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President's Message

It is July! I can't believe we are already halfway through the year. Over the past six months, the Bexar County Women's Bar has been busy! In addition to our monthly CLE luncheons at Club Giraud and around town lunches, we celebrated Law Day, conducted Mentor Mentee pairings, and revamped our website. Most significantly, we just

held one of my favorite events, our annual CLE Retreat on June 9 and 10 at the Ye Kendall Inn in Boerne, Texas. It was a fabulous event, with many new members attending the retreat for the first time. I want to thank everyone who attended for helping make this event so much fun, all of the speakers who shared informative and



interesting CLE presentations, and especially, Laurie Weiss, Judge Renée Yanta, and Leslie Hyman, (con'd on p. 2)

July Luncheon: Kirsta Leeburg Melton

Please join us on July 12 to welcome Kirsta Leeburg Melton. Kirsta is the Deputy Criminal Chief of the Human Trafficking and Transnational/Organized Crime Section of the Office of the Texas Attorney General. From 2000-2014, she prosecuted in the Family Justice Unit of the Bexar County District Attorney's Office combating human trafficking, the physical and sexual abuse of children and family violence, and in 2012 helped establish and lead the Bexar County DA's Human Trafficking Unit.

Human trafficking is a media buzz word that often conjures images of brothels in Thailand or confusion with the ongoing

immigration debate. This presentation covers what constitutes human trafficking and actual cases prosecuted in the state of Texas. The presentation identifies trafficker tools, how traffickers obtain and maintain victims, victim needs and barriers to identification and rehabilitation, and red flags for beginning the identification process. .75 CLE hours approved

When: Tuesday, July 12, 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, July 7. You can now register and pay online! Include any dietary restrictions in your RSVP. We understand that 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. 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!



Family Movie Event: *Finding Dory*

By Marissa Helm

Bring your family out to join Bexar County Women’s Bar Association and Moms-in-Law San Antonio at Alamo Drafthouse Park North on Saturday, July 16 at 2:30 p.m. for a private screening of *Finding Dory*. Thanks to a generous sponsorship from Akin Gump Strauss Hauer & Feld, LLP, admission is free to BCWBA and MILSA members in good standing and their families. Attendees will be responsible for their own food and beverage costs. Seating is limited. You can reserve your seats online at

www.bexarcountywomensbar.org/event-2241230, and there will be a waitlist once we reach capacity.

This was a smashing fun event last year. We excited to offer our members this great way to beat the heat at the movies! Even if you’ve already seen the highly-anticipated sequel to 2003’s *Finding Nemo*, this is an opportunity to see it again (for free!) with your fellow attorneys. And if you’re without children of the *Finding Dory* demographic, we’d still love it if you came out to mingle and enjoy the show with an

adult beverage or two. Come as you are to enjoy a fun Saturday afternoon!

Note that there is a food and beverage minimum associated with renting out the theater, so please order your food and drinks from our dedicated servers inside the theater. That way your purchase will count towards the required minimum and reduce costs to BCWBA and MILSA. The theater opens 30 minutes before the show starts at 3:00 p.m.

President’s Column (con’d from p. 1)

for putting this fabulous event together. It was outstanding!

Last month, I had the opportunity of representing the Bexar County Women’s Bar at the San Antonio Bar Association Law Week Luncheon. There I had the privilege of presenting a \$1,000 check to the recipient of the St. Mary’s University School of Law Single Parent Scholarship, Melina Rodriguez. Melina was selected to receive the scholarship due to the additional responsibilities she has as a single parent who finds the time during law school to also participant in pro-bono

work. Congratulations to Melina and all of the other winners who were recognized at the Law Week Luncheon Awards Ceremony!

The keynote speaker at the Law Week Luncheon was Michael Morton. If you are unfamiliar with his experience of being wrongfully convicted and imprisoned for nearly 25 years, I implore you to read his book, *Getting Life: An Innocent Man’s 25-Year Journey from Prison to Peace*, or watch the documentary, *An Unreal Dream: The Michael Morton Story*, that is available on Netflix. Both tell

the story of failure in our criminal justice system that can only be described as a gross miscarriage of justice. What I found most compelling from his speech is that while in prison he realized that by being angry with those who had wrongfully put him behind bars he was only hurting himself; likening it to taking poison and expecting another person to get sick. Despite this unfathomable tragedy, he somehow came out of prison with the courage to forgive and find peace. This courageous story is something we all can learn from. Have a wonderful and safe 4th of July!

Retreat Addressed Those Boerne-ing Questions!

On June 9 and 10, over fifty Bexar County Women's Bar members, several of whom became our newest members, escaped to the cooler and dryer hill county air of Boerne, Texas for the 2016 Retreat and CLE.

The location, Ye Kendall Inn, is a charming hotel and campus, originally built in 1959. It definitely hit the "max" rating on the cute meter. The lobby—and impromptu welcome reception location because the gorgeous courtyard was just a bit too hot—was roomy, yet cozy. With hill-country modern furnishings and unique Texas art, it was a great place to begin a two-day opportunity to reconnect with former colleagues, savor time with dear friends, and meet dynamic women lawyers from a broad spectrum of practices. A converted two-room church (which hosted the pre- and after-party) and a village of unique buildings housing comfortable accommodations all added up to a perfect venue.

Each CLE speaker was fabulous, and provided helpful take-

aways. Tracy Tylman and Susan Kilgore set the pace Thursday evening with a high-energy, fast-paced presentation on POWERFUL advocacy and communication. The remainder of the retreat was jam-packed with strong speakers and top-of-mind issues: mastering sensitive data e-filing, using social media, discussing the intersection of family and immigration law, recharging on ethics, and handling high profile litigation.

The Retreat introduced an innovative and super successful CLE format that kind of married "speed dating" with something like UTSA's Great Conversations. It was fabulously energetic—and encouraged both learning and networking. Here's how it worked: Retreatants each chose three of five different tables to visit. An outstanding BCWB member led the conversation at each table, addressing one of our "Boerne-ing" Questions: The High Stakes Plaintiffs' Lawyer, hosted by Lara Brock; Starting & Managing a Solo Practice, hosted by Sara Dysart;

Notes from the Federal Trenches, hosted by Erica Giese; From Bar to Bench, hosted by Hon. Rebeca Martinez; and The Many Hats of In-House Counsel, hosted by Mary Stich. By the animated conversations and laughter in the room, this segment of the Retreat sounded like a huge hit!

Great sponsors and organizers also invested in this Retreat, providing many extras that helped make the Retreat so successful. SPECIAL THANKS to Depo Texas, Kim Tindall, Lisa Barkley and Jefferson Cano, and Preferred Counsel Legal Placement and Jenny Marshall for creating an environment of joy that galvanized the entire Retreat. A HUGE THANK YOU to the Retreat committee team of Laurie Weiss, Leslie Hyman, and Judge Renée Yanta, along with Lisa Barkley, Susi Boss, Elsa Marie Garza, Heidi Helmstrom and many others who worked so well together to build another great Retreat.



Title IX... It's more than just issues with athletics



By Suzanne Patrick

I am sure many of you have heard the news about what is going on with Baylor University or the headlines regarding the Stanford swimmer's sentence and his father's response. Working at a university as the Title IX coordinator makes these issues very real and present for me every single day. Many who are not connected to higher education law or maybe even labor and employment legal issues may not realize that Title IX spans far wider than just issues with gender equity in athletics.

Throughout the years, the United States Government and most specifically the Department of Education, Office of Civil Rights (OCR), has issued "Dear Colleague Letters" providing guidance and specifics on how colleges and universities who receive federal funding must handle cases of sexual harassment, sexual misconduct, sexual violence and other related areas. Most recently, OCR issued guidance about how gender

identity must be handled at post-secondary schools and colleges throughout the country. (That issue is for another column and we can unpack that as we look at the pending suit Texas has filed in regards to that issuance on May 13, 2016.)

Schools must have Title IX coordinators in place that coordinate and oversee compliance and ensure issues of sexual harassment and sexual violence are addressed appropriately. They must be sure these folks have adequate training, appropriate authority and support to do their job and that it be independent from other job duties that would cause them a conflict of interest. It is their job to monitor outcomes and identify patterns and systemic problems within the environment they work in and suggest solutions to address these problems. They must make sure schools have policies that comply with the OCR guidelines, define prohibited behavior, encourage reporting and assure community members that the institution will respond in a prompt, equitable and appropriate manner when issues are reported. It is of the utmost importance that they have fair and impartial investigations and grievance procedures. OCR also states that even if an act committed by a respondent has a criminal

investigation that is being conducted, that must be done simultaneously or run parallel with the school's own investigation. The school must use the preponderance of evidence standard to determine if the respondent committed the offense. Respondents can be sanctioned by both the school and have criminal charges filed against them.

I give you this background to help you understand just a bit of what schools are instructed to follow to comply with OCR's Title IX guidelines. As of June 2, 2016, OCR has open Title IX investigations pending with 192 schools, <http://chronicle.com/article/How-to-Use-The-Chronicles/236676>, which is more than triple the 55 they posted on May 1, 2014, <http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix-sexual-violence-investigations>. And more and more schools are in the news such as Brigham Young, and Baylor. <http://www.cnn.com/2016/04/29/health/brigham-young-university-rape/> & http://espn.go.com/espn/otl/story/_/id/15098651/baylor-sexual-assault-victim-files-title-ix-lawsuit

(con'd on p. 5)

PEARLS and Paesano's: BCWB Giving Back!



By Brittany M. Weil

Bexar County Women's Bar recently hosted a special night at Paesano's Restaurant for teen girls in the Foster Care system who participate in PEARLS Court—and it was a remarkable event by all accounts!

In conjunction with Girls Inc., BCWB members joined PEARLS volunteers and mentors, along with eight PEARLS Girls, to learn about nutrition and excellent table manners! BCWB arranged for Linda T. Farr, RDN, LD,

FAND to present an informative (and very motivating) talk regarding what kinds of foods we should eat, and how making good food choices can improve our health, especially for teen girls. BCWB also invited Julio Joey Ramos, Director of Student Services for UTSA's Center for Student Professional Development, who provided a dynamic discussion on table manners and professional etiquette.

The dinner was scrumptious. But even better than the cuisine was the warm conversation between our members and the PEARLS Girls. As one of the PEARLS Girls said, "This is the most special dinner I can ever remember having!"

Judge Yanta, the Children's Court staff, DFPS case workers, and the PEARLS Girls and volunteers all extended their deepest thanks to Bexar County Women's Bar.



Title IX (con'd from p. 4)

-school. (If you have any interest in learning more about the issues uncovered at Baylor you can read the report released by Pepper Hamilton LLP). Recently, news about how Stanford swimmer Brock Turner's father has responded regarding his sentence has sparked further discussion about how sexual assault and rape is addressed in our society. It is a very real issue that we must be able to address. We must educate our colleagues, friends and family about these issues to eliminate

this type of culture. Our work with the Rape Crisis Center and other wonderful beneficiaries is a step in the right direction.

The law is ever changing but schools can do things to be proactive, vigilant and responsive. On a regular basis, I review regulations and policy to be sure we are complying with what is required. We also strive to create a culture where all in our community know they can safely report and when they do their voice will be heard. They will go through a fair and impartial

process and be free from retaliation. It is also my responsibility to be sure I am trained and my colleagues are trained to handle situations in the best possible way. In July, I will bring OCR attorneys to the Our Lady of the Lake University San Antonio Campus to do training for all the greater San Antonio schools so they too can stay ahead of what is expected of us and be ready to act accordingly. I hope this provides you with a bit of context and background around this issue.

Member Spotlight: Michelle R. Casillas



What's your current job?

After practicing for five years, I decided to open up my own law firm this year, the Casillas Law Firm, PLLC. My firm is a general practice firm, with an emphasis on estate planning, probate, guardianships, and personal injury.

How long have you been a member of the BCWB? What's your best experience thus far?

I became a member of the BCWB about one month ago. The first event I attended was the annual retreat. I enjoyed meeting so many great women in the legal field and am looking forward to attending more BCWB events.

Tell us about your morning ritual or daily routine.

Since my firm is relatively new, my schedule varies each day. However, I always try to schedule something first thing in the morning to get me up and going for the day.

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

My most memorable moment occurred while in law school when I was a student attorney in the UT Law-Housing Clinic. I represented a mother in a hearing before the San Antonio Housing Authority. Her Section 8 voucher benefits were terminated because she failed to pay rent one month. The day her rent

was due she was found wandering downtown San Antonio. Due to a lack of security, someone broke into her apartment and took her medication for various mental health illnesses. My supervising attorney allowed me to lead the hearing and we were able to recover her benefits and get her back into her home. We also asked for special accommodations in order to prevent this in the future.

What was your childhood dream job?

A world-renowned chef. I still enjoy cooking and I try to do it as often as I can. Maybe one day I'll try out for Chopped!

Guilty Pleasure: What can you not live without?

My work tote bag. I carry half my life in there, including my laptop, and can pretty much access all my files from anywhere.

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

Don't be afraid to ask questions, even if you think your question is dumb; it likely is not.

Save the Date: On Thursday, October 27, 2016, the Ninth Annual Autumn Affair will be held at the Pearl Stable. For over thirty years, the Bexar County Women's Bar has united women in the legal profession in Bexar County. This year, we will recognize trailblazers, women jurists who have shaped the legal landscape of Bexar County for the past thirty years. The proceeds of the Autumn Affair will benefit two local charities: Deborah's House and The Children's Shelter. We hope you will join us on this historical evening.

Case Watch: *Dietz v Bouldin*



By Regina Stone-Harris

In *Dietz v. Bouldin*, the Supreme Court of the United States addressed a federal trial court's inherent powers. The Court determined that "a federal district court has the inherent power to rescind a jury discharge order and recall a jury for further deliberations after identifying an error in the jury's verdict." *Dietz v. Bouldin*, No. 15-458, 2016 WL 3189528, at *3 (U.S. June 9, 2016). The Court limited this holding to civil cases and provided that the power "must be exercised carefully to avoid any potential prejudice." *Id.*

Questions about a federal court's inherent power don't arise often. If you ever encounter a question about inherent power, this case will be helpful because it provided the following summary of inherent power:

Inherent powers are those "governed not by rule or statute but by the control neces-

sarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Id.* at *4 (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 630-631 (1962)). Inherent power has at least two limits; it "must be a reasonable response to a specific problem and the power cannot contradict any express rule or statute." *Id.* at *4.

A federal district court has the following inherent powers:

1. "to hear a motion in limine [and] a motion to dismiss for forum non conveniens," *id.* at *4,
2. "to modify or rescind its orders at any point prior to final judgment in a civil case," *id.* at *5,
3. "to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases," including staying a case pending resolution of parallel actions in other courts, dismissing a case sua sponte for failure to prosecute, vacating a judgment procured by fraud, and staying disbursement of funds until revised payments are finally adjudicated," *id.* at *5.

Federal district judges considering whether to rescind a jury discharge order and recall a jury must first determine whether any juror has been directly



tainted. The judge must then consider whether a juror has been indirectly tainted, using the following factors:

1. "the length of delay between discharge and recall," *id.* at *7,
2. "whether the jurors have spoken to anyone about the case after discharge," *id.* at *8,
3. "the reaction to the verdict," *id.* at *8, and
4. "to what extent just-dismissed jurors accessed their smartphones or the internet," *id.* at *8.

You won't likely encounter the issue in this case, but if you do, the Court's opinion will provide the guidance you need. No need to study this one, but file it away in your "just-in-case-this-comes-up" memory.

Judicial Spotlight: Judge Celeste Brown



By Arya Koneru, legal intern, 150th District Court

The Honorable Celeste Brown presides over County Court of Law No. 8. Prior to taking the bench, Judge Brown practiced law for twenty years, handling a wide variety of cases in state courts.

Why did you decide to become a lawyer?

Lawyers are abundant in Judge Brown’s family. Her uncle, A.L. Hernden, was a strong advocate for ensuring rights, and inspired many family members to take up law. Law was a field of work that her uncle stressed the importance to among the women in his

family, in order to help ensure them a more independent lifestyle. Judge Brown cites her uncle as the main reason she wanted to become a lawyer.

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

While she acknowledges that she has several cousins that are lawyers that she has had the opportunity to learn from, Judge Brown cites her uncle as the person who has had the greatest influence upon her legal career. Her uncle was a “strong advocate of rights” as a defense attorney, and his work and actions led her to want to ensure the protection of rights for her fellow citizens as well.

What are you most proud of so far in your legal career?

Judge Brown references her winning the campaign for judge as one of her proudest moments. While there are many lawyers in her family, she is the first to become a judge. However, Judge Brown cites her specialized therapeutic court, for those who have been accused of DWIs, as “the most rewarding thing in my life.” After inheriting the specialized court, Judge Brown made it into a more therapeutic, personalized setting. In the DWI court, Judge Brown helps people

“get on the right track,” through schooling, volunteer work, and other means of help.

What tips can you give other lawyers interested in becoming judges?

According to Judge Brown, one of the most important qualities of a judge is to remain grounded. She stresses that judges are not above everyone else, and that judges must “remember where they came from.” Above all, judges must effectively portray that they are in this process with the clients - as they are all seeking justice. Because of this, Judge Brown believes judges must be rational, understanding, and humble. They must also be compassionate, and have passion for the work that they do.

What are you looking forward to the most during your time on the bench?

Judge Brown became a lawyer to fight for people’s rights, and her dedication to helping those that come to her is evident in her answer “making a difference in people’s lives.” During her time on the bench, she would like to make a positive impact and serve as a role model, especially for young women working hard to achieve their dreams.