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President's Message

September is here, and September is (almost) all about Autumn Affair! Our annual signature fundraising event is scheduled for October 22, 2015 at the Veranda. Our selected beneficiary is the Children's Bereavement Center of South Texas. Our Belva Lockwood award recipients are Sara Dysart and Shari Mao. Everything is coming together for a wonderful evening of celebration, recognition, and giving. All we need is YOU! Please reserve your spot as soon as

possible, whether through a table sponsorship or individual tickets. It wouldn't be the same without you there to support the Bexar County Women's Bar Foundation and the Children's Bereavement Center!

This month, in preparation for the big event, please attend our monthly luncheon at Club Giraud on September 1, 2015. We'll hear from our beneficiary about how Autumn Affair proceeds will support its important mission to foster healing for grieving



youth, their families and the community through peer support programs, counseling, training, education and outreach. If you attend the September luncheon, please bring a new teddy bear for the children clients of the Children's Bereavement Center. You will (con'd on p. 8)

September Luncheon: Autumn Affair Beneficiary

Please join us on September 1, 2015 to welcome our Autumn Affair Beneficiary, the Children's Bereavement Center of South Texas. Outreach Coordinator Leslie Wood and special guest Katie Ruder will discuss the Center's mission, the types of services it provides, and the impact services have had on them personally and in the community.

When: Tuesday, Sept. 1, 2015

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 RSVP by Friday, Aug. 28, 2015 to Events@bexarcountywomensbar.org. 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 Lindsay Riley (lriley@dykema.com) or Rachel Skinner (rskinner@dykema.com). This is a luncheon you don't want to miss!

Autumn Affair Beneficiary

By Lisa Alcantar



This year's Autumn Affair Beneficiary is the Children's Bereavement Center of South Texas (CBC) located in San Antonio. The proceeds of the event directly impact the services the CBC can provide. As the sole provider in South Texas of grief support programs for children, teens, young adults, and their families, the CBC serves over 1,500 individuals annually. The CBC approaches grief therapy by employing a unique play-therapy approach. Individuals are encouraged to communicate their deep-rooted grief through music, painting, glass art, drama, writing, role-playing, and many more expressive modes, in addition to the more traditional methods of therapy used including support groups, individual and family counseling, and professional educational and training programs. CBC's aims to foster healing, and to help families develop healthy coping skills that enable them to live their

lives fully and not feel burdened by grief.

I first learned of and visited the CBC with fellow attorney Maggie Giltner. It wasn't until months after starting to work with Maggie that I learned Maggie unexpectedly lost her husband John when their four daughters were still young. As Maggie picked up the pieces of her life - trying to mother four little people as well as tend to her own grief - she found CBC. Maggie explains it best: "It gave me great peace of mind to know there were other people to guide me in leading my children through their grief. I didn't have the time or strength to figure it out on my own. As my children and I walked into the Center each week, I could feel the burden lifted from my shoulders. My kids were no longer the kids whose dad died, they were just kids. I was no longer the young widow, I was just me. And the people at the Center knew how to help us, when we had no idea what we

even needed. The CBC became our safe place and we all looked forward to going there together."

The CBC provides invaluable services to the children and families of our community who lose a loved one. If you are interested in learning more about the CBC, you can visit its website at www.cbcst.org. Please support the CBC by attending Autumn Affair on October 22, 2015, and volunteering your time at the Center.

"You will lose someone you can't live without, and your heart will be badly broken, and the bad news is that you never completely get over the loss of your beloved. But this is also the good news. They live forever in your broken heart that doesn't seal back up. And you come through. It's like having a broken leg that never heals perfectly—that still hurts when the weather gets cold, but you learn to dance with the limp."

—Anne Lamott

Autumn Affair's First Live Auction!

By Lisa Alcantar

Autumn Affair is right around the corner and this year things will be a bit different! We will host our first live auction. We are so excited about the auction packages. The details of the auction packages will be

included in your invitation and posted soon on our website. The packages offer something for everyone and are truly outstanding! Auctions not your style? Not to worry! We also have a fantastic raffle and our best-selling balloons, which offer

a guaranteed win.

As always, we extend our thanks to the generous donors and sponsors and tireless auction committees who have made the auction, raffle, and balloons possible!



Autumn Affair Sponsors

By Hella Scheuerman

Bexar County Women's Bar would like to thank its Sponsors for this year's Autumn Affair, benefitting the Children's Bereavement Center of South Texas:

Platinum:

Langley & Banack, Inc.

Schmoyer Reinhard, LLP

Gold:

Church & Church PLLC

Dykema Cox Smith

Haynes & Boone, LLP

Hon. Luz Elena & Miguel Chapa and Hella & Tyler Scheuerman

Jackson Walker, LLP

Norton Rose Fulbright

Pulman, Cappuccio, Pullen, Benson & Jones, LLP

Rosenblatt Law Firm, PC

Sara Dysart, PC

Silver:

Children's Bereavement Center

Lindow, Stephens, Treat, LLP

Porter, Rogers, Dahlman & Gordon, PC

Rackspace Hosting, Inc.

St. Mary's University School of Law

Strasburger & Price, LLP

Tessmer Law Firm, PLLC

Wayne Wright, LLP

The 2015 Autumn Affair will be held on Thursday, October 22, 2015, starting at 6:00 p.m., at The Veranda. If you are interested in sponsoring a table, please contact Hella Scheuerman at hella@dilleylawfirm.com or Suzanne Patrick at sbpatrick@ollusa.edu.



Please join us for the Bexar County Women's Bar Foundation's

Autumn Affair Kick-Off Party

Wednesday, September 16
5:30 - 7:00 p.m.

Kendra Scott - Quarry Village
310 E. Basse Rd. Ste 101

Bring a bottle of wine valued at \$15 or more and enjoy bubbles and bites while you shop. Kendra Scott will donate 10% of all sales to The Children's Bereavement Center. Attendees will receive 10% off purchase price and access to the Kendra Scott Color Bar™.

For more information contact:
Connie Arambula (carambula@lyndworld.com)
Carmen Samaniego (attorneycarmen@me.com)



Moms In Law

San Antonio

PANEL LUNCHEON

A LEGAL FRAMEWORK FOR WORKING PARENTHOOD: KEEP YOUR FIRM; CLIENTS AND FAMILY IN COMPLIANCE

Join us as we host a panel discussion on how federal employment laws impact issues involving pregnancy, maternity/paternity leave, and return-to-work following the birth or adoption of a child. The discussion and topics will focus on the implications for law firms, individuals and clients.

DISTINGUISHED PANELISTS

Cristina Jennings
Senior Counsel, Schmoyer Reinhard LLP
Erica Valladares
Associate, Langley & Banack

DATE AND TIME

SEPTEMBER 24, 2015 FROM 11:45 AM TO 1:00 PM

LOCATION

PAESANOS
555 EAST BASSE ROAD

COST

\$25 MILSA MEMBERS/\$30 NON-MEMBERS

RSVP

VRUSSELL-EVANS@RBFCU.ORG

Member Spotlight: Pamela B. Huff



What's your current job?

I'm a shareholder at Dykema Cox Smith and a member of its Intellectual Property department.

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

I've been a member of the BCWB since 1991. All of my experiences have been

great but if I had to narrow it to just one, it would be serving as Bench Brunch chair in 1996. I made life-long friends and was able to take on a significant role in giving to charity.

Tell us about your morning ritual or daily routine.

I wish I could say my morning ritual is full of work outs, family breakfasts, and calm conversation. Instead, I must admit that my morning ritual is organized chaos. Even with the help of Ruben (my wonderful stay at home husband/Dad), getting myself ready for work as well as 3 children ready for school and afternoon activities proves to be a daily challenge. That said, I wouldn't trade it for anything!

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

I've been fortunate in that I've had many proud moments in my career, but the one that stands out for me

happened early in my career when I took on a pro bono copyright dispute for a local performing arts group. I was able to settle the dispute on favorable grounds for my client. They were so grateful that they sent me a huge bouquet of roses and sent my supervisor a wonderfully crafted note about the job I had done. Knowing that I had made such a difference for the client really stuck with me.

What was your childhood dream job?

To be an actress - which I find ironic, since there are many days when I feel like acting skills come in handy.

Guilty Pleasure: What can you not live without?

A glass of wine with my best friend.

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

You can be both a great attorney and a great Mom - just not always on the same day.

Young Women's Leadership Academy with Justices of the Fourth Court of Appeals



Fitness Column: Join BCWB & SAYLA for a Running Tour of Historic San Antonio!



By Lindsay Riley

Grab your running shoes and a few friends and join Bexar County Women's Bar Association and San Antonio Young Lawyer's Association for a running tour through the heart of beautiful downtown San Antonio! The course is a group-oriented 5K jog with 15 stops along the way where our tour guides from River City Run will share interest-

ing and historical information about numerous San Antonio landmarks. We will run at a pace that's comfortable for all participants, and since we stop frequently, runners of all abilities can participate. Children of all ages are also welcome, although we strongly recommend young children who may be unable to keep up with the group on foot to come ready to roll in a stroller.

When: Saturday, September 26 from 9:00 to 10:30 a.m.

Where: We will meet in front of the Alamo (Alamo Plaza). There are multiple street parking meters and parking lots in the blocks surrounding the Alamo. We will begin and finish the run at the Alamo.

Cost: The cost per person will be \$25 each with a River City Run shirt or \$20 each without a River City Run shirt. This cost includes the tour, water, and access to photos taken during the tour. Children in strollers participate for free!

Registration: Sign up at our private group registration page: <https://fareharbor.com/rivercityrunsa/items/5645/availability/7472394/book/>

For more information about River City Run tours, and photos from past runs, visit <http://www.rivercityrunsa.com>. For more information about the event, contact Lindsay Riley at lriley@dykema.com (BCWB) or Jenna Reblin at jennareblin@gmail.com (SAYLA).



Save the Date
October 22, 2015
2015 Autumn Affair
The Veranda
6:00 p.m.
benefiting
Children's Bereavement
Center of South Texas
hosted by
Bexar County Women's Bar Foundation

Young Women's Leadership Academy



By Catherine Casiano

During the first week of August, St. Mary's University School of Law hosted forty high school juniors from the Young Women's Leadership Academy for a Leadership in Law Camp. The week was kicked off with the Color of Justice program, coordinated by Justice Rebeca Martinez, and provided the students an opportunity to hear from members of our very own Bexar County Women's Bar Association. The judges and attorneys shared their personal stories of how they achieved their current positions with the hopes of encouraging the young women to seriously consider pursuing a career in the law. During the rest of the week, the students participated in mock classes, wrote their own six word stump speeches, and benefited from the insight and wisdom of a number of guest speakers. On the last day of the camp, the young women enjoyed a visit to both the Bexar County Courthouse and the Cadena-Reeves Justice Center. During their field trip they observed court proceedings, including a high profile criminal case prosecuted by District Attorney LaHood, met county court and district judges, and learned why we, as women, should not apologize for being ambitious,



thanks to a great lecture from Judge Renee Yanta. Additionally, the students were treated to a very special lunch in the Fourth Court of Appeals' courtroom, organized and sponsored by Justice Luz Elena and Miguel Chapa. During lunch, the young women

met and were able to talk with a number of additional Justices from the Fourth Court, as well as district judges. The week was successful and our thanks to all of you members of the BCWB that so generously gave your time to these students.



Book Review: *The Secret Garden*



The Secret Garden by Frances Hodgson Burnett (1911)

Sometimes it is nice to escape the world political thrillers and historical biographies and go back to the world of classical stories we loved as children. This summer for as a part of my fortieth birthday weekend, I did just that I lost myself again in *The Secret Garden* with Mary Lennox and her friends.

The Secret Garden is a magical story of a young girl at the turn of the 20th century as she survives tragedy and must find her way in her new life on the grey moors of England. This book has long been a favorite of mine, but rereading about childhood innocence and finding oneself was a wonderful memory and made think about the not very far off days when I can share such classics with my children.

Ethics Follies

SAVE THE DATES!
OCT. 28 AT 2 P.M. & OCT. 29 AT 7
AT THE CHARLINE MCCOMBS EMPIRE THEATRE

SCAMALOT

ACC PRESENTS ITS 18TH ANNUAL ETHICS CONFERENCE
ATTENDEES RECEIVE 2 HOURS OF ETHICS CLE.
BENEFITS THE COMMUNITY JUSTICE PROGRAM.

LAW DEPARTMENTS AND LAW FIRMS
ARE INVITED TO SPONSOR & ATTEND
GET 2 HOURS ETHICS CLE
REGISTER TODAY AT ETHICSFOLLIES.COM
FIRST FLOOR SPONSOR TABLES \$1,500

“... FUN...RAMBUNCTIOUS MUSICAL
PARODY THAT MADE ITS POINTS
ABOUT PROFESSIONAL CONDUCT
ISSUES THROUGH SONG AND SATIRE.”

JAMES PODGERS, ABA JOURNAL

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

get a free luncheon raffle ticket for your donation.

Speaking of raffle tickets, please look for your Autumn Affair raffle tickets soon! Our committee has some amazing raffle packages on offer this year. You don't want to miss your chance to win.


Finally, help get Autumn Affair off the ground with our sure-to-be-amazing kick-off party at Kendra Scott in the Quarry on September 16, 2015. Just bring a bottle of wine valued at \$15 or more, and you get to shop

Kendra Scott's collection at 10% off, you can enjoy free wine and light bites, PLUS 10% of all sales will be donated directly to the Children's Bereavement Center. I love shopping for a cause!

If you're looking for more opportunities to get together with strong and amazing women this month, consider supporting our friends at Girls, Inc. at their annual Raise your Glass for Girls wine tasting and silent auction on September 22, 2015 at Cavender Audi. You can also

join Moms-in-Law San Antonio at its CLE luncheon on September 24, 2015 at Paesano's in the Quarry to learn about the various legal considerations for working parenthood, including the ADA, FMLA, and FLSA.

Let's keep up the momentum this month as we make our final preparations for a wonderful Autumn Affair where we can show the Children's Bereavement Center just how joyful, motivating, and generous the ladies of the Bexar County Women's Bar Foundation are!



TWELVE YEARS AND COUNTING

You are invited to the annual dinner of

**Women in Medicine & Law
for the Cure®**

For Fun, Food, & Fellowship with a Purpose

Thursday - October 15, 2015 at 5:30 pm
Holy Trinity Banquet Hall
20525 Huebner - San Antonio, Texas 78258

Pink Glove Dance
Silent Auction - Raffle - Door Prizes
Pink Market

Speaker:



Lauren Ward
*The Good, The Bad, and The Ugly
of
Living with Breast Cancer*

100% of proceeds go toward a restricted medical research grant to FIND A CURE

NOTE: WOMEN ONLY

Inquiries:
Jean E. Holt, M.D. | 210-494-4747 | j1947holt@aol.com

www.wmlc.org

Around Town Luncheon

Please join Shari Mao at Acenar on the River Walk, September 22 at noon. Acenar has a wonderful selection of Mexican cuisine from the healthy to the decadent. Weather permitting, we will grab a table on the patio! Hope to see you there!



Restaurant Review: Cookhouse

By Lauren Horne

Have you been wanting to try something different, fun and flavorful? Let Cookhouse transport you to the French Quarter. This quaint restaurant, located in Midtown at 720 E. Mistletoe, offers an intimate atmosphere coupled with exquisite New Orleans cuisine.

Chef Pieter Sypesteyn has made it his mission to show San Antonio his hometown of New Orleans goes beyond Cajun or Creole. He began with Where Y'at, a food truck serving authentic New Orleans gourmet street food, before expanding into the former longtime location of Carmen's de la Calle restaurant and music venue. Although his dishes out of the truck received rave reviews, some have called his Cookhouse offerings even better. After only one visit, I can see why.

My husband and I, along with another couple, recently dined at Cookhouse on a Saturday night. Since the restaurant only seats 40, dinner reservations are highly recommended. We were lucky enough (thanks to our friends) to score a last-minute cancelled reservation. Upon first glance inside, I was immediately charmed by the look and feel of the restaurant. The peach walls, candlelit tables, and blues playing in the background probably had something to do with that.

As the night went on, my delight didn't waiver. One of the things I love most about Cookhouse is they try to support our local farmers and growers, meaning their food is incredibly fresh. My black and gold pasta, comprised of squid ink pasta, saffron cream sauce, fresh gulf shrimp, and capers was divine. I would also recommend ordering grits and market veggies for the table, as all four of us enjoyed them as sides. The dessert menu looked amazing (blackforest bread pudding, buttermilk panna cotta, and nectarine cornmeal cake), but none of us had room for more. Nevertheless, our waiter brought us delicious, classic beignets on the house - we didn't complain.

Wine aficionados, take note because Cookhouse allows you to bring up to three bottles of your own wine for a \$20 corkage/bottle fee per 750ml bottle. Alternatively, they take the time to source and pair their wine offerings with the dishes available on their menu. The Cookhouse menu changes three to four times per year, so hurry in and try the black and gold pasta.

Overall, the service was great and the food was excellent. If you want to meet for lunch, let me know, as I haven't tried their more casual lunch menu. Otherwise, check out Cookhouse for your next date or night out with friends. <http://www.cookhouserestaurant.com>.



From the August luncheon, shown left to right: Rachel Skinner, luncheon speaker Justice Jason Pulliam & Greta McFarling

Case Watch: *Zorrila v. Aypco Construction II, LLC*



By Leslie Hyman

Section 41.008 of the Texas Civil Practice and Remedies Code provides a limit on exemplary damages of two times the amount of economic damages plus up to \$750,000 of non-economic damages found by the jury or \$200,000, whichever is greater. In *Zorrila v. Aypco Construction II, LLC*, No. 14-0067, 2015 WL 3641299 (Tex. June 12, 2015), the Texas Supreme Court considered whether this statutory cap is waived if it is not pled by a defendant.

In Texas state courts, litigants are required to plead any matter “constituting an avoidance or affirmative defense.” Tex. R. Civ. P. 94. If a matter of avoidance or affirmative defense is not pleaded, it cannot be relied upon as a bar to liability. *Zorrila*, 2015 WL 3641299, at *9. The Texas Supreme Court considered the meanings of the

terms “affirmative defense” and “avoidance,” which although once distinct, are often used interchangeably now. The court explained that an “affirmative defense” is traditionally “[a] defendant’s assertion of facts and arguments that, if true, will defeat the plaintiff’s or prosecution’s claim, even if all the allegations in the complaint are true.” *Id.*, at *10 (quoting *Black’s Law Dictionary* 509 (10th ed. 2009)). The Court gave the example of the statute of limitations, which defeats the plaintiff’s claim without regard to the truth of the plaintiff’s assertions. The term “avoidance,” on the other hand, “derives from the historic English common-law pleas of ‘confession and avoidance’” in which a defendant admits the plaintiff’s allegations but “‘pleads additional facts that deprive the admitted facts of an adverse legal effect.’” *Id.* (quoting *Black’s Law Dictionary* at 361). For “avoidance,” the court gave the example of self-defense, in which the defendant admits the conduct but avoids the usual legal effect of that conduct.

In either case, the burden of proof is on the defendant to establish the elements of the defense and obtain favorable jury findings and it was on this basis that the court distinguished the statutory exemplary



damages cap. The cap does not require the defendant to prove any additional facts. The fact that certain types of claims are excluded from the cap “does not alter the fundamental principle that the statute does not impose a burden of proof on the defendant.” *Id.* at *11. While a plaintiff may invoke such an exception, which may require its own pleading and proof, a defendant still “bears no burden of establishing the cap’s applicability; it either applies or it does not.” *Id.*

The Court concluded that the statutory cap on exemplary damages in section 41.008(b) is not an affirmative defense or avoidance and therefore is not subject to Rule 94’s pleading requirement. *Id.* While a party must nevertheless invoke the statutory cap on exemplary damages to obtain its benefits, because the cap applies automatically as provided in the statute, pre-trial notice is not required.