry Garfield, president, [Garfield Group](#).*
- "I define leadership as knowing when to be in front to lead and guide a team during the journey, and when to step back and let others take the lead. Much like an athlete who knows exactly what position to move to on the field at any given time, a true business leader understands the delicate balance of how to help others become leaders, fuel career ambitions, then give them the chance to shine." – *Dan Schoenbaum, CEO, [Redbooth](#).*

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30 Ways to Define Leadership

- "Too many people view management as leadership. It's not. Leadership comes from influence, and influence can come from anyone at any level and in any role. Being open and authentic, helping to lift others up and working toward a common mission build influence. True leadership comes when those around you are influenced by your life in a positive way." – *Kurt Uhler, CEO and co-founder, [Sideqik](#).*
- "Leadership is when someone is willing to stand up front to be either the target or the hero to take responsibility for the success or failure of a given goal. Not everyone has the guts to be a leader and the [take] personal risks that they may encounter." – *Darlene Tenes, founder and designer, [CasaQ \[5 Leadership Weaknesses and How to Fix Them\]](#)*
- "Leadership is stepping out of your comfort zone and taking risk to create reward." – *Katie Easley, founder, [Kate Ryan Design](#).*

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30 Ways to Define Leadership

- "A leader is someone who has the clarity to know the right things to do, the confidence to know when she's wrong and the courage to do the right things even when they're hard." – *Darcy Eikenberg, founder, [RedCapeRevolution.com](#).*
- "Leadership is the behavior that brings the future to the present, by envisioning the possible and persuading others to help you make it a reality." – *Matt Barney, founder and CEO, [LeaderAmp](#).*
- "Leadership is caring more about the cause and the people in your company than about your own personal pain and success. It is about having a greater vision of where your company is trying to go while leaving the path open for others to grow into leaders." – *Jarie Bolander, COO and co-founder, [Lab Sensor Solutions](#).*

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30 Ways to Define Leadership

- "A leader is a person who takes you where you will not go alone." – Susan Ascher, CEO, founder and president, SusanAscher.com
- "Leadership means using one's influence to help guide others in successfully achieving a goal without desire for recognition, without worry of what others think and with awareness of issues, internal or external, that might change the results sought." – Marie Hansen, dean of the college of business, Husson University
- "Leadership is not about finding ways to lead better or to motivate your team. It's about being there from the beginning as equals and becoming a mentor when they need you to be one." –Michael Womack, COO and co-founder, hovelstay.com

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30 Ways to Define Leadership

- "Leadership styles differ, but at the core, good leaders make the people they are leading accomplish more than they otherwise would. The most effective leaders do this not through fear, intimidation or title, but rather by building consensus around a common goal." – Tom Madine, CEO and president, Worldwide Express
- "A leader is a mix of a visionary and a left brainer — an inspiration to others who uplifts one to walk beside him, not behind him. A leader lets go of his/her ego and taps into his soul, consistently stretching himself, challenging himself, growing within." – Brigitta Hoeflerle, founder and owner, Montessori Kinder International School
- "Leadership is inspiring others to pursue your vision within the parameters you set, to the extent that it becomes a shared effort, a shared vision and a shared success." – Steve Zeitchik, CEO of Focal Point Strategies

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30 Ways to Define Leadership

- "Leadership in the business world requires harnessing the energy and efforts of a group of individuals so that their outlook is advanced from an unremarkable Point A to a very desirable Point B — from bad to good, slow to fast, red to black. During that process, leadership manifests in projecting your expertise in a way that gains the confidence of others. Ultimately, leadership becomes about trust — when that confidence inspires them to align their vision and level of commitment for the betterment of the company." – Phil Blair, president, Manpower Staffing Services
- "For me, leadership is an act — a decision to take a stand, or step, in order to encourage, inspire or motivate others to move with you. What's more, the most effective leaders do not rely on their title, or positional power, to lead. Rather, their ability to use their own personal power combined with their use of strategic influence are what make them effective." – Kendra Coleman, consultant, Sheppard Moscow
- "Leadership is the ability to take an average team of individuals and transform them into superstars. The best leader is the one who inspires his workers to achieve greatness each and every day." – Jonas Falk, CEO, OrganicLife

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30 Ways to Define Leadership

- "Leadership is influencing others by your character, humility and example. It is recognizable when others follow in word and deed without obligation or coercion." – *Sonny Newman, president, EE Technologies*
- "Leadership is actions committed by a person or group that produce an output or result. It simply helps people to get things done. It is not based on position in a hierarchy." – *Robert Preziosi, professor and former chairman of management, Nova Southeastern University's Huizenqa School of Business*
- "Leadership is the collective action of everyone you influence. Your behavior — your actions and your words — determines how you influence. Our job as leaders is to energize whatever marshals action within others." – *David Casullo, president, Bates Communications*

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30 Ways to Define Leadership

- "Leadership is the ability to inspire motivation in others to move toward a desirable vision. While management is focused on tasks, leadership is focused on the person. All in all, the best leadership drives change and long-lasting motivation." – *Josh Kuehler, president, Internal Consistency*
- "Leadership is simply causing other people to do what the leaders want. Good leadership, whether formal or informal, is helping other people rise to their full potential while accomplishing the mission and goals of the organization. All members of an organization who are responsible for the work of others have the potential to be good leaders, if properly developed." – *Bob Mason, founder, RLM Planning and Leadership*
- "Leadership is employing your skills and knowledge, leveraged by your attitude to get the results you desire." – *Philip Gafka, founder, LEAP Associates*

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Questions????????

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Marriage for All

The legal impact of *Obergefell v. Hodges* in Texas.

BY ELIZABETH BRENNER

As the State itself makes marriage all the more precious by the significance it attaches to it, exclusion from that status has the effect of teaching that gays and lesbians are unequal in important respects. It demeans gays and lesbians for the State to lock them out of a central institution of the Nation's society.... laws excluding same-sex couples from the marriage right impose stigma and injury of the kind prohibited by our basic charter."

—Justice Anthony Kennedy,
*Obergefell v. Hodges*¹

On June 26, 2015, the U.S. Supreme Court extended marriage equality nationwide. The decision, *Obergefell v. Hodges*, addressed two questions: whether the 14th Amendment requires states to license same-sex marriage and whether a state must recognize a lawful same-sex marriage performed in another state. The court answered both questions in the affirmative, finding prohibitions on same-sex marriage to violate principles of equal protection and the fundamental right to marriage. In doing so, it not only issued a directive to states requiring the issuance of marriage licenses to same-sex couples but also articulated a much broader principle: The constitutional guarantees of liberty, equal protection, and equal dignity extend to gay and lesbian people.

The case arose out of four consolidated cases challenging state refusal to recognize same-sex marriage in Michigan, Kentucky, Tennessee, and Ohio. *Obergefell*, who married his partner of more than 20 years in Maryland, sued the state of Ohio for prohibiting him from being listed on his husband's death certificate as his surviving spouse.

Just 11 years ago, Massachusetts became the first state in the country to authorize same-sex marriage.² In 2013, the U.S. Supreme Court ruled unconstitutional a portion of the federal Defense of Marriage Act that prohibited federal recognition of lawfully performed same-sex marriages.³ The ruling, *United States v. Windsor*, extended most federal benefits to same-sex couples who were legally married in states recognizing marriage equality.

Same-sex marriage is new to Texas and to much of the rest of the country; thus, much remains to be decided and resolved. It will largely fall to lawyers, judges, and legislators to address the consequent legal unknowns. This article discusses some of the impacts of the monumental ruling.

Family Law

Marriage. Perhaps the most obvious impact for attorneys and their clients is in the realm of family law. While same-sex couples can now access numerous state benefits—from automatic inheritance rights to homestead protections—that were previously granted only to opposite-sex couples, fundamental questions about the marital relationship remain to be determined.

For starters, is the *Obergefell* ruling prospective or retroactive? For many couples, the answer to this question will determine when the marital relationship began. This will, in turn, impact determinations of separate and community property with respect to same-sex couples. It is also relevant to determinations of benefits such as pensions and Social Security.

This question becomes even more complex in the case of an alleged common-law or informal marriage. For a common-law marriage to be valid

in Texas, the couple must (1) agree to be married; (2) represent themselves as married to others; and (3) live together as a married couple in Texas.⁴ Is it possible for a couple to meet these criteria when Texas prohibited their marriage? This question is already before the Travis County Probate Court. In February, Travis County Judge Guy Herman ruled that Texas's same-sex marriage ban was unconstitutional, allowing the court to further consider whether a Travis County woman was informally married to her deceased partner.

Parent-Child Relationships

Adoption. Thousands of same-sex couples raise children in Texas. *Obergefell* does not immediately change the necessity for adoption to secure the parental rights of the nonbiological parent.

Texas law presumes a man is the father of the child if he is married to the mother when the child is born.⁵ This marital presumption could also be applied to married lesbian couples. The question, however, is whether Texas courts will treat same-sex couples as they do opposite-sex couples. Other states addressing this issue differ in their approach. In May, the Massachusetts Supreme Judicial Court found that the presumption applied to a lesbian couple who was married at the time of the birth of the child.⁶ Less than two weeks later, a New York court ruled that the presumption was inapplicable because of the lack of a biological relationship between the nonbirth mother and the child.⁷ Until such issues are resolved in Texas, a nonbiological parent should not rely on the marital presumption but should continue to adopt to secure

the legal parent-child relationship.

Assisted reproduction. Under Texas law, “each intended parent” may enter into a gestational agreement to have a child through assisted reproduction.⁸ For gestational agreements to be valid, the law requires for the intended parents to be married.⁹ Now that same-sex couples may wed, this presumably allows same-sex couples—male or female—to enter into gestational agreements with a third party.

Employment

Same-sex couples no longer have to leave the state to marry in order to access benefits and protections obtainable by other married couples under the Family and Medical Leave Act or Employee Retirement Income Security Act. Prior to *Obergefell*, the U.S. Department of Labor extended these protections to all same-sex married couples regardless of state of domicile.¹⁰

Texas still allows discrimination in employment and public accommodations based on sexual orientation or gender identity. *Obergefell* did not address Title VII of the Civil Rights Act or employment discrimination. However, less than one month following the *Obergefell* decision, the Equal Employment Opportunity Commission ruled that workplace discrimination based on sexual orientation is sex discrimination under Title VII and is therefore prohibited under federal law.¹¹

Religious Objection to Same-Sex Marriage

Immediately following the *Obergefell* ruling, a handful of Texas county clerks refused to issue marriage licenses, some citing conflicts with their religion. At least one county clerk resigned. Attorney General Ken Paxton issued a statement indicating that county clerks, their employees, and judges may, in some circumstances, refuse to issue marriage licenses to same-sex couples based on religious objections.

Despite some concerns, most experts agree that the First Amendment pro-

hibits discrimination based on sexual orientation in public accommodations. Texas does not have such a policy, nor does federal law.

hibits discrimination based on sexual orientation in public accommodations. Texas does not have such a policy, nor does federal law.

While *Obergefell* marks the beginning of nationally recognized same-sex marriage, it is by no means the end of the legal discussion. Much remains to be resolved, but the principles of fairness and equal dignity guiding the *Obergefell* decision will undoubtedly shape the outcome of litigation to come. **TBJ**

On the other hand, when an individual acts in an official capacity on behalf of a governmental entity, such as a county clerk, he or she must comply with the law regardless of individual religious views. Several Texas county clerks, including Hood County Clerk Katie Lang, were sued following the *Obergefell* decision for failure to issue licenses to same-sex couples. Lang issued the marriage license shortly after the suit was filed. Litigation may inevitably arise as other entities, such as private businesses, seek religious exemptions from providing services to same-sex couples. For example, in two separate cases in Colorado¹³ and Oregon,¹⁴ bakeries refused to serve same-sex couples because of religious objections to their marriage. The Oregon bakery was ordered to pay a fine after the couple filed a complaint with the Oregon Bureau of Labor and Industries.¹⁵ A Colorado appeals court affirmed the Colorado Civil Rights Commission’s decision finding the cake shop to have violated the state’s anti-discrimination law.¹⁶ Colorado and Oregon law pro-

hibits discrimination based on sexual orientation in public accommodations. Texas does not have such a policy, nor does federal law.

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Notes

1. *Obergefell v. Hodges*, — U.S. —, 135 S.Ct. 1039, 190 L.Ed.2d 908 (2015).
2. *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003).
3. *United States v. Windsor*, — U.S. —, 133 S.Ct. 2675, 2691, 186 L.Ed.2d 808 (2013).
4. Tex. Fam. Code Ann. CODE ANN. §2.401(a)(West 2006).
5. V.T.C.A., Family Code §160.204(a)(2).
6. *Minor, In re Adoption of*, 471 Mass. 373, 29 N.E.3d 830 (2015).
7. *Paczkowski v. Paczkowski*, 128 A.D. 3d 968 (2015).
8. See Tex. Fam. Code Ann. §160.754 (West 2014).
9. *Id.*
10. <http://www.dol.gov/whd/fmla/spouse/>; <http://www.dol.gov/ebsa/newsroom/tr13-04.html>.
11. <http://www.eeoc.gov/decisions/0120133080.pdf>.
12. SB 2065, 84th Legislative Session (Texas 2015).
13. *Craig v. Masterpiece Cakeshop, Inc.*, 2015 WL 4760453 (2015).
14. <http://www.oregon.gov/boli/SiteAssets/pages/press/Sweet%20Cakes%20FO.pdf>.
15. *Id.*
16. *Craig v. Masterpiece Cakeshop, Inc.*, 2015 WL 4760453 (2015).



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Liz is Of Counsel at Burns Anderson Jury & Brenner. Her practice focuses on estate planning, probate, and appellate law (civil and criminal). Liz also has experience in campaign finance law and public policy. Prior to joining BAJB, Liz's career focused on public policy, including work as the policy director of a statewide non-profit organization and at the Texas Legislature. She has also served as Assistant General Counsel for the Texas Ethics Commission, the state agency responsible for enforcing election and campaign finance law.

During law school, Liz served as the Editor-in-Chief of a law journal, the Texas Forum of Civil Liberties and Civil Rights.

EDUCATION

- Doctor of Jurisprudence – University of Texas School of Law, 2003
- B.A., Government – University of Texas, 1996

PROFESSIONAL ASSOCIATIONS

- State Bar of Texas
- Austin Bar Association
- Estate Planning and Probate Section – Austin Bar Association
- Texas Criminal Defense Lawyers Association
- Austin Criminal Defense Lawyers Association

LICENSES & CERTIFICATIONS

- State Bar of Texas, 2003
- Attorney ad Litem (Guardianship)

VOLUNTEER

- Austin Human Rights Commission, Commissioner (2008 – present)
- Volunteer Legal Services of Central Texas

PRACTICE AREAS

- [Estate Planning \(http://www.bajb.com/practice-areas/estate-planning/\)](http://www.bajb.com/practice-areas/estate-planning/)
- [Guardianship \(http://www.bajb.com/practice-areas/guardianship/\)](http://www.bajb.com/practice-areas/guardianship/)
- [Probate \(http://www.bajb.com/practice-areas/probate/\)](http://www.bajb.com/practice-areas/probate/)

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iAttorney | Quick Reference Guide

This supplemental material accompanies Veritext's iAttorney: Practicing in the Mobile Age class. This quick reference will go into detail about the apps that are used, and where to get them. If you are reading this as a PDF or paper document, be sure to download our free iBook from our website at veritext.com. The iBook contains interactive content to make the most out of the iAttorney: Practicing in the Mobile Age.

Scheduling Apps



VERITEXT MOBILE - FREE

Veritext Mobile allows you download deposition transcripts and exhibits, view information about scheduled depositions, map directions to deposition locations, receive automatic calendar notifications, and reschedule depositions instantly.

[Download Now](#)



CLEAR - \$4.99

A very simple and intuitive to do list tool. Create new lists with a swipe, and add a new item with another swipe. The simplest and quickest way to make to do lists with almost no effort at all.

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Note Taking Apps



EVERNOTE - FREE

Evernote lets you take notes, capture photos, create to-do lists, record voice reminders--and makes these notes completely searchable, whether you are at home, at work, or on the go.

[Download Now](#)



PENULTIMATE - FREE

Penultimate gives you the natural experience of writing on paper, with the added power and availability of Evernote.

[Download Now](#)



PAGES - FREE (with some devices)

Pages allows you to create, edit, and view documents wherever you are. It is a great alternative to Microsoft Word and Apple has made it free for anyone with a relatively new Apple device.

[Download Now](#)



NOTABILITY - \$2.99

Sketch ideas, annotate documents, sign contracts, complete worksheets, even sync all of your notes to an audio recording! Syncs with iCloud.

[Download Now](#)



MICROSOFT WORD - FREE

Microsoft recently released mobile versions of their Office suite for iOS. The apps are beautifully designed and intuitive to use. Originally the free versions allowed "read-only" permissions when opening files, but they have since added the ability to create new documents and edit documents. You can get access to all features through an Office 365 subscription.

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With MyScript Memo, take your notes on the go using your handwriting and convert them to digital text that you can export and share with Evernote®, Facebook®, Twitter®, Gmail or copy/paste to any other text application.

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Research Apps



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Read summaries of breaking legal news, updated continuously throughout every business day, plus the in-depth monthly magazine.

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The complete text of the Federal Rules of Civil Procedure from the appendix of USC 28, on your iPhone. Leave the heavy books at home and download this app.

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RULEBOOK – FREE

Replace your paper federal and state laws, and The Bluebook with Rulebook. Take your downloaded rules with you everywhere you go and quickly access them without an internet connection.

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Deposition Apps



ICVNET – FREE

Stenograph's iCVNet iPad app provides attorneys and judges instant viewing of realtime deposition and trial transcripts on an iPad.

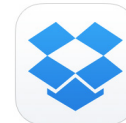
[Download Now](#)



VERITEXT VIRTUAL - FREE (using Adobe Connect)

With Veritext Virtual you can receive streaming video and text via your computer or iPad. Built on the strength of Adobe's Connect product, parties can use this to attend remote depositions.

[Download Now](#)



DROPBOX – FREE

Dropbox lets you bring all your photos, docs, and videos anywhere and share them easily. Access any file you save to your Dropbox from all your computers, iPhone, iPad and even Dropbox.

[Download Now](#)

Document & Transcript Review Apps



IANNOTATE PDF – \$9.99

iAnnotate is the most powerful PDF annotation application for the iPad. Use iAnnotate to read, mark up, and share PDF, DOC, PPT and image files, all from your tablet.

[Download Now](#)



WESTLAW CASE NOTEBOOK FOR IPAD - FREE (with subscription)

You can review and annotate E-Transcripts anytime, anywhere.

[Download Now](#)



DEPOVIEW - FREE

With DepoView for iPad, you can create a case folder and add transcripts or synchronized video depositions through iTunes® for review or clip creation.

[Download Now](#)



TRANSCRIPT PAD - \$89.99

The transcript review tool for the iPad, created by the same legal professionals who created TrialPad

[Download Now](#)



TEXTMAP - FREE (with subscription)

The TextMap app for iPad gives you greater flexibility, including the ability to search and annotate any transcript in a case from anywhere.

[Download Now](#)



GENIUSSCAN - FREE

The perfect solution to when you need a document in a digital format but only have a physical copy available.

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iAttorney | Quick Reference Guide

Remote Desktop Apps



LOG ME IN – FREE

Remotely control your PCs and Macs over WiFi/ 3G with the free LogMeIn app on your iPad or iPhone.

[Download Now](#)



CITRIX RECEIVER - FREE

Citrix Receiver lets you access your enterprise files, applications, and desktops to help you be as productive on the go as you are in the office.

[Download Now](#)



TEAM VIEWER - FREE

This is a free application that will allow you to login and get to your computer. On your computer you can actually set up meetings as well by simply copy and pasting a URL and sending it to the participants. They can then log in and will be able to see your screen.

[Download Now](#)

Trial Apps



TRIAL PAD – \$89.99

TrialPad has become the standard by which all other presentation tools are measured and is the #1 trial presentation and legal file management app for your iPad.

[Download Now](#)



TRIAL DIRECTOR - FREE (with subscription)

With TrialDirector for iPad, you can create a case folder, add exhibits to your case through a Dropbox™ or iTunes® account and interact with your evidence using the annotation and presentation tools.

[Download Now](#)



IJUROR - \$9.99

iJuror is the top juror selection app. Use your iPad to help pick the jury for your next trial.

[Download Now](#)



KEYNOTE - FREE (with some devices)

This is Apple's version of PowerPoint. Not only is it significantly easier to use, you can drag and drop images, text, etc., but it is also the slickest presentation software out there.

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VERITEXT PRESENTS

iAttorney 2.0



Mastering Mobile Devices in the Modern Age

iAttorney 2.0

Increasingly we find ourselves turning to our mobile devices rather than our PCs to perform our daily tasks in the law field. From receiving paperless exhibits at a deposition to controlling a jury full of iPads, this CLE will teach you the foundation you need to be an attorney practicing in the mobile age.



iATTORNEY 2.0

1. Introduction
2. Realtime App(s) Update
3. Locked and Loaded
4. Paperless Depositions
5. Presentation Tools
6. Timelines Made Easy
7. Displaying Documents
8. iPads for Judges and Jurors
9. Conclusion

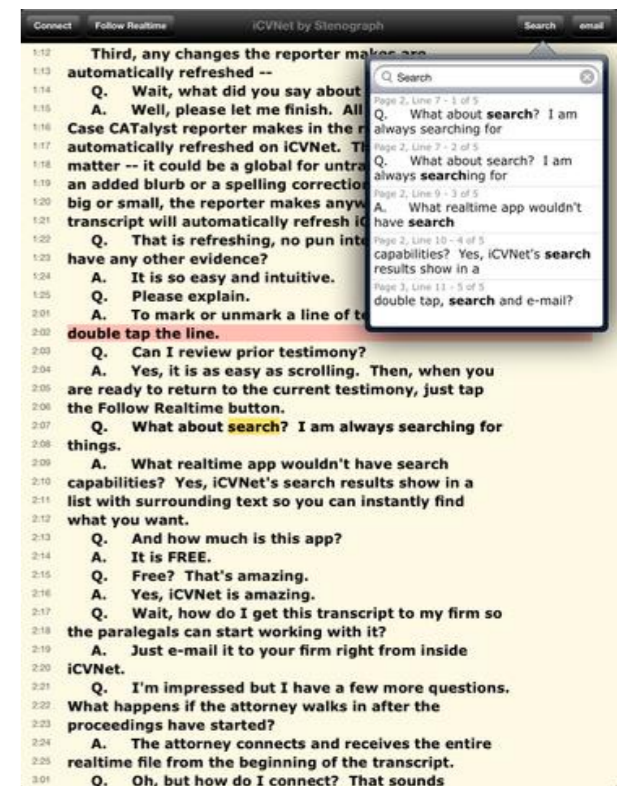
Introduction

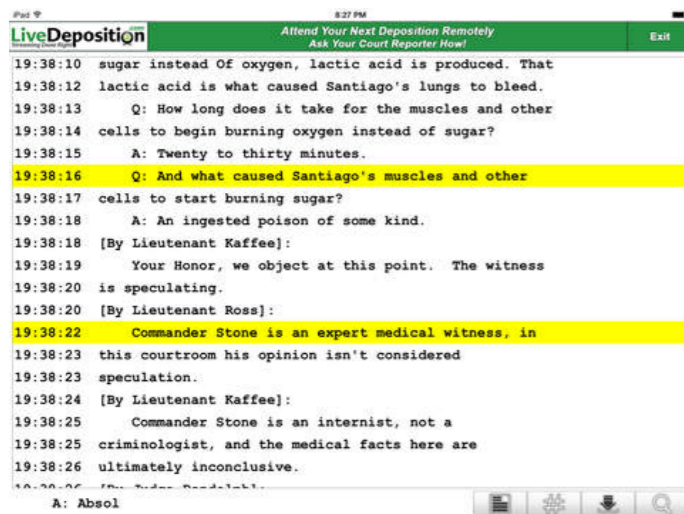
If you have attended “The iAttorney: Practicing in the Mobile Age,” you’ve experience a brief overview of a number of iPad apps. This class will also discuss apps, but will focus on in-depth tours of each app, along with some best practices for working on your iPad. Additionally, we will go through the workflow one might expect if they are using their iPad from the deposition stage all the way to trial.

Ideally, after this class you will be able to carry an iPad from deposition to trial, instead of having to always lug boxes of documents.

Realtime App(s) Update

It took a number of years, but realtime technology, the act of connecting to a reporter in real time to see the transcript as they write it, has finally been upgraded. The only difficulty left is to know what is the best app to use with which reporter. As different reporters use different software to transcribe the transcript, this means you may be required to have several apps for realtime. Seeing as all the realtime apps are free, it is highly recommended to download them all, and even organize them all into one folder for easy access.



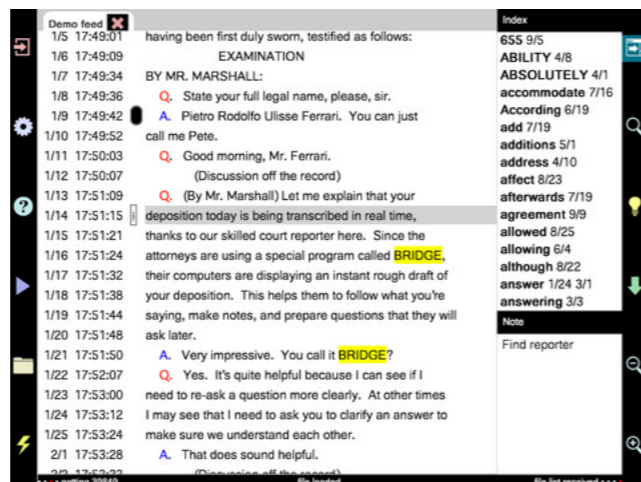
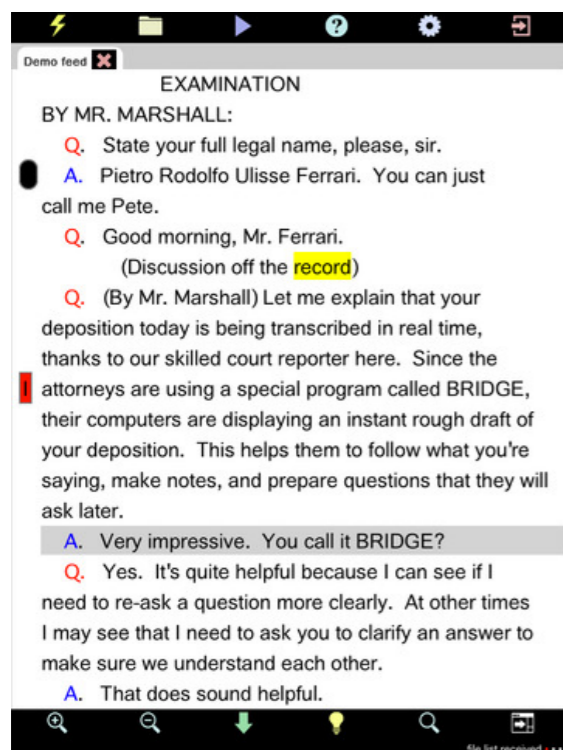


Also keep in mind, if you do not have a tablet, or a non-iPad, most reporters can send their realtime feed over the internet, and it can be accessed right through a modern browser, for instance Chrome, Firefox or Safari.

iCVNet [Click Here to Download](#)

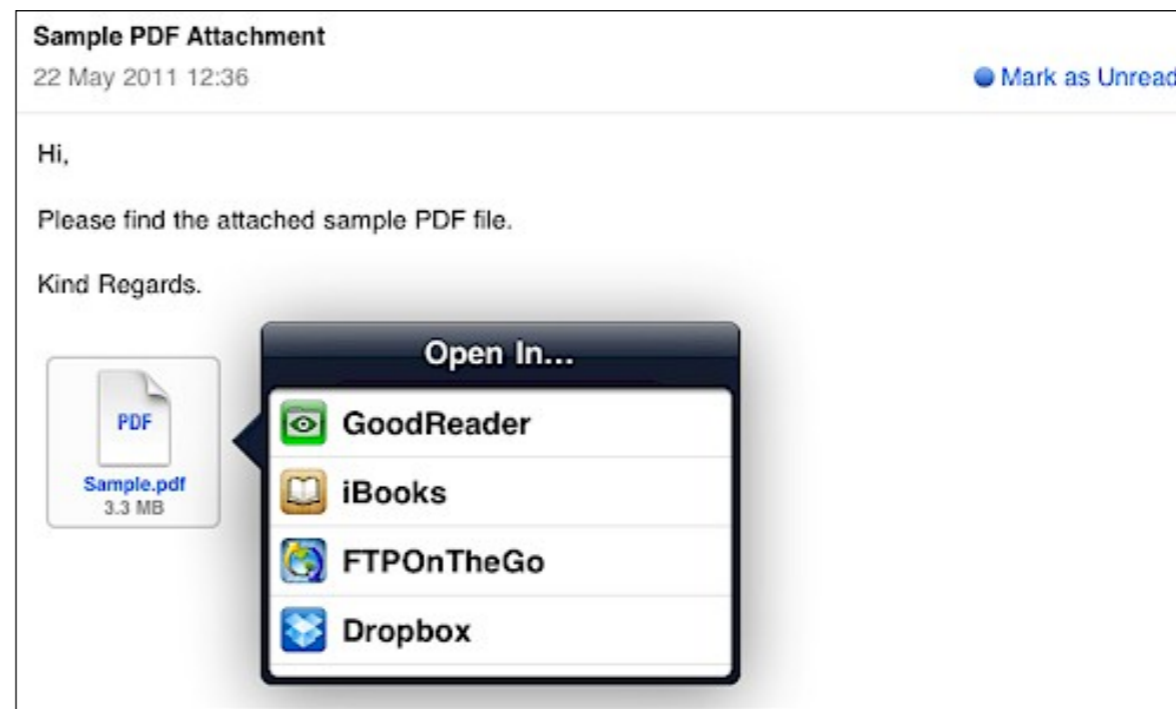
Bridge Mobile [Click Here to Download](#)

LiveDeposition [Click Here to Download](#)



Locked and Loaded

Let's start near the beginning. You've already got an iPad and you have picked out and downloaded a few productivity apps that you would like to work with. Now how do you get all of those files onto your iPad? Luckily, there are many ways to get your documents loaded on your iPad, so that no matter where you are, you have your entire case in your hand.



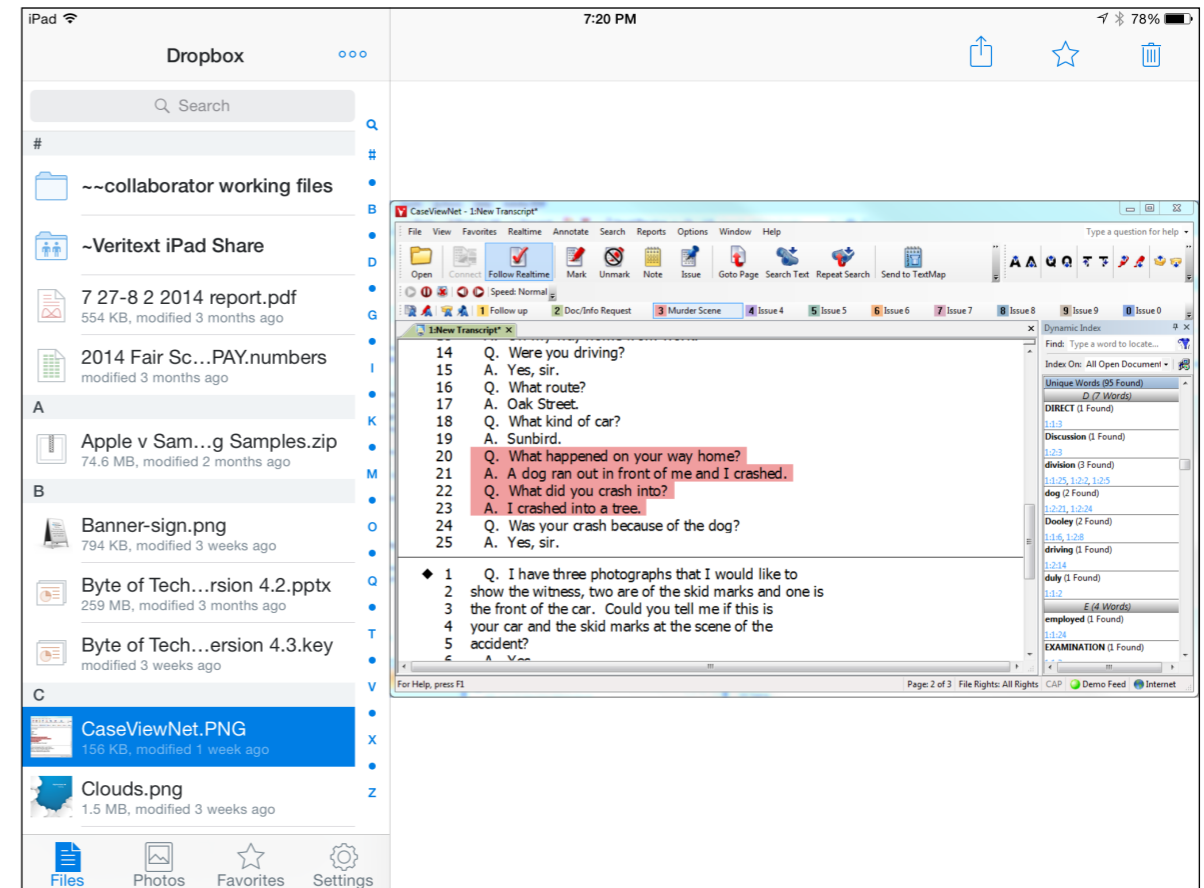
We start with the simplest method of just emailing the file to yourself, and then leveraging the native "Open In" functionality.

When you receive documents via email, tap on the attachment and tap the "Open In" button typically in the top right hand corner of the screen. Then choose the application that you want to move the document to. This will seamlessly hand the file off from your email to the desired app.

A recent update to Apple's operating system included the addition of iCloud Drive. iCloud Drive is an inexpensive and simple solution to syncing files between multiples devices as well as an easy way to backup all of your devices. What makes iCloud Drive even more useful is that it has been developed to be compatible with both Macs and PCs, so you don't run into any issues if your workflow includes both. You can elect, for instance, a 200gb storage plan for \$3.99 a month and then drag and drop any file into your iCloud Drive instantly making it accessible to any of your devices. This is a great solution if you need to get a lot of documents, or large documents to your iPad.



Dropbox is another great solution for transferring multiple documents or mid-sized transfers and to ensure your files are in sync. Other options include Box, Google Drive, and OneDrive. With this type of service, you can simply drop a large number of

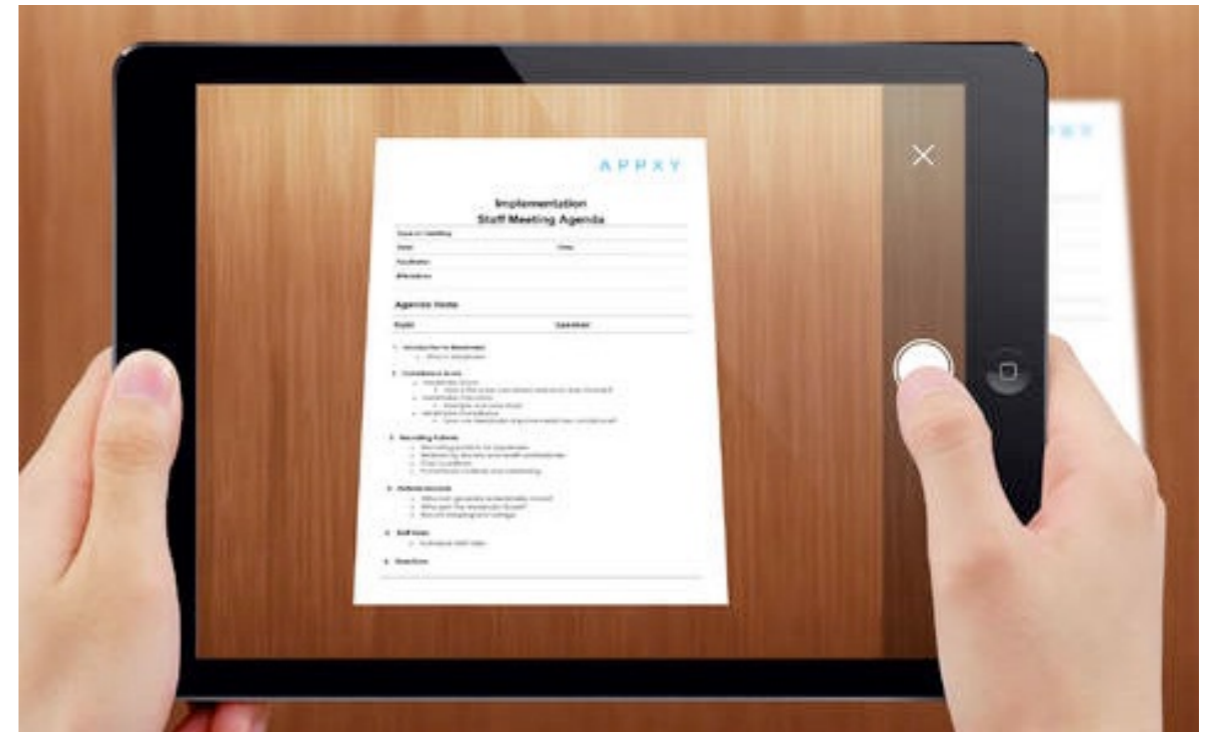


files or even folders into the system on your desktop or laptop. It will then use the internet to sync those files wirelessly so that they are accessible on your device. Many iPad apps have integration features that allow you to move these documents from the cloud storage program directly into the app. Transferring documents from a cloud storage program does require a steady wifi connection and can take a while if you are moving large amounts of data. Many legal industry iPad users will use these cloud storage program to transfer only. Once the data has been moved, they remove the files from the cloud storage system.



To transfer large amounts of data quickly, you can use iTunes to transfer the files. Using the USB cable that came with your iPad, you can sync your files through iTunes directly into the app of your choice. Simply connect your iPad to your computer, launch iTunes (this happens automatically for many of us) and navigate to your iPad. Click on the Apps button from the category buttons in the upper portion of the screen and scroll down to the File Sharing section of the page. You can now drag and drop files from your computer to the Documents window on the right side and they will immediately be transferred to the application. You can drop multiple files at a time, but iTunes File Transfer does not support transferring folders. However, for programs like TrialPad,

you can drop a zipped file containing multiple files and folders that will keep the file and folder structure intact. Click Sync and all changes will be applied. The next time you launch the selected app, you will be asked to import these files.

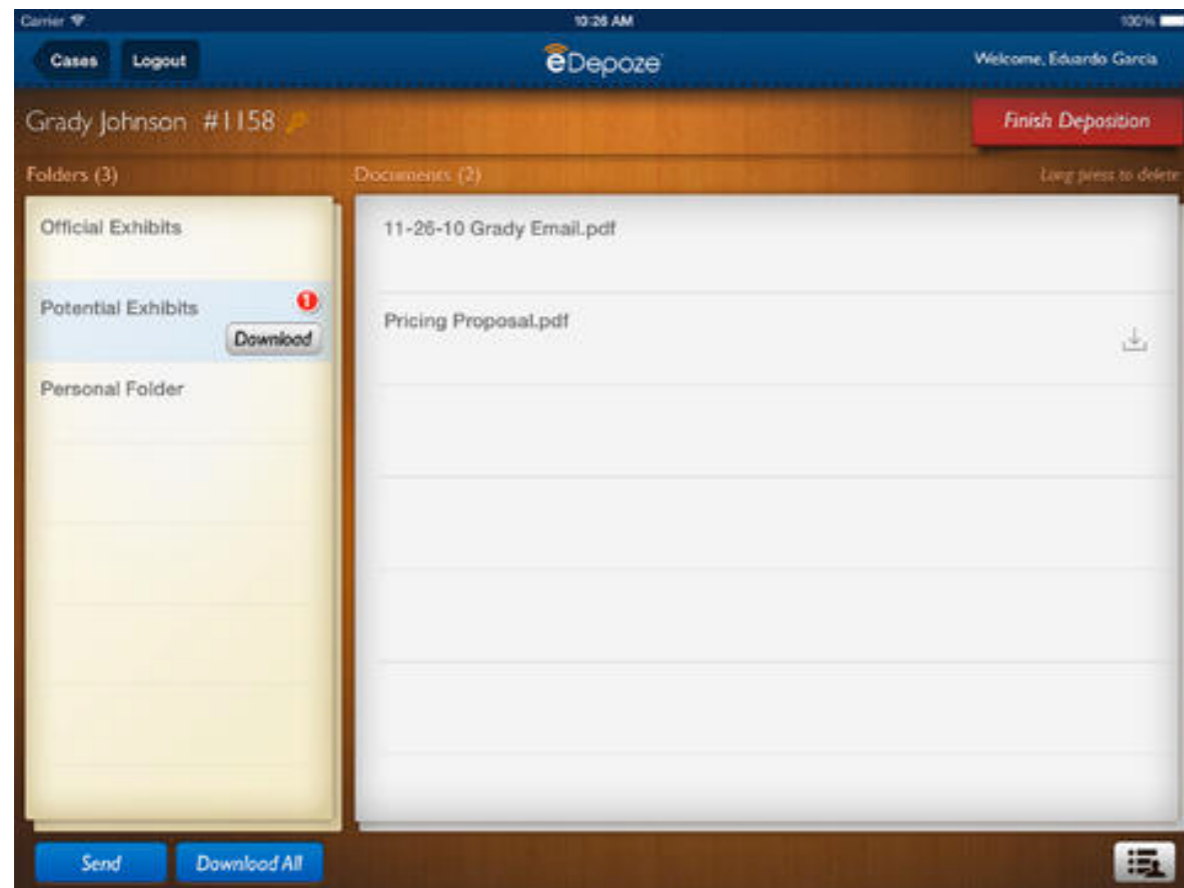


What about emergency situations? For instance, you are at a deposition, and a surprise document shows up. You need to get a copy of that ASAP, but are no where near a copy/scanner.

Utilizing an iPad scanning app which takes a simple picture of the document, and then converts it into a high quality PDF, can be your life saver. It is surprising the quality these small mobile cameras can achieve. Not ideal for a 500 page document, since it has to be scanned one page at a time, but perfect for a small document, with just a few pages. From there the PDF is a normal PDF and can be utilized just like any other scanned PDF.

Paperless Depositions

It has long been the dream of many industries, and especially the legal profession, to be completely paperless. Depositions that require the use of exhibits has always been a tough hurdle to overcome, often resulting in attorneys lugging huge boxes of documents to each and every deposition. Not to mention having to bring a courtesy copy to all the other attorneys in the room, which on large cases can be an enormous task and expense. A tool like eDepoze can make this a thing of the past. This tool enables you to pre-load any potential exhibits (in PDF or image format) you may have prepared for the deposition. At the deposition, with the use of an iPad or webapp, you can introduce



the paperless exhibits with a few taps or clicks. All the other participants, whether they are attorneys in the room, the witness, or remote participants, will receive a full PDF copy of the exhibits sent directly to their device. Once the deposition has concluded, each participant gets an electronic copy of the exhibits and they are also sent to the court reporter to be included with the original transcript. Attorneys no longer have to bring all the paper documents with them. Instead everything that was used in the case is loaded right on to their iPad and accessible at any time. With the use of tools like eDepoze, we are one step closer to a completely paperless industry.

Presentation Tools

As juries become more technologically savvy and courtroom drama dominates the airwaves, jurors expect to see the presentation of your case include technology. Surprisingly, the iPad is a simple choice to meet and exceed their expectations.

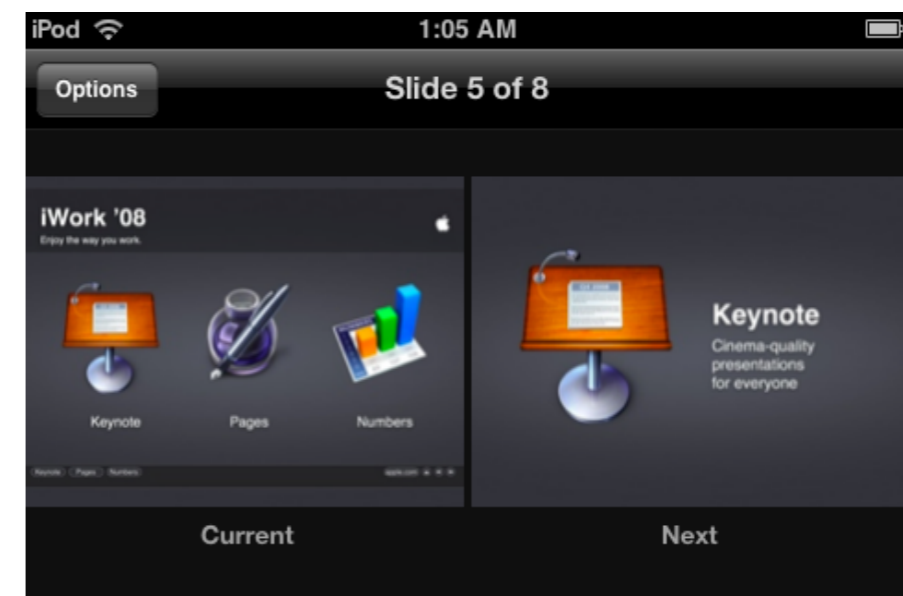
Let's start with your opening statement. Convention says to use PowerPoint, but you can imagine how many jurors have seen the basic PowerPoint templates, and how quickly a long list of bullet points on a white slide will bore them. Apple's response to Microsoft was to create the app Keynote. This iPad app is a mobile presentation tool with style! Aside from more visually interesting templates, Keynote makes it incredibly easy to create presentations that appear to have been created by a professional. Easy animations, design guides, and most of all easy control, this

app will change the way you present. Rest assured, it will read any PowerPoint files, meaning you can start on the PC, and then transfer to the iPad. If you also have an iPhone, you can download and install Keynote for the iPhone as well. Keynote on the iPhone enables two remarkable features. First, you can use the iPhone itself by being plugged into a projector, or better yet, use it as a remote control for the iPad. The phone will connect via wifi or bluetooth and show you the current slide, next, time passed, and even your notes.

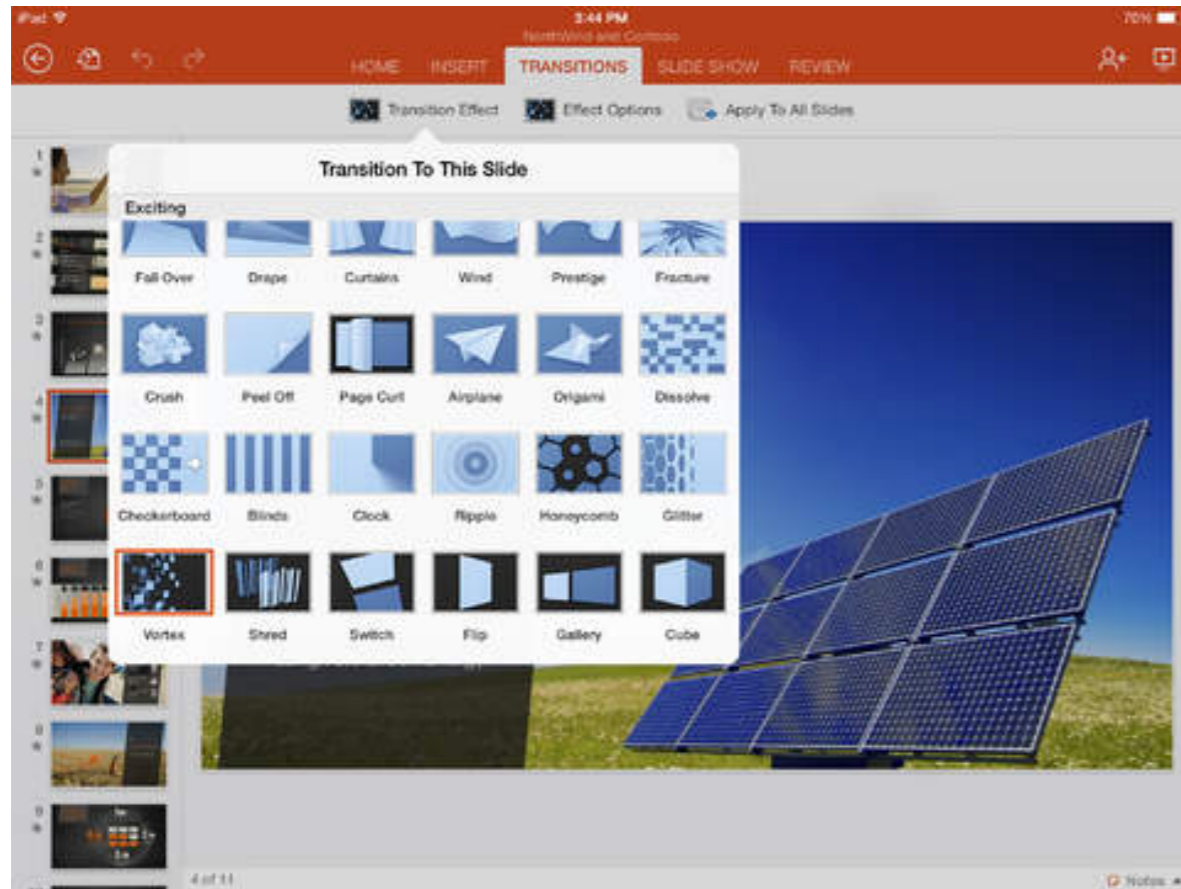


To connect, install the latest version of the Keynote app on both the iPad and iPhone. Make sure that wifi is enabled and join the same Wifi network on both devices. If Wifi is not available, make

sure that Bluetooth is enabled on both devices. On the device that you will be using as the Keynote display, open a presentation, tap on the wrench button, go to 'Presentation Tools' and 'Allow Remote Control.' Make sure that 'Enable Remotes' is switched on. As long as your iPhone and iPad have Bluetooth enabled or they are on the same Wifi network, your iPad will scan the local network and find your iPhone. Tap 'Link.' A code will be displayed on your iPad and your iPhone, and you will need to tap 'Confirm' to confirm that the code matches the code on your iPad. Your iPhone will now be linked as a remote. Tap 'Play' on your iPhone and you are ready to go! Using the iPhone as a remote allows you to detach yourself from the podium and move your slides along seamlessly from anywhere in the courtroom.

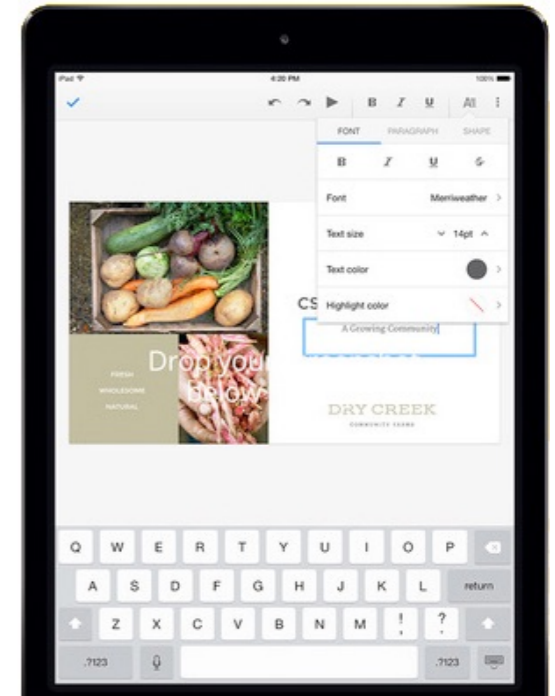


For our diehard PowerPoint fans, Microsoft finally released a version for the iPad. While it does require an office 365 subscription, the app is free. Microsoft did a wonderful job of



translating the desktop program into its app counterpart. For the small majority of attorneys that use Google Docs, in-particular their Slides application, Google has created apps for each product, including an app called Google Slides. This allows you to easily present native PowerPoint slides from your iPad. With the combination of their other office apps, you can view and edit any other native Microsoft files including Word files, Excel files, and PDF files. Regardless of what app you use, it is imperative that you update your presentations to make them more visually

appealing and memorable for jurors. Research states that humans have a remarkable ability to remember pictures that exceeds our ability to remember words. (<http://www.pnas.org/content/95/5/2703.full>) Using a compelling image to emphasize points is much more memorable for juries than text.



If you are interested in more information on the art and science of creating memorable presentations, we suggest the following:

<http://www.duarte.com/book/slideology/>

<http://www.slideshare.net/garr/sample-slides-by-garr-reynolds>

<http://www.edwardtufte.com/tufte/>

Timelines Made Easy

The need for a timeline is typically where litigators start asking about legal graphics for trial, but you now have the ability to create them on your iPad with a few simple taps. Timelines are created for you to tell a story, from start to finish. The most successful timelines not only lay out key dates or events, but incorporate graphics and media. Timeline 3D is an iPad app that uses award-winning visual design to help you understand and

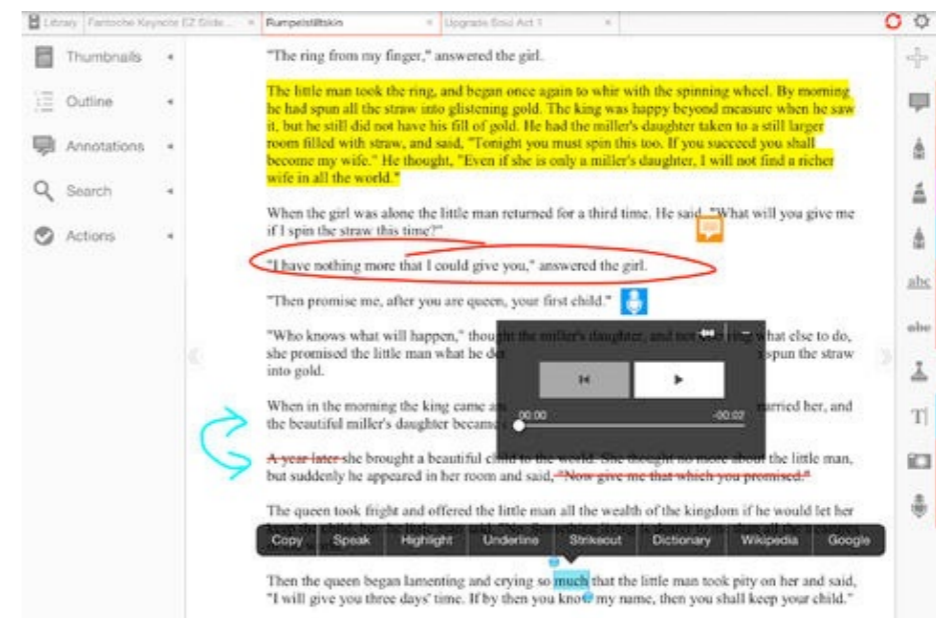
present chronologies and historical events with new perspective. It is simple to use - just enter your events, add your media from your Camera Roll, and Timeline 3D will create a timeline automatically. Then, tell your story and wow your audience with interactive motion graphics that let you fly over your timeline with a 3D perspective! These timelines can be used in the Timeline 3D app itself or exported to Keynote, PowerPoint, as well as to PDF if you also want to print out a static copy of the timeline.



Displaying Documents

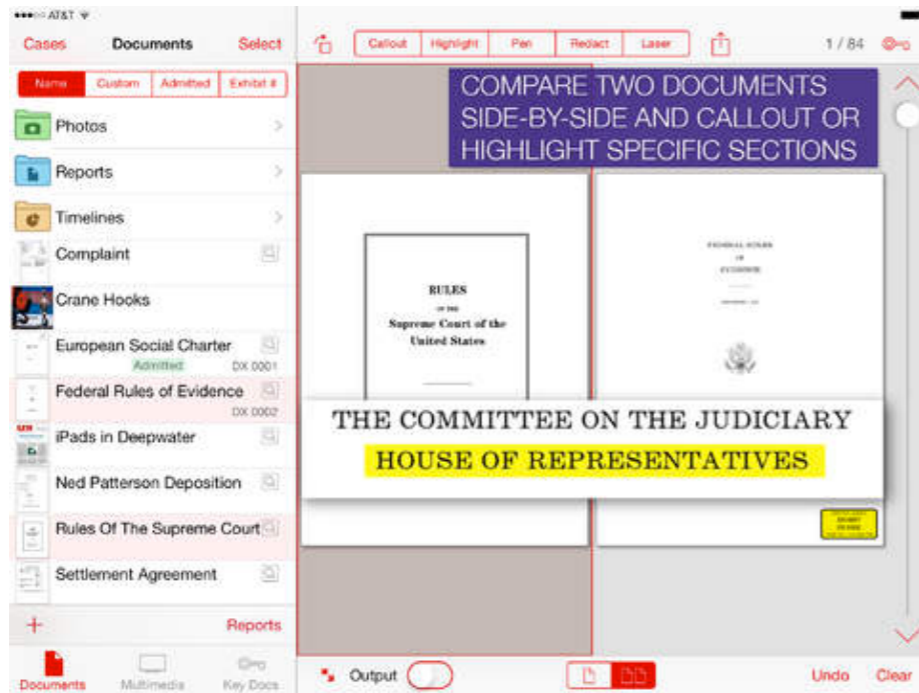
Displaying documents has come a long way from the days of paper blow-ups. With the iPad, there are two ways to display documents during trial or mediation. First, the simple method.

Often all that is required is to show a PDF file, maybe zoom in and out a bit, or highlight, but that is all. By connecting the iPad to a projector using the lightning to VGA or HDMI adapter, your iPad screen will then be mirrored, meaning what you see is what the jury will see. From there, you can use an app like PDF Expert or iAnnotate PDF to open and display PDFs. These apps will



enable you to zoom in and out with the simple pinch and zoom gesture you are use to with the iPad. With the additional annotations tools built in, you can even highlight, redact and draw on the documents. This is a simple yet effective way to show documents. To save a copy of your annotated document, simply take a screenshot by pushing down the Home button and the Sleep/Wake button at the same time. This will save a copy of what you see on your iPad screen to your Camera Roll.

If your case requires a more extensive display system, we recommend TrialPad, which just released their latest iteration. This application is a mobile counterpart to programs on the PC (desktop or laptop) like Trial Director. At a fraction of the cost, and much more user friendly, TrialPad has taken trial presentation by storm and leveled the playing field. It is especially helpful for small to mid-size firms that don't have access to an in-house



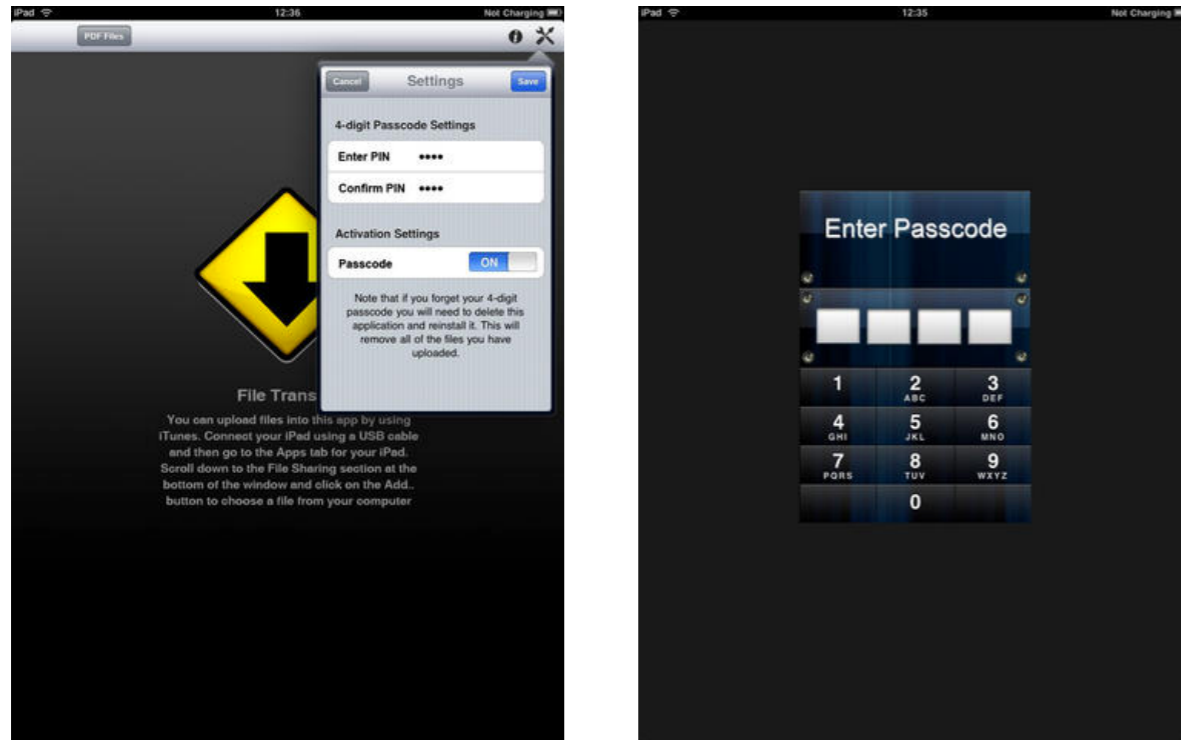
presentation team or the budget for a trial tech. Many attorneys have used TrialPad to present their cases and have been thrilled with the results. Again, using the same lightening to VGA or HDMI adapter, you can connect your iPad to the courtroom projector. However, TrialPad has a more sophisticated display. It will have a work area for you and a separate area that is displayed for the jury. This means you can get documents ready and preview them before you actually display them to the jury. With

other features like the document comparison view, the ability to play video clips, and compatibility with a wide range of files, TrialPad is quickly becoming a requirement for anyone who wants to present in trial.

iPads for Judges and Jurors

An emerging trend in the courtroom is the use of iPads, not only for attorneys, but by judges and jurors alike. One of the more recent trials occurred in LA Superior Court, where the jurors were actually given iPads to use to review documents throughout the case. These weren't your average iPads, of course the internet and App Store were disabled to prevent jurors from spending all their time playing Angry Birds and not paying attention. The iPads were completely locked down. Exhibits were pre-loaded and locked so that jurors only had access to the documents already admitted into evidence. At points during the trial when a document was admitted into evidence, the judge would give the jury a code to unlock that particular document so that they could then review on each of their iPads, becoming an active part of the trial. Jury feedback on these cases was excellent. The attorneys also enjoyed the process, as it resulted in cost savings from paper, binders, time, etc. In order to preload the documents, but keep them locked until use, we recommend PDF Vault or GoodReader. Both applications enable you to sort your documents into folders, and those folders can then be locked down. At the point in the trial in which you want jurors to see the

files, simply provided (or the judge will provide) the passcode that was used to lock that folder, and they will have access.



A second option for judge and juror iPad use during trial is the ability to mirror the displays of all the iPads, so they all see the same thing. If you prefer to control the view of the iPad for each juror, ensuring they click only see what you want them to see, we recommend Conference Pad. This essentially turns the iPads into personal projections screens, meaning that whatever you display on the master iPad will be mirrored on all the other iPads. This can enable you to control exactly what they see as you present.

No matter which method you choose, we see the trend of individual iPads in the jurors' hands as something that will increase, and could be coming to a courtroom near you sooner

than you think. The iPads used in the LASC trial were rented and configured by an outside company for easy use.



Conclusion

What was first thought to be nothing more than an oversized iPhone, having no place in the legal profession, has now become a staple of many attorneys. iPads are showing up in depositions and trial alike with increasing frequency. Being able to master this mobile device does not only give you an edge in your case, but also lightens the load of paper to carry. Expect to see more and more advanced and niche specific apps appearing everyday.

Andy Fredericks

Account Executive / Operational Manager



Andy Fredericks is an Account Executive and Operational Manager for Veritext Legal Solutions in Austin, Texas. As such, Mr. Fredericks shares his proficiency in technical legal applications and his working knowledge of the field of court reporting and videography services by supporting employees and clientele alike.

Prior to joining Veritext Legal Solutions in November 2014, Mr. Fredericks was the Operational Partner of Fredericks Reporting & Litigation Services, where he spearheaded the firm's technological innovations and offerings. Alongside his father, Bill Fredericks, the principal of the firm and tenured court reporter, Mr. Fredericks has served clients across the State of Texas in a diverse array of legal matters.

Mr. Fredericks' professional background includes years of service as a deposition videographer, which

allowed him to develop a working knowledge of the intricacies and challenges experienced by legal professionals during all stages of the deposition process. As a natural evolution, he segued into a more client service-oriented position, offering his technological and logistical expertise in large and multiparty complex case management, realtime software applications, national and international deposition coverage and document management solutions.

Mr. Fredericks currently supports Veritext staff in multiple offices across the State of Texas. He is dedicated to understanding the precise preferences and requirements of his clients and provides them with scaled solutions to help efficiently and comprehensively litigate their cases to successful conclusions.

Veritext Legal Solutions

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