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Editor's Note

By Suzanne Patrick

It is hard to believe it is May and the first five months of 2016 are in the books! With the arrival of June it means summer is here! Summertime is a time for me, and I assume many of you, to catch up personally and professionally on things that need to get done and build in some time for rest, relaxation and vacation. It is also a time to spend more time with the kiddos and get out and enjoy

the outdoors and try to stay cool in Texas.

I like to use my summer professionally to catch up on training that I need to do, but can't seem to get around to throughout the rest of the year. This is a great time to take advantage of CLE offerings you might otherwise not have found time to do. I personally will be headed to San Francisco for five days to the National College and University Attorneys conference to



join many college and university attorneys and their outside counsel for five days to discuss the various legal issues unique to our environments. This is the first time I am attending and am very interested in (con'd on p.10)

June Luncheon: Legal Issues Underlying America's Prescription Drug Abuse Epidemic

Please join us at noon on June 14 at Club Giraud to welcome Lisa Davis. Lisa has more than 15 years of experience advising on laws and regulations governing the health care industry, and has specialized expertise in the legal and regulatory constraints on the drug and device supply chain. Lisa's presentation will explore the federal and state legal constructs that purport to control dissemination of prescription opioids and discuss pending legislation aimed at improving existing systems.

.75 CLE hours approved

When: Tuesday, June 14, 2016

Time: Noon to 1:00 p.m.

Where: Club Giraud

Cost: \$25 for members, \$30 for non-members, \$20 for students, payable at the door

RSVP: Club Giraud needs a headcount well in advance of the luncheon, so please RSVP by Thursday, June 9. You can now register and pay online! Please 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. Walk-ins will be charged \$35 to cover the additional demands on Club Giraud's staff and no-shows will be billed.

For more information, contact Rachel Skinner (rskinner@dykema.com) or Meagan McKeown (mmckeown@dykema.com). We hope to see you there!



Call for Nominations for Belva Lockwood Outstanding Lawyer & Outstanding Young Lawyer Awards

By Shari Mao

On October 27, 2016, the Bexar County Women’s Bar Foundation will recognize two distinguished attorneys with the Belva Lockwood Outstanding Lawyer Award and the Belva Lockwood Outstanding Young Lawyer Awards. Women attorneys in our community who have been licensed to practice law for eleven or more years will be considered for the Belva Lockwood Outstanding Lawyer Award; women attorneys in our community who have been licensed to practice law for three to ten years will be considered for the Belva Lockwood Outstanding Young Lawyer Award. The recipients must be current members in good standing of the Bexar County Women’s Bar Association.

The selection committee will consider:

- Contributions to the community, appointed or elected offices, and membership and board involvement in community organizations;
- Contributions to improve the status of women in society and in the legal profession;
- Contributions to the legal profession;
- Experience, reputation and standing in the legal community;
- Contributions to the Bexar County Women’s Bar Association and Foundation and its projects; and
- Other relevant contributions to the community.

The Belva Lockwood awards are very special. Please think about the outstanding women attorneys you know who are deserving of this award and send in your nominations.

Please note that because of our desire to honor all women who have achieved high honor by their ascent to the judiciary at Autumn Affair, sitting judges are not eligible for the Belva Lockwood Award.

Please send the name and email address for your nominees no later than June 20, 2016 to Sara Dysart at sara@dysartlaw.com or 112 E. Pecan Street, Suite 3050, San Antonio, Texas 78205. All nominees will be sent an application after the close of nominations.

Welcome New Members

Taryn Biasioli

Michelle Casillas

Lisa Davis

Courtenay Euton

Katie Faulk

Debra Innocenti

Heide Junge

Linda Leeser

Cheryl Mendoza

Gayle Nelson

Katherine O’Neill

Roxanne Parker

Monica Quitugua

Melina Rodriguez

Shavonne Smith

Julia Vaughan

Fitness Column: Salado Creek Greenway



By Lindsay Riley

If you are looking for a great place to walk the dogs, train for your next 5K, or put some miles on your old Trek, check out the Salado Creek Greenway. The Salado Creek Greenway offers 19 miles of paved trail and many convenient connections to local parks and neighborhoods. The northern (and my personal favorite) segment of the Salado Creek Greenway is roughly 5 miles long and stretches from Huebner Road to West Avenue. It traces Salado Creek through bluffs and forest, then runs past the Voelcker Farmstead in beautiful Phil Hardberger Park and the Walker Ranch Historic Landmark Park.

Now that Wurzbach Parkway is complete, the northern segment connects to a 6.5 miles stretch of trail that runs from McAllister Park to James Park. This portion of the greenway provides an impressive view of the city skyline and winds through wetlands and dense woodlands. A spur just south of McAllister Park leads to Lady Bird Johnson Park, where you'll find a swimming pool, skate park, softball and soccer fields and basketball courts. You can even stop for a bite to eat at Los Patios before heading under Loop 410. On the other side of Loop 410, the trail

winds through Robert L.B. Tobin Park and ends at John James Park. The southern segment of the Salado Creek Greenway stretches about 7.5 miles from Jack White Park just north of IH-35 south through Pletz County Park, Martin Luther King Park, Comanche Park and South Side Lions Park. The greenway is still under development. Within the next 2-5 years, the City plans to complete the construction connecting the southern and northern segments of the trail.

In addition to runners, dog walkers, and bike riders, you'll find plentiful shade, wildflowers and wildlife, as well as playgrounds, pavilions and rest areas. It is the perfect place to feel like you've escaped the hustle and bustle of the city, and a great alternative to the popular and often crowded Mission Reach Trail. So, next time you need a few steps for your Fitbit, make your way to the Salado Creek Greenway. You won't be disappointed! Happy Trails!



Member Spotlight: Linda Leeser



What's your current job?

I am a solo practitioner who handles criminal defense, family law, civil litigation, and appeals.

How long have you been a member of the BCWB?

I returned to BCWBA last month.

What's your best experience thus far?

I really enjoy the monthly luncheons. The talks are informative and the members are very welcoming. I am looking forward to the retreat in June.

Tell us about your morning ritual or daily routine.

Well, mornings are not my friend, so I normally hit the snooze button 2 or 3 times before I get out of bed. I start each morning with a cup of coffee and light conversation with my husband. I then like to ease into the day by checking email and reviewing my task list. Then, it is off to the office where routine flies out the window.

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

That would be on one of my criminal defense cases. My client was a young woman charged with aggravated

assault - married. I was able to show she was the victim not the aggressor and was able to get the charges dismissed. It felt good to get this dismissed and prevent her from the stress of a jury trial.

What was your childhood dream job?

I wanted to own a bakery. I had visions of making beautiful wedding cakes and delicious pastries.

Guilty Pleasure: What can you not live without?

Avocados and coffee.

What's the best career advice you can offer to others?

Don't procrastinate, get things done sooner rather than later.



SAYLA awardees
Lindsay Riley,
Sho Nakopodia &
Angela Moore

Photo courtesy of
SABA

Autumn Affair Beneficiaries



By Leslie Hyman

The Bexar County Women's Bar Foundation is pleased to announce that the Beneficiaries for this year's Autumn Affair are Deborah's House and The Children's Shelter.

The mission of Deborah's House is to support women who have completed an in-patient program for ongoing recovery from the disease of addiction by providing a safe sober-living home, spiritual mentoring and modeling life skills for their continued success. Deborah's

House operates a 6-bed facility to provide transitional housing for women who have no safe place to go after treatment. Each participant is paired with a volunteer mentor trained in the Genesis Process, a neuro-psychological relapse prevention program that allows the women to understand their disease and how they became addicts. The women are required to find their own faith community to encourage them to grow spiritually and to add more people to their support network. Deborah's House also works with community partners to find suitable employment and job training to maximize the participants' earning potential and help them to achieve financial independence.

Founded in 1901, The Children's Shelter is one of the oldest, continuously operating nonprofits in south Texas. Its mission is restoring innocence and

strengthening families. In addition to providing emergency shelter and service for children in crisis, The Children's Shelter seeks to prevent the need for these services by working to break the cycle of abuse and neglect. Serving over 4,000 children and families each year, the Children's Shelter uses evidence-based prevention and intervention practices designed to significantly impact children, families, and in turn, the community. These Family Strengthening Programs include iParent SA®, Teen HOPES®, the Nurse-Family Partnership, and Compadre Y Compadre®, a 15-week program for fathers. The Children's Shelter also operates the Harvey E. Najim Hope Center, which is a specialized outpatient mental health clinic that provides accessible mental health services for children and families as a result of abuse, neglect, and abandonment.

June Around Town Lunch

Join Brittany Weil for an informal lunch at Cured in the Pearl Brewery on Thursday, June 30, 2016 at 12:00 pm. Come to chat, catch up, and reconnect over great food. No need to RSVP, just look for Brittany. Hope to see you there.

Shown at right: BCWB Leadership Scholarship recipient Melina Rodriguez in center, with BCWB officers & directors
Photo courtesy of SABA



Judicial Spotlight: Justice Marialyn Barnard



What's your current job?

Justice on the Fourth Court of Appeals, wife (of a lot of years), mother, and grandmother.

How long have you been a member of the BCWB?

What's your best experience thus far?

I have been a member of BCWB since 1990 when I was a BCWB student member as a St. Mary's University School of Law student. I was vice-president of the St. Mary's Women's Law Association, and I was a volunteer in helping with the BCWB Annual Judicial Bench Brunch. I became an attorney member in 1992.

I have served on the BCWB board twice, served as live auction chair—assisting on silent auction committee, served on the annual retreat committee, as well as served on the monthly program committee.

My best experience was working with my fellow women attorneys toward the common goals of BCWB. The long term friendships and mentoring relationships that have lasted my whole career have been the best experiences thus far. A close second best experience was building a Habitat for Humanity home with my fellow BCWB members back in the 90's. Attending the retreats was always a great experience.

Tell us about your morning ritual or daily routine.

Now that my children are grown with children of their own, my morning routine usually includes sitting and drinking a cup of coffee with my husband as we discuss our children, grandchildren, and whatever might be the news of the day. Before we part to get ready for the day, we say a prayer of thanks together. Then I usually head out the door to the courthouse, a breakfast meeting, or some other related event in town or in one of the thirty-two counties of the Fourth Court of Appeals.

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

My favorite moment of my career was becoming a Justice on the Fourth Court of Appeals. It is a true honor, privilege, and joy to serve.

What was your childhood dream job?

As a young child, I wanted to be a school teacher. As adolescent, I thought I wanted to be lawyer and maybe U.S. Secretary of State. As an adult, I wanted to be judge. I have been blessed with being a teacher and now a judge. Luckily, that U.S. Secretary of State job did not work out!

Guilty Pleasure: What can you not live without?

Dark chocolate.

What's the best career advice you can offer to others?

Work on balance in your family and work life. Choose a good partner with whom you can dream together and work together. Don't sweat the small stuff. Work hard. Treat all with respect.

Book Review: *Getting Life: An Innocent Man's 25-Year Journey from Prison to Peace*



By Greta McFarling

Getting Life: An Innocent Man's 25-Year Journey from Prison to Peace

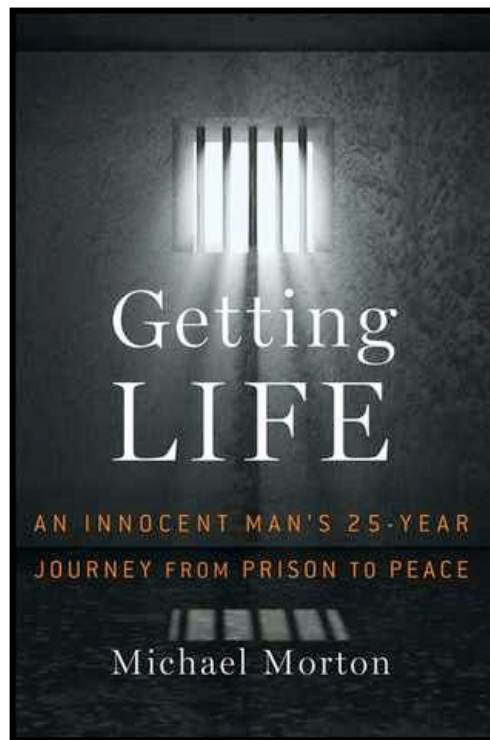
A Memoir by Michael Morton

Imagine your worst nightmare: you return from a day at work to find your house surrounded by yellow crime scene tape and police cars. The sheriff tells you your spouse has been murdered. You are immediately treated like a suspect, and just when it seems that things can't get any worse, you find out that the sheriff has decided to arrest you and charge you with the murder. Unbelievably, the jury finds you guilty and you are sentenced to life in prison.

What sounds like a bad dream to you and me was a reality for Michael Morton. On August 13, 1986, his wife Christine was brutally murdered in the couple's North Austin home after Morton left for work early in the morning. Sadly, the couple's three year-old son was at home, and later told his grandmother that he saw a "monster" kill his mommy. That information, in addition to other exculpatory evidence, was never introduced at trial, and Morton was convicted of murdering his wife. After spending nearly twenty-five years in prison, we now know that the prosecution hid key evidence from the defense and that another man, Mark Alan Norwood, was the real killer.

Getting Life is a quick read, but the story will stay with you long after you turn the last page. I first read the book a year ago, and am still fascinated by Morton's tale of faith and forgiveness in the face of losing his family and his freedom.

Morton details the monotonous, soul-killing place that is prison, and how he lost—and later re-kindled—his relationship with his son, who was reared to believe his father murdered his mother. Lawyers will find riveting Morton's account of his various legal hurdles and the help from Houston attorney John Raley and the Innocence Project. Ultimately, it is Morton's remarkable ability to turn from thoughts of revenge to total absolution that you will not forget.



Ethics Follies

By Marissa Helm

Ethics Follies preparation is already in full swing for October 5th and 6th! BCWB members Marissa Helm and Leslie Lewis recently performed in a condensed preview of this year's Chicago parody at the San Antonio Bar Association's Bench Motions & Trials CLE on May 20th. You may recall that several BCWB members participated as white-clad nuns in last year's *Scamalogot*. We've gone in a completely different direction this year, wearing fishnets and black leotards as "Fosse dancers" in the *Cell Block Tango and All That Cash*. Other notable appear-

ances in this year's show include Mae West, Marlene Dietrich, all of your favorite Chicago characters, and Carmen Miranda, played, as always, by our own BCWB past-president Rosa Cabezas-Gil!

There is still plenty of time to join us for the fall performances, and there are many other roles available if fishnets and leotards aren't your thing! This really has been one of the most fun experiences I've had as a lawyer, and it's a great way to push outside your comfort zone, meet new people beyond the legal community, and hone your presentation skills. Please

email marissa.helm@parallon.com if you want to get involved.

If you would rather support your fellow BCWB members, earn ethics CLE credits, and provide funding for the Community Justice Program simply by watching this fun and educational program from the audience, please mark your calendar for Wednesday, October 5th at 3:30 p.m. for the matinee performance (followed by happy hour this year) or Thursday, October 6th at 7:00 p.m. at the Charline McCombs Empire Theatre. Tickets, sponsorships, and group rates are available at www.ethicsfollies.com.



Shown at left: BCWB members Marissa Helm and Leslie Lewis

Shown below: the cast of Ethics Follies



Case Watch: *CRST Van Expedited Inc. v. EEOC*



By Bonita Roberts

On May 19, 2016, the U.S. Supreme Court unanimously held that no ruling on the merits is necessary for a prevailing employer to recover legal fees against the EEOC when a Title VII suit is dismissed for failure to investigate and conciliate charges. *CRST Van Expedited Inc. v. EEOC*, No. 14-1375, 2016 WL 2903425, at *2 (U.S. May 19, 2016). The dispute arose when a female truck driver claimed that two male trainers sexually harassed her during the road trip component of training at CRST. *Id.* at *2. After she filed an EEOC charge, the Commission notified the employer and investigated the claim, concluding that CRST subjected the complainant and a group of 67 others to sexual harassment and offered conciliation. *Id.* at *4. When conciliation failed, the Commission filed suit. *Id.* The

district court concluded, however, that the EEOC had not sufficiently investigated or attempted conciliation and dismissed the suit, awarding \$4 million in fees to CRST as the prevailing party. *Id.* at *6.

On appeal, the Eighth Circuit held that a district court decision on the merits is necessary for an employer to be a “prevailing party” eligible for legal fees, a result conflicting with three other circuits. *Id.* at *8.

Justice Kennedy, writing for the Court, initially observed that common sense undermines the idea that an employer cannot prevail without a ruling on the merits. *Id.* at *9. Such a defendant seeks to avoid an alteration of the legal relationship between the parties and can fulfill that goal regardless of the reason for the court’s decision. *Id.* The Court further concluded that congressional policy does not distinguish between merits-based and non-merits-based judgments, citing its opinion in *Christiansburg Garment Co. v. EEOC*, which stated that a prevailing party employer in Title VII disputes may receive attorneys’ fees whenever the plaintiff’s claim is “frivolous, unreasonable, or groundless.” *Id.* at *9 (citing *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 422 (1978)). As a result, Justice Kennedy reasoned that “[a]n on-the-merits requirement



for a defendant to acquire prevailing party status would undermine congressional policy by blocking a whole category of defendants for whom Congress wished to make fee awards available.” *Id.* The Court further observed that significant attorney time and expense may go into contesting a claim and consequently neither the statute’s text nor the underlying policy weighs in favor of the Eighth Circuit’s on-the-merits requirement. *Id.* at *10. The Supreme Court remanded to determine, inter alia, whether the EEOC could establish that its investigation and conciliation efforts in the instant case were not frivolous, unreasonable or groundless to avoid attorneys’ fees even if CRST is a prevailing party. *Id.* at *11.

July Around Town Lunch

Everyone needs good food and good company.

Please join us for both on July 13.

Where: Bakery Lorraine (bakerylorraine.com)

306 Pearl Parkway #110

When: Wednesday, July 13 at 11:30 a.m.

Who: Your fellow BCWB members!

No need to RSVP. Just look for Lauren Horne.



Editor's Note (con'd from p. 1)

the learning and networking opportunity. Summer is a great time to look for a conference and perhaps combine some CLE with some vacation time.

School is out for the summer, but for many of us, it means summer camp for our kids. However, I know I also like to do fun stuff with my kids during the summer in and around the area when I have time. Here are a few ideas for some day trip activities to do with your kids in and around the area that are outside the usual San Antonio attractions.

- The Exotic Resort Zoo in Johnson City, Texas (<http://www.zooexotics.com/>). Whether you want to get a cabin and make a weekend out of it or just go up for the day and take their safari ride around the property this place is a wonderful visit.

- The Thinkery, Austin, Texas (<http://thinkeryaustin.org/>). I know we have the new and

amazing DoSeum but this place is a great change of place. They have a fun food truck park right there and lots of great activities for kids. My kids love it and I highly recommend it for the summer.

- Wimberley Zipline Adventures (<http://www.wimberleyzipline.com/>). For older kiddos this place is awesome. I have gone with my nephew and his friends when he turned 15 and he had the best time. I highly recommend this place for a day trip.

Here is a great way to couple your networking time and family time. Be sure to mark your calendars for this great summertime event. Stay tuned for details about bringing your family to see *Finding Dory* at the Alamo Drafthouse - Park North on Saturday, July 16 at 3:00 p.m. Free admission for all MIL-SA or BCWBA members sponsored by Akin Gump Strauss Hauer & Feld LLP.

For the last almost two years, I have been compiling and editing the Bexar County Women's Bar Association Monthly Newsletter. We love to hear from our members. If you read an interesting case or are following a particular legal issue and want to write about it in our Court Watch Column, send it my way. If you go to a great restaurant or attraction and want to review it, send it my way. If you read a wonderful book and are willing to review it, send it my way. Our membership loves to hear from each other and I hope you will take time over the next seven months of the year to contribute something to the newsletter. The deadline to submit is the 20th of the month before. So for July please send submissions by June 20, 2016. You can email them to me at sbpatrick@ollusa.edu. Stay cool, dry and enjoy your summer!

BCWBA Lites

Brooke Waldrep welcomed her first child, son James Bradley Waldrep on April 26.