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President's Message

The past few weeks, I've been captivated by the concept of criticality, in the sense of being vitally important or essential. It started with the first episode of *Sonic Highways** on HBO On-Demand. There's a fleeting moment where a woman describes a record store as "critical" to the punk rock movement. That choice of word really moved me. Isn't that what everyone wants—to be or do something that is critical...to anything? If something is important to you,

whether it's a music genre, your work as a lawyer, or even just another person's life, I can't think of anything more awe-inspiring than to be critical to that endeavor.

I was later reading an online article at *Elite Daily* (oddy enough about fashion choices and decision fatigue) when I came across this statement: "True fulfillment is acquired by going out into the world and fostering palpable and benevolent changes." While it doesn't come right out and say it; the idea is the same:



we are fulfilled by being essential to positive change in the world.

Of course, this led to self-reflection, wondering what, exactly, my legacy of criticality will be. But then I decided it's not a matter of making yourself (con'd on p. 9)

February Luncheon: Clarence V. "Clem" Lyons: Can Equality Be Achieved?

Please join us on February 3, 2015, as we welcome Clarence V. "Clem" Lyons. Mr. Lyons is a former pharmacist who also served in the United States Army. A graduate of St. Mary's University School of Law, he spent the past 48 years specializing in medical malpractice, with an emphasis on drug-related cases.

Mr. Lyons will discuss generally his 60 years of experience working with women in business, medicine, and law. He

will also provide an overview of practical actions to further equality for women in the workplace environment.

When: Tuesday, Feb. 3, 2015

Time: Noon to 1:00 p.m.

Where: Club Giraud

Cost: \$25 for members, \$30 for non-members, payable at the door

RSVP: RSVP by Friday, Jan. 30, 2015, to Events@bexarcountywomensbar.org.

Include any dietary restrictions in your RSVP. We understand schedules change, but we cannot guarantee a spot to individuals who do not RSVP by the date above.

For more information, contact Lindsay Riley (lriley@coxsmith.com) or Rachel Skinner (rskinner@coxsmith.com). We hope to see you there!

Call for 2015 Autumn Affair Beneficiary Nominations

By Lisa Alcantar

Our 2014 Autumn Affair was an astounding success. We are already working to plan this year's Autumn Affair, putting together the committees, and soon, choosing our potential beneficiary. We need your help to identify beneficiary applicants. Now through February 27, 2015, we ask members to identify the names of potential applicants. As in the past, we will focus on charitable organizations with

purposes compatible with our organization's mission—helping women and children in our community.

If you know of a deserving organization that will benefit from receiving funds from this year's BCWBF Autumn Affair, please send the name of the organization, as well as a contact name and email address, to Lisa Alcantar at lalcantar@prdg.com. If you don't know the applicable contact person, we will help. Only

nominated organizations will receive applications.

If you are interested in helping make the Autumn Affair an event to remember by volunteering for a committee, contact either Lisa Alcantar (lalcantar@prdg.com) or Greta McFarling (greta.mcfarling@txcourts.gov). We look forward to hosting a great event! Thank you for helping us build the momentum for this year's Autumn Affair!



Save the date for this year's Law Day Luncheon: April 7, 2015

By Hella Scheuerman & Brittany Weil

Bexar County Women's Bar Association is bringing the Law Day Contest to the Young Women's Leadership Academy! This year's Law Day Theme is "Magna Carta: Symbol of Freedom Under Law." The Magna Carta has come to embody a simple but enduring truth: No one, no matter how powerful, is

above the law. In the eight centuries that have elapsed since the Magna Carta was sealed in 1215, it has taken root as an international symbol of the rule of law and as an inspiration for many basic rights Americans hold dear today, including due process, habeas corpus, trial by jury, and the right to travel. Students entering the contest will respond to the following prompt: "How

has the Magna Carta impacted individual liberties?" The students will choose to interpret the theme by entering the Editorial Contest, Photography Contest or Poster Contest. Please save the date for this year's Law Day Luncheon, where the winners of this contest will be announced, which will be held on Tuesday, April 7, at noon, at the Plaza Club.



Around Town Lunch

By Leslie Hyman

Please join me for the latest in our series of casual lunches on February 13 at noon at the 410 Diner, 8315

Broadway. No need to RSVP. I look forward to seeing you there! Please email me with any questions at lhyman@pulmanlaw.com.



Mentor/Mentee Happy Hour

By Shari Mao & Brittany M. Weil

Every year, the BCWBA teams up with the St. Mary's Women's Law Association (WLA) to pair attorney mentors with student mentees. The program facilitates opportunities for attorneys to share their knowledge, experience and advice with students, and for students to make connections within the Bexar County legal community.

This year, the BCWBA will host a mentor/mentee happy hour at Tribeca in Olmos Park on February 12 at 6:00 p.m. We hope mentors/mentees will gather to meet, mingle, and enjoy cocktails and lite bites. Participants will be notified of their mentor/mentee pairings prior to the event. We look forward to seeing you there to support the women of St. Mary's WLA!



Book Review: *The Paying Guests*



By Lisa P. Alcantar

The Paying Guests, by Sarah Waters, first came to my attention during an NPR segment of top novels of 2014. Set in a 1922 genteel suburb of London, the story follows Frances, age 26, and her widowed mother, Mrs. Wray. Having lost her brothers to the war and her father to heart troubles, Frances finds herself head of a floundering household, mired in debt due to her father's poor

financial choices. Frances does the unthinkable – she converts upstairs rooms into an apartment and takes on Mr. and Mrs. Barber, politely dubbed by the neighbors as the paying guests. The Barbers are young and boisterous counterparts to Mrs. Wray, who fills her time with needlepoint and volunteering, and Frances, who spends her dreary days cleaning, cooking, and caring for her mother.

This quiet lead in quickly falls away as the true Frances is revealed. To me, her character felt wedged between the dying ideals of her mother's generation and the beckoning future. The Barbers are the catalyst to break Frances free – but at what price? Because this story builds so quickly, I'm hesitant to give you story specifics, but the themes are surprisingly contemporary for historical fiction.

The Paying Guests will steer you from a quiet tea in the parlor to a love affair to a murder-mystery before it is done. The characters in this story left me enthralled, shocked, frustrated, and ultimately, knee-deep stuck in the story. For those of you with e-readers, this novel is available through the San Antonio Library's Overdrive system for free.

Member Spotlight: Nicole Delahoussaye



What's your current job?

I am the Managing Associate of the First-Party/Bad-Faith Litigation (on behalf of policyholders) practice area at Wayne Wright, LLP. I have worked diligently to re-establish the practice area at Wayne Wright since my arrival in September 2014.

How long have you been a member of the BCWB?

What's your best experience thus far?

I was a member of BCWB for approximately a year, and inadvertently failed to renew my membership the following year. (Shame on me). However, I have re-activated my membership,

and I am honored to have this opportunity to be featured in the BCWB Newsletter.

My best experience with BCWB has been participating in the Autumn Affair. It is always a fun event that both honors women making strides in the legal profession and benefits a worthy cause - two things I'm always happy to be a part of.

Tell us about your morning ritual or daily routine.

As a litigation attorney, there's no such thing as a "daily routine!" Depending on the day, if I am in office, I may spend several hours doing legal research and drafting pleadings or motions, then a few hours responding to and/or sending emails, and returning missed phone calls. On days that I am out of the office, I may attend hearings, mediations, or conferences. One thing to be certain with a litigation practice is no day is typical.

What's your favorite moment of your career so far?

As an attorney who has worked primarily on behalf of injured plaintiffs and consumers, my favorite moments have been the look of relief and the expression of gratitude that my clients show when I am able to favorably resolve their legal issues.

What was your childhood

dream job?

I know it seems quite cliché, but I have wanted to be an attorney since I was six years old. My mother kept a paper that I wrote in the first grade when I proclaimed I was going to be a lawyer like Claire Huxtable from the Cosby Show. Surprisingly, I never changed my mind.

Guilty Pleasure: What can you not live without?

It's such a guilty pleasure, I'm almost ashamed to admit it...but I am a reality television junkie. *Covers face in shame* I've been intrigued by "reality" television since the first seasons of the Real World. My husband constantly chastises me for it and says I lose brain cells for every minute that I watch. Lol

What's the best career advice you've offered?

My best career advice is to truly understand the power of networking and to never burn bridges. I stand by the mantra that, "it's not 'what' you know, or even who you know - but who knows you." The ability to create a strong network of people who truly know and believe in you and can speak to your credibility is one of the most invaluable tools I've had in my career. I try to impart that on people who are starting out in the workforce or those who tell me they are having a problem finding a job.

Fitness Column: Get your pumping this February!



By Lindsey Riley

Natural Bridge Caverns 5K Trail Run, 10K Trail Run and Half Marathon

When: Feb. 8, 2015

Where: Natural Bridge Caverns, 26495 Natural Bridge Caverns Rd., San Antonio, TX 78258

Details: 7:30 a.m. start. Each race begins in the cave and then makes its way on to the Texas Hill Country Trails on the Natural Bridge Caverns property. I participated in this race last year and it was amazing, even with cold, wet weather. When else do you get to run through a cave?! The Post-Race Party will include Kilobassa sausage, fruit, and other goodies. Awards will be custom geode slice rocks.

Registration: \$50 for 5K, \$60 for 10K, \$85 for half marathon

For more information and a registration form, visit <http://redemptionrp.com/NBCTrailRun> or call the Race Hotline: 210-912-8874.

McNay Art Museum 5K Run & Walk

When: Feb. 15, 2015

Where: McNay Art Museum, 6000 North New Braunfels, San

Antonio, Texas 78209-0069

Details: Come celebrate the McNay's 60th Birthday Bash by running a 5K, followed by a great after-party with live music, food trucks, kid activities, and free admission to the McNay! Very kid-friendly event!

Registration: Through Jan. 31, McNay members \$20, non-members \$30; after Feb. 1, McNay members \$25, non-members \$35; day of the race, McNay members \$30, non-members \$40

For more information and registration form, visit <https://www.athleteguild.com/node/5853/signup> or contact spurnell@athleteguild.com.

Backcountry Trial Run

When: Mar. 7, 2015

Where: Government Canyon State Natural Area, 12861 Galm Rd., San Antonio, Texas 78254

Details: This event is located at the beautiful Government Canyon State Natural Area, located on the northwest side of San Antonio. For those who haven't been, this Texas State Park has over 40 miles of hiking and biking trails that range from remote rugged canyon lands to gently rolling grasslands. Take your pick of a 5K, 10K, half marathon or 25K. There is a distance for everyone! The 5K and 10K trails are not very technical and are a great introduction into trail running. The half marathon and 25K course is more technical and will be an exciting challenge for all! For those of

you running the half marathon or 25K, you'll run past a set of 110 million year-old dinosaur tracks believed to have been left by Acrocanthosaurus and Sauroposeidon dinosaurs.

Registration: \$45 for 5K, \$55 for 10K, \$85 for 25K

For more information and a registration form, visit <https://www.athleteguild.com/node/5659/signup>.

Culinaria's 5K Wine & Beer Run

When: Mar. 21, 2015 at 8 a.m.

Where: The Shops at La Cantera

Details: Run. Wine. Beer. Chefs. Fun. Okay, there's more to it than that. Come enjoy the race in a beautiful setting geared for your senses and your taste buds. There's yoga to warm you up and a race reception like none other. Run. Drink. Give at the tastiest event in town. Culinaria is a not-for-profit organization dedicated to benefiting the San Antonio community and promoting San Antonio as an ideal wine and food destination. The race benefits Culinaria's Hope for Hospitality umbrella of programs such as Chefs 4 Chefs and The Urban Farm.

Individual Registration: \$45 until Mar.13, 2015, \$55 from Mar.14, 2015 to day of run or sell-out

For more information and registration form, visit <http://culinariasasa.org/san-antonio/5k-wine-beer-run-details/>. Happy Running!

Judicial Spotlight: Judge Renée Yanta



Judge Renée Yanta (until December 27th, McElhaney) now serves as Judge of the 150th District Court, returning to the Bench after presiding over the 73rd District Court for three years from 2010 to 2012.

What is your background?

I have 23+ years of legal expertise. I graduated summa cum laude and served as Editor in Chief of the St. Mary's Law Journal. After law school, and with the help of my family and great mentors, I built a reputation as a legal scholar, civil litigator, and family law mediator, and argued cases before the Fifth Circuit, Tenth Circuit, Federal Circuit, almost every Texas intermediate appellate court, and the Texas Su-

preme Court.

Bexar County has been my home since 1976, when I arrived here as a "military brat" with my Air Force Father. I have raised two children, Jackie and Brandon, who often attended Bexar County Women's Bar meetings and events. I now have an absolutely charming two-year old granddaughter, Josie, and two fabulous "bonus" grandchildren: Emily and Hudson. Recently, I married the person I often tag as my "Sweetheart," Virgil Yanta. Check out my Facebook page for some awesome pictures...

Why did you decide to become a lawyer?

Law is my second profession. I was a public school teacher for nine years, teaching American History to Government. I loved teaching, and especially my students. In fact, several of them are now lawyers.

I decided to go to law school after reaching constitutional law to high school seniors for so many years, and being mesmerized by the logic of law. This part of the curriculum so excited me, I soon realized that being an attorney could provide a path to both serve my community and keep me intellectually engaged.

What is your legal background prior to becoming a

judge?

When in private practice, I was named Super Lawyer, was awarded an AV rating—the highest possible, authored 300+ legal articles, became Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization, and co-authored the State Bar Pattern Jury Charges. I continue to enjoy being a frequent speaker and writer, and especially an adjunct law professor. While I have received several honors, my most precious (besides being "Mom" and "NeNe") is the Belva Lockwood Award awarded to me by this wonderful organization.

What community activities are important to you outside of the practice of law?

I have been an active member of our community, volunteering at a number of different charitable organizations, including the Children's Shelter, the SAMM Shelter, and the fatherhood training program, Compadre y Compadre. I am an advocate for strengthening families through my board service with the Rape Crisis Center, the San Antonio Bar Foundation, the Winston School, and other nonprofits. One of my strongest passions has been to remain an active member of Bexar County Women's Bar throughout each stage of my career. I was so lucky to be Bench (con'd on p. 7)

Judicial Spotlight: Judge Renée Yanta (con'd from p. 6)

Brunch Chair in 2000 and then President in 2011. I returned to the BCWB Board in 2011 and, with the great help of Laurie Weiss and Leslie Hyman (among others), have planned the BCWB Retreat for the last several years.

Who are the people who have had the greatest influence upon your legal career?

I credit many of the wonderful opportunities I've had in the legal profession to the friendships made and mentoring provided through BCWB. Laurie Weiss, Patricia Dennis, Pam Huff, and so many others, have helped me find my path and

voice as a woman lawyer. I've also had great men who believe in me, like Wendell Hall, Robert Newman, Jamie Smith, and Larry Kurth. And I am blessed beyond measure by dear friends like Red McCombs and Kim Bowers Lubel (and my family and Sweetheart) who have supported me in my quest to serve as a judge.

What tips can you give other lawyers interested in becoming a judge?

Find your passion—for me, it was my “servant identity”—and let that ground you in your practice and professional goals. My professional and personal foun-

ation is best described by Micah 6:8: “What does God ask of us, but to do justice, love mercy, and walk humbly before Him.”

With that in mind, I look forward to continuing to give back to our great community, staying an active part of BCWB and its great members, and hosting you in my Chambers (with a cup of coffee and a slice of my famous cherry pie, which I'm known to bake from time to time for my courthouse family).

“What does God ask of us, but to do justice, love mercy, and walk humbly before Him.”

~ Micah 6:8



So You Want to...Practice in Federal Court: You'll Need Permission



By Regina Stone-Harris

If you want to practice law in federal court, you will need the particular court's permission. The requirement for a particular court's permission flows from a court's authority to prescribe rules for carrying out the court's business.

Pro hac vice status

If you don't plan to practice in federal court on a regular basis, but you want to represent a client in a particular federal case — like when your client's case is removed to federal court or your state-court client also faces federal criminal charges — you can apply for pro hac vice status. Practicing pro hac vice allows you to represent a client in federal court without complying with all of the usual requirements for practicing in federal court.

The requirements for practicing pro hac vice are specified in the court's Local Rules. Local requirements vary, so it's important to consult the Local Rules for requirements. You can find Local Rules on a court's website.

The court's website often includes a pro hac vice application; frequently, a fill-in-the-blank pdf form. If the court provides an application, use it. Standard applications provide uniformity; uniformity facili-

tates quicker rulings by presenting information judges anticipate. Make it easy for court to grant your request by using the court's application and providing everything the court requires.

Keep in mind that pro hac vice status does not excuse you from following applicable rules. If you proceed pro hac vice, you must abide by the federal procedural rules, the federal evidence rules, and the court's Local Rules.

Pro hac vice status isn't a substitute for satisfying the court's usual requirements for practicing in federal court. If you routinely apply for pro hac vice status, the court will direct you to apply for admission.

Attorney admission

If you want to practice in federal court on a regular basis, you must apply for admission. The court's Local Rules specify admission requirements. Admission requirements vary among districts, circuits, and sometimes among district divisions.

Admission requirements may include a standard application, letters of recommendation, a certificate of good standing, completion of a legal education program, and/or an application fee. An admission application is usually available on

the court's website. Like with pro hac vice practice, if the court provides an application, use it and provide what the court requires.

Plan ahead

If you seek admission, start the process early, well before you need to practice in federal court. The length of the admission process depends on the court's procedures and admission requirements.

In some courts, an admissions committee reviews applications and recommends applications for judicial approval; in other courts, judges determine the sufficiency of an application. The court's process may drive the length of the admission process.

Court requirements may also affect the length of the process. Some courts require completion of a legal education program. If a court requires a particular program, program dates will affect the length of the process. Other courts require no education program.

Some courts conduct formal admission ceremonies for administration of the oath of office. In other courts, a federal judge administers the oath to an admitted attorney without a formal ceremony.

Pro hac vice:
“Temporary admission of an out-of-jurisdiction lawyer to practice before a court in a specified case or set of cases.” ~ Black's Law Dictionary

Attorney Admission:
“Acceptance of a lawyer by the established licensing authority...as a member of the practicing bar...” ~ Black's Law Dictionary

President's Column (con'd from p. 1)

essential; it's more about going out and doing what you love to do. In the process, you're bound to make an impact that is critical to someone or something, even if your impact is just a stepping stone for the next, truly big change.

It's also possible that you and your actions are vitally important to something that you're not even aware of. Perhaps your involvement in the community has positively impacted someone you don't know. Perhaps reaching out to a friend to say "hello" changed the course of her day for the better. Perhaps that legal brief

you're working on will result in a decision that impacts Texans for generations. (Seriously, you never know!)

All of this to say that I want to challenge the Bexar County Women's Bar, and each of us individually, to do what we love in a way that fosters palpable and benevolent changes in our community. You are critical to the success of our organization, and I especially hope you will join us for a couple of our upcoming events. We have the opportunity to meet and mentor the next generation of female attorneys from St. Mary's Women's Law Association at

6:00 p.m. on February 12th at Tribeca. And I hope you'll join me at 5:30 p.m. on March 5th at 20Nine to celebrate our new members and our past presidents, each of whom has played a critical role in the evolution of our organization.

*If you're not familiar with the show, it follows the rock band Foo Fighters as they travel the country to record their most recent album. The show explores the musical and cultural history of each city they visit, and at the end of each episode, the band records a track for the album.

"True fulfillment is acquired by going out into the world and fostering palpable and benevolent changes."

Women's Law Association Update

By Leah Wise, WLA President-Elect

Women's Law Association was honored to host the Bexar County Women's Bar January luncheon at St. Mary's. We were thrilled to assist in welcoming Chief Justice Sandee Bryan Marion to the Fourth Court of Appeals. Justice Marion gave an insightful talk about her time at St. Mary's Law School and how her career has flourished since then. We wish her best in her transition to this prestigious role.

Women's Law Association is happy to announce that members Marisa Aragon (3L) and Alicia Grant (2L) claimed 1st place in the Rocky Mountain Region of the NBLSA Frederick Douglass Moot Court Competition in January. Marisa and Alicia defeated UT teams in both the semi-final and final rounds to capture the title of 2015 RMBLSA Regional Champion. As a result of their strong finish, Marisa and Alicia qualify for the NBLSA National Finals in Portland, Oregon. Please help us in congratulating Marisa and Alicia

and wish them the best of luck in bringing the national championship title home to St. Mary's.

Upcoming Events

WLA is excited to kickoff our mentor/mentee program with the Bexar County Women's Bar Association this month. On February 12, we will have a mentor/mentee mixer at Tribeca at 6:00 p.m. Having a BCWBA mentor is one of the greatest benefits of joining WLA and our members are excited to meet all the mentors!

Restaurant Review: Esquire Tavern - No JD Required

By Alicia Calzada

The Esquire Tavern shares the formal name of lawyers who choose to use the moniker, but it is far from a stuffy members-only club. While you will find locals of many professions at Esquire, it is in fact an ideal place for lawyers. Located on Commerce Street on the Riverwalk, it is a quick hop from downtown law offices and just a couple of blocks from the Bexar County Courthouse.

The tavern provides a cozy, friendly atmosphere with seating that can provide you the privacy of a tall wooden booth, the charm of outdoor Riverwalk patio dining, or the camaraderie of a barstool—the establishment claims it has “the longest wooden bar top in Texas” which consists of “over 100 feet of beer-soaked wood, rubbed smooth by the elbows of a zillion tipplers”. The Esquire Tavern boasts that it opened in 1933 “to celebrate the end of prohibition,” and the antique bathroom mirrors, light fixtures and wall paper all harken to that time. It closed in 2006, but reopened in 2011.

Lunch offerings include a modern twist on many San Antonio favorites, and a few more unique dishes for a wide range of options that should have broad appeal, although the fare is far from “light.” It includes cravings-satisfiers like

Deviled Eggs, Pickled Beet Salad, and Chili Salt Fries; Tex-Mex fare such as Chile Relleno, Chicken Mole, Ribeye; and American comfort food like Meatloaf Sandwiches, Turkey Club, and a variety of organic beef burgers. The restaurant says that all meats are from humane, sustainable. If organic beef burgers are too ordinary for you, they serve Bison Burgers, made with organic bison, and a Lamb Burgers with goat cheese. Sandwiches and burgers range from \$8 (Grilled Pimento Cheese) to \$20 (Hudspeth River Ranch Lamb Burger), with most falling in the \$12-13 range. Plates run from \$11 (Shrimp Toast) to \$24 (Chicken-Fried Ribeye Steak) with most plates coming in around \$14-15. The Shrimp Toast is deep fried, and a bit too greasy for my taste but the Pimento Cheese sandwich, is tasty, though buttery. My lunch date/husband raved about the Bison Burger, which he said was cooked just right.

There are a variety of cocktails, ranging from the unique “Frenchman in Jalisco” (consisting of tequila, Mexican hot chocolate and marshmallows) and Mire Poix (Aquavit, carrot, onion, and celery) to standards like Hot Toddy, Irish Coffee and Margarita. There is a moderate wine selection and a range of local and international beer op-

tions. The non-alcoholic drinks include Ginger Beer, Limonada, Mexican Coke and French Press coffee.

Open for lunch, dinner and late into the night, they have lunch specials and a \$3 happy hour snack menu, served from 3-7 p.m., Monday through Friday. There is a late-night menu of sandwich/burger options, which is served from 11p.m. to 1a.m. on Thursday through Saturday.



Opens daily at 11:30 a.m.

Closes Sun-Wed at midnight (kitchen closes at 10 p.m.)

Closes Thursday, Friday and Saturday at 2 a.m. (kitchen closes at 1 a.m.)

Address: 115 East Commerce Street, San Antonio, Texas 78205

Website: <http://www.esquiretavern-sa.com/>



Shrimp Toast pictured at top right & Deviled Eggs at bottom right

Case Watch: *Ex parte Hannah Overton*

By Greta McFarling

Cynthia Orr has been a much-loved presenter at several BCWB events. I know I have been particularly captivated by Cynthia's presentations at our past two retreats, when she spoke about her appellate representation of Hannah Overton. In 2007, Overton was convicted of capital murder for the death of a four-year-old child she and her husband were in the process of adopting. The child died from salt poisoning, and the jury found that Overton failed to provide him with adequate or timely medical care. She was sentenced to life imprisonment without parole. Her conviction and sentence were upheld by the Corpus Christi Court of Appeals and the Texas Court of Criminal Appeals refused her petition for discretionary review. *See Overton v. State*, No. 13-07-00735-CR, 2009 WL 3489844 (Tex. App.—Corpus Christi Oct. 29, 2009, pet. ref'd) (mem. op., not designated for publication). Overton has unequivocally maintained her innocence, and claims that the child, who suffered from developmental delays, ingested a large amount of salt while she was otherwise occupied.

Acting as appellate counsel, Cynthia applied for writ of habeas corpus. In the application, Cynthia alleged that Overton is actually innocent based upon newly discovered evidence, that she received ineffective assis-

tance of counsel, and that the State failed to turn over exculpatory evidence. In 2012, the Court of Criminal Appeals ordered the trial court to conduct an evidentiary hearing for further factual development of Overton's claims. *See Ex parte Overton*, No. WR-75804-02, 2012 WL 1521978 (Tex. Crim. App. Feb. 8, 2012).

On September 17, 2014, the Court of Criminal Appeals considered the merits of the habeas application and determined that Overton received ineffective assistance of counsel at trial. *See Ex parte Overton*, 444 S.W.3d 632 (Tex. Crim. App. 2014). Specifically, the Court found that trial counsel was ineffective for failing to present the testimony or deposition of Dr. Michael Moritz, a leading expert on sodium intoxication. In his deposition, Dr. Moritz testified that the average person would not immediately recognize the symptoms of salt poisoning, and that even if Overton had immediately sought medical care for the child, in all likelihood he would have died anyway given his high blood sodium level. The Court concluded that both prongs of the ineffective assistance of counsel test were met: (1) the decision not to present Dr. Moritz's testimony was not trial strategy and was not a reasonable decision and (2) Overton was prejudiced because Dr. Moritz's testimony was directly relevant to the



verdict rendered at trial. (Because it granted relief on the claim of ineffective assistance of counsel, the Court did not address the issue of whether the State failed to disclose exculpatory evidence; in her thorough concurring opinion, however, Judge Cochran did address that issue, as well as the "problematic" proceedings in Overton's case. *See id.* at 641-52 (Cochran, J., concurring)). The Court thus reversed Overton's conviction and remanded her case to the trial court for a new trial.

On December 16, 2014, Overton was released on bond. Overton is currently at home with her husband and five children, the youngest of whom was an infant when Overton was imprisoned. The case will, presumably, be retried in Nueces County later this year.

Kudos to Cynthia for her tireless representation of Hannah Overton and her success in securing a new trial for her client. Cynthia's quest for justice is an inspiration to us all!



Marissa Helm,

President of the
Bexar County Women's Bar
Association & Foundation,
invites you to the

2015 *President's Party*

Honoring Past Presidents &
New Members

Thursday, March 5, 2015
5:30-7:30

20Nine Restaurant and Wine Bar
Quarry Market, 255 E. Basse Rd.

Wine and Appetizers will be Served

RSVPs are not required,
but are encouraged!

Email your reply to knoll@coxsmith.com