



THE SCENE Clockwise from left: President Steve Benesh at the General Session Luncheon and guests at the President's Party. PHOTOS BY MARC SWENDER

Moving Forward

Outgoing State Bar of Texas President Cindy V. Tisdale began her parting remarks by thanking her State Bar family, the family law bar for its encouragement, her firm Goranson Bain Ausley for its support, and her daughter and son. She expressed gratitude for the Taskforce for Responsible AI in the Law (TRAIL), whose report gave recommendations to the bar on incorporating what she described as “one of the most dramatic technological changes in our lifetime.” Tisdale also praised the bar’s new benefit of providing access to online mental health counseling for all State Bar members, paralegals from the Paralegal Division, and law students from the Law Student Division. She also announced the Office of Court Administration will take up the Law Practice Management Committee’s work on adding vacation letters to their system. She signed off her remarks recalling the *Ted Lasso* line “every choice is a chance.”

Incoming State Bar President Steve Benesh was sworn into office by Supreme Court of Texas Senior Justice Debra Lehrmann, who said she knows he’ll follow up the work of Past Presidents Sylvia Borunda Firth, Laura Gibson, and Tisdale with “equal grace, dignity, and hard work.” Benesh thanked Lehrmann, as well as Tisdale for her exemplary service as president of the bar, and congratulated President-elect Santos Vargas and Board Chair Paul K. Stafford. “I am honored to be the 144th president of the State Bar of Texas, and I look forward to building on the efforts of my predecessors, President Tisdale and all those before us, to stand up on their shoulders as we all work together to strengthen the bar and the legal profession in Texas,” he said.

Benesh thanked his wife, Jennifer; sons, Will and Austin; and others in his family along with his law firm Bracewell. He spoke of his father, Judge G.A. Benesh, and his message of maintaining the reputation of his last name. “I decided to run for State Bar president because I wanted to do all I could with all of my energy and all of my zeal to keep our legal profession here in Texas, which is buffeted by all the high-pressure demands of our calling and faces the erosion of civil discourse in our society and among lawyers . . . in one piece,” Benesh said.

His initiatives for the new bar year include: (1) working with the bar and the Texas Lawyers’ Assistance Program to expand docket assistance for attorneys who need to step back from law practice to seek help for mental health and substance use issues, (2) working with stakeholders to facilitate discussions on standardizing electronic filing across every county in Texas, and (3) continuing and completing Tisdale’s work of identifying and establishing the State Bar’s role in the use of AI by Texas attorneys.

Educating Others

General Session Luncheon keynote speaker Judge Irma Carrillo Ramirez spoke about her journey to the bench and the significance of being the first Latina judge to serve on the U.S. Court of Appeals for the 5th Circuit. The Tokio, Texas, native said she first found a love for arguing in a high school speech and debate class and set her sights on a law career. While attending West Texas State University for undergraduate school, Ramirez interned at the Yoakum County District Attorney's Office. The part-time county attorney shared with her a case he was prosecuting, in which a man had beaten a child to death. "It was then that I decided that I wanted to be a lawyer," Ramirez said. "I wanted to help people, and I wanted to put away bad guys who hurt little kids." Her career path included stops as a lawyer at a Dallas law firm with Harriet Miers and the U.S. Attorney's Office and as a magistrate judge at the U.S. District Court for the Northern District of Texas. In 2016, President Barack Obama nominated Ramirez to the same court as an Article III judge. Though the nomination was returned to the then-president in early January 2017, the experience made way for an eventual confirmation to the 5th Circuit. Ramirez decided to give her loss purpose by educating law students on the nomination process, she said. "Using my experience to educate others about the process is how I made my peace with that failed nomination," Ramirez said. "And that's where I was when I got a call asking if I would like to be considered for an appellate court. There's only one right answer to that question, right?" Ramirez agreed to accept the nomination to show students how to not give up "even when it's hard, even when it hurts, and even when you don't think you have a chance," she said. The U.S. Senate confirmed her appointment to the 5th Circuit in December 2023.



KEYNOTE SPEAKER Judge Irma Carrillo Ramirez during the General Session Luncheon. PHOTO BY MARC SWENDNER

The Texas Legal Legends Panel

The State Bar of Texas Litigation Section and the Texas Young Lawyers Association brought together three Texas legal icons to give their insights into the evolution of law practice over the years, their origins in the law, how younger generations inspire them, and more. Moderated by Morgan Haenchen, the section's Outstanding Young Litigator Award winner, the panel featured State Bar of Texas Past President Harriet Miers, Royal Furgeson, and Al Ellis. Asked about the best choice in his career, Furgeson, founding dean of UNT Dallas College of Law, described his entrance into law and chalked it up to luck. In 1969, he was getting out of the Army and Vietnam at the same time. Ferguson sent a telegram to career services at the University of Texas School of Law, asking for ideas for a job. That led to him clerking for Judge Halbert O. Woodward in the U.S. District Court for the Northern District of Texas, where *Aguirre v. Taboka Independent School District* came through the docket. The result of the case allowed the return to school of students protesting. "It was a defining year for me in so many ways," Ferguson said.

The Applied Ethics of AI in the Law

Texas Opportunity & Justice Incubator Director Joshua Weaver provided a detailed description of artificial intelligence, its design structure, and its many subsets (machine learning, deep learning, large language models, generative AI, etc.) within the context of law in this session. Weaver outlined several key points to consider when contemplating the use of AI within law, including a duty of technological competence; a duty of client confidentiality; professionalism in truth and competency; malpractice; data privacy and security; and assessing reasonable fees given the increasing ability and work capacity of AI systems. Weaver added that he expects AI to dramatically shift the way law firms worldwide bill their clients. Some traditional billing models involve teams of associates working as many billable hours as possible, but AI could soon be making this unnecessary for both firms and clients, he said. "If there was one single thing that I'd be counseling lawyers and law firms right now, it's that if you are on that profit model, you should be trying to get ahead of this today," Weaver said.



KEYNOTE SPEAKER David A. Grenardo during the Bench Bar Breakfast. PHOTO BY MARC SWENDNER

Mandatory Civility?

David A. Grenardo, professor of law and associate director of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law in Minneapolis, Minnesota, discussed mandatory civility during his keynote address at the Bench Bar Breakfast. “Civility is generally defined as treating others with courtesy, dignity, and respect. As well as demonstrating cooperation, honesty, and restraint,” Grenardo said. He explained that in response to “Rambo” tactics in the legal profession in the 1980s, civility codes were developed and 10 common core concepts of civility emerged from these codes, including maintaining honesty and personal integrity; communicating with opposing counsel; being respectful and acting in a courteous, cordial, and civil manner; avoiding actions taken merely to delay or harass; and using the court system in an efficient and fair manner. Another response to Rambo, he said, was adding civility language to attorney oaths, and Texas was one of the states that did this. He highlighted South Carolina’s oath because that state is one of four states in the nation that mandates civility. But what is mandatory civility? Lawyers

may be sanctioned for uncivil conduct, Grenardo said. Some of the advantages of mandatory civility, he said, include accountability, the ability to catch health and wellness issues, and that it covers more lawyers, preserves judicial resources, reduces costs for clients, and decreases stress for attorneys.

At the beginning of the Bench Bar Breakfast, it was announced that the Texas Access to Justice Commission created a new award titled the Chief Justice Nathan L. Hecht Leadership Award for Supreme Court of Texas Chief Justice Nathan L. Hecht’s many years of service and leadership. Hecht said that over the years, the work of getting access to justice to the poor has been a labor of love. “It has been an honor for me to be a part of it,” he said. After Grenardo’s presentation, Hecht gave a brief report on the state of the judiciary in Texas, noting the creation of the business courts, which have been staffed by the governor, cover five regions—Dallas, Fort Worth, Austin, San Antonio, and Houston—and have 10 judges that begin service September 1. “I’m hopeful that this will give us a good opportunity to advance the cause of the judiciary both as we are working together and also with the Legislature,” he said. Filings are down, he said, and criminal cases in the district courts are down 40% since before the pandemic. The backlog is mostly gone, he said, adding that there is still some in the criminal system but that the courts are working on it. “The general prognosis is that we are in a better place and advancing and we can be proud of that,” Hecht said. One big change that is coming, he said, is that the Office of Court Administration has undertaken a project to overhaul its system responsible for collecting and analyzing judicial data. The new system will generate more case-level data to assist with operations of the courts. Judges and court personnel need to know internally what their dockets look like so they can plan operationally to be able to meet them, he said. “We also want to tell our story to the other two branches and also to the public about the very important work that is being done in the justice system so that people will have confidence and say thank goodness that this is happening,” Hecht said. “I’m coming to the end of my 43rd year on the bench,” he said. “I continue to be helping the National Center for State Courts in courts across the country, so I can say this—not just because everything is better in Texas—but I can say it with some authority, that we have a very strong court system in Texas that we can be very proud of.”

Black Mirror Perspectives

When Martha’s boyfriend, Ash, died in a car accident, she mourned with the help of an online service that could bring him back—digitally. The service uses the departed’s social media posts and messages to create a virtual doppelganger capable of communicating with family and friends through phone calls. For Martha and “Ash,” phone calls leap to creating an android that looks identical to her late partner. While this episode of the sci-fi anthology TV series *Black Mirror* dives headfirst into the dystopian, its ethical and even legal considerations can reflect very real-life ones concerning today’s technology. “As more AI tools become available to us, we need to understand how they impact clients and the cases presented to us,” said Leela Madan, of Madan Law in Houston. Intellectual property attorneys Madan; Catherine Rifai, of Munck Wilson Mandala in Houston; and Hope Shimabuku, regional director of the U.S. Patent and Trademark Office in Dallas, explored *Black Mirror* for legal and ethical issues touched on by disciplinary rules and ethics opinions in this session.

AI Is Top of Mind

As evidenced by the numerous sessions focused on artificial intelligence presented by different practice areas, lawyers and legal professionals are making AI and how it applies to the practice of law a top priority. In a session titled “AI Policy, Governance, and Task Force Report,” presented by the Computer and Technology Section, panelists Judge Roy Ferguson, of the 394th Judicial District Court, and John G. Browning, professor of law at Faulkner University School of Law and of counsel to Ryan G. Cole Law in McKinney, discussed AI in general and best practices. Ferguson said not to think of AI as a human being. “It is a word predictor,” he said. “It is not a human being. Don’t think of it as intelligence.” Browning said that AI can help with legal research, contract analysis, and predictive analytics, and he said generative AI can assist with drafting and assist with client communication. Ferguson said there is a wheel of implementation—blind faith, realization, skepticism. “We have been trying to scare people, trying to get people past step one” he said. “That is the goal—to get you to the realization and skepticism.” They then discussed a few legal cases in which AI was used, the ethical duties implicated by AI use, and the Task Force for Responsible AI in the Law, which the State Bar formed in June 2023. Goals of the task force include educating Texas practitioners, fostering ethical integration of AI within the legal profession in Texas, and investigating how Texas practitioners can leverage AI responsibly and ethically. In a session titled “Making AI Your Best Friend in Family Law” presented by the Family Law Section, panelists Sally Pretorius and Thomas Daley, both of KoonsFuller, said AI has been transformative in assisting with common tools, such as creating slide presentations and scheduling events and meetings. They suggested taking an AI course through Google to learn the basics. Attorneys should “triple check” any answers produced by AI applications and remove any private information from a document before uploading it, Pretorius said. Daley said to be very clear in your prompt. Tell it what you want, for example: “Please read this document like a divorce attorney,” Daley said. “Give it a role.”

Lab to Market

How does an idea in a university lab end up as a commercial success? In this session, panelists Isamu Hartman, of UT Southwestern Medical Center; Brent Schultze, of UT Dallas; and Steven Tudor of the University of North Texas discussed the intricacies of navigating inventions, ownership, inventor relationships, and other issues when managing intellectual property. Moderator Cameron Smith, of Texas Tech University, asked the panel how their respective offices handle invention disclosures. Most of the panelists answered that awareness is key. “There are faculty members who are aware of our office,” Hartman said. “We have an online portal for invention disclosure. We have a faculty liaison. His job is to go around and give us a heads up on what is going on around campus.” Working with inventors can be overwhelming, Smith said. “They disclose their baby with the tech transfer office—having to assess these early-stage technologies and develop a strategy around it can be daunting.” Schultze said the first step is to clearly define what the inventor thinks the invention is and then what the invention really is—and sometimes they don’t align.

Vacation Time

In the session titled “Professionalism & Vacation Letters: View From the Bench,” Judge Jessica L. Mangrum, of the 200th Civil District Court, and Rudolph K. “Rudy” Metayer, of Graves Dougherty Hearn & Moody and a council member of the city of Pflugerville, discussed the differences in scheduling vacation time with the courts in Texas’ 254 counties. Metayer kicked things off by stating that attorneys in Bexar County can set a hearing without consulting opposing counsel. “Everything is different in each of the 254 counties,” Metayer said. Metayer asked Mangrum what she thought about attorneys using vacation letters as a sword. “This question illustrates why we don’t have a rule and why we don’t need a broad encompassing rule on that,” Mangrum said. “If an attorney is using a vacation letter as a sword, then the judge is going to listen to the arguments for this. I think judges aren’t that excited about refereeing that kind of fight. . . . As busy as the courts are now, you are better off not bothering the judge over something like this.”

Succession Planning Toolkit

When State Bar of Texas Past President Laura Gibson was a new lawyer, she was tasked with closing her father’s practice, said panelist Sharon A. Sandle, director of the State Bar of Texas Law Practice Resources Division, in this session presented by Law Practice Management. Gibson’s father had not put anything in place, so when Gibson became president of the State Bar, she put succession planning on everyone’s radar—she didn’t want others to experience what she had, Sandle said. “Succession planning grew out of demographics of the State Bar,” Sandle said. In 1995, about 6.8% of the State Bar’s members were over the age of 65, according to Sandle. She said that by 2021, there were about 20% of Texas attorneys over the age of 65. “This is a growing trend,” she said. “This has been called the silver tsunami.” Sandle explained the various routes for closing a law practice and told the audience to go to texasbar.com/succession to find resources. “If you are a solo, with no staff, there is no one who has authority to look at your files unless you have designated a custodian,” Sandle said. “Because of that, we have created a portal so you can designate a custodian online. It is easy to use.”



KEYNOTE SPEAKER Camille M. Vasquez at the Bar Leaders Recognition Luncheon. PHOTO BY MARC SWENDNER

Drive and Preparation

Thursday's Bar Leaders Recognition Luncheon featured a keynote interview with Camille M. Vasquez, a legal analyst for NBC News and partner in Brown Rudnick in Irvine, California, who is perhaps best known for her representation of actor Johnny Depp during *Depp v. Heard*, a defamation suit Depp filed against his ex-wife, actress Amber Heard.

Vasquez, still an associate of Brown Rudnick during the case, gained the national spotlight on June 1, 2022, when she emerged as a key member of Depp's litigation team against Heard, who had claimed Depp domestically abused her in an op-ed published in the *Washington Post*. Following a six-week trial that received worldwide media coverage, a seven-member Virginia jury concluded that Depp had thoroughly proven defamation and he was awarded \$15 million in damages. Vasquez spoke in detail about the inner workings of the trial, the social media pressure it created, her team's strategy and jury selection, and how an in-depth understanding of Depp's personality through her involvement in a prior case with the actor increased his chances of a favorable verdict. Vasquez took the role of cross-examining Heard during the case.

"I was the only woman on the (defense) team. And if you know something about Mr. Depp, he was raised by a single mother, he has sisters—he listens to women. Some of my colleagues thought 'Let's have Camille go through some of the discovery documents with [Depp].' And it was through that we built a rapport and a relationship," Vasquez said. "He learned to trust me and my advice, and that's how we became close—he as my client, but also as a friend."

Vasquez added that fully humanizing Depp was the key to the victory—allowing him to be his true self and speak genuinely on the stand in the face of his celebrity status and well-known struggle with sobriety. "We said [to the jury], 'You think you know who Johnny Depp is. But by the end of this trial, you're going to know who the actual man is,'" Vasquez said. "It was his story to tell. This case was the most important to him and it was the most personal to him. Being able to give him his life back [is what I enjoyed most about the experience]. He deserved it."

Following the trial, Vasquez said that her life resumed as normal. Brown Rudnick elevated her to partner on June 7, 2022, just six days after the verdict. The firm also elevated each of the other associates on Depp's defense team to partner. "After I became a partner, it was incredibly important to me that everyone on that team be promoted when they were up for partner. I'm really proud of that," Vasquez said. She concluded the interview with a piece of advice for young lawyers about the importance of drive and preparation—traits that served her well in the Depp case. "There is no substitute for hard work. You have to be the most prepared person in the room. If nothing else, have confidence so that when you are challenged, you have that 'it' factor to stand for yourself," she said. "I fully acknowledge that what happened to my career and my life is what I call 'earned luck.' The earned part is hard work and the luck is the opportunity. All of us will have that opportunity and when that opportunity comes, you have to seize it with confidence."

Navigating the Texas Business Court—From Statute to Practice

How can attorneys expect their practices to change in light of Texas' new business court and 15th Court of Appeals? In this session, panelists Marcy Greer, of Alexander Dubose & Jefferson in Austin; Justice Emily Miskel, of the 5th Court of Appeals in Dallas; and Amy Leila Prueger, of Enoch Keever in Austin, explained that the specialized business court has statewide jurisdiction to decide business and commercial disputes involving \$10 million or more. Parties must agree to take their case to business court, the panelists said, noting that they expect a lot of "stratery" from attorneys in deciding whether or not to file there. Five urban jurisdictions for the court (Dallas, Fort Worth, Austin, Houston, and San Antonio) are funded, and the governor recently appointed their judges, the panelists said. The goal of the courts is to improve efficiency and predictability of decisions, the panelists said, to make Texas a more attractive locale for businesses. The rules that will govern the business court are laid out in the Texas Rules of Civil Procedure 352-359, the panelists said, noting that the Supreme Court of Texas decreed in its Rule 359 that many business court cases will require written opinions.

The Impact of AI on Intellectual Property Creation

Plano intellectual property attorney David Carstens discussed the role of both machine learning and large language models in the scope of patents and copyrights, and how intellectual property creation is treated in the U.S., Europe, and China during this session. Carstens highlighted how intellectual laws—beginning with the Copyright Act of 1790 up to the Copyright Act of 1976—have become more specific in parallel with the advancement of technology, and most recently, generative AI technology, during the "The Fifth Industrial Revolution," as Carstens referred to it. "AI has designed buildings, works of literature, has created music, images of actors. We're seeing AI having already infiltrated this creative space," he said. "With time, these systems will become more and more sophisticated and produce better and better creativity."



50-YEAR LAWYERS The State Bar of Texas recognized 1,167 lawyers for their 50 years of membership, with more than 85 of those honorees attending a celebratory reception that provides them with an opportunity to catch up with colleagues and friends and featured a visit from Supreme Court of Texas Chief Justice Nathan L. Hecht, State Bar of Texas President Steve Benesh, President-elect Santos Vargas, Immediate Past President Cindy Tisdale, Immediate Past Board Chair Kennon Lily Wooten, and Executive Director Trey Apffel. PHOTO BY MARC SWENDNER

What's the Spread? Legislating Sports Betting & Fantasy Sports in Texas

Dallas-based gaming law attorneys Kevin Vela and Blake Hart surveyed the current landscape of sports “betting” in Texas, the intricacies and loopholes of the concept of fantasy sports, and the process by which sports betting could possibly be legalized in the state in the coming years during this session. Hart presented a comprehensive timeline of lawsuits and legislation—beginning with the Unlawful Internet Gambling Enforcement Act passed in September 2006—that opened the door for the operation of several fantasy sports platforms in Texas. Fantasy contests, which are widely unregulated in Texas, are defined as a “game of skill” and are currently not classified as “betting,” which is generally defined as a “game of chance.” Fantasy sports contests include “Pick’em contests” which allow users to pick whether an individual player will finish over or under one or more of designated player props based on lines that are usually set by casinos such as DraftKings, FanDuel, Caesar’s Sportsbook, or Bet MGM. “Until regulated or expressly banned, we expect fantasy sports to continue to be offered as a game of skill, and thus not gambling, in the state of Texas,” Vela said. Hart and Vela noted that a constitutional amendment would have to be enacted for sports betting to be legal in the state.

Who Gets Fido and Fluffy?

In divorce cases, people sometimes go to trial over the issue of who gets custody of a pet, according to Candice Deyerle, of Deyerle, Silva, Smith in Austin; and Ashley Morgan, of Cain & Skarnulis in Austin. In a session titled “Divorces Involving Pets,” hosted by the Animal Law Section, the panelists explained that Texas is a community property state and that according to the law, pets are property. “Once you get married, community property starts,” Deyerle said. Exceptions include property a party owned before the marriage or property that was a gift. Morgan recommended that if a client wants the pet, the client needs to “talk about who has the most emotional tie to the animal and who provides care to the animal.” Parties should keep documentary evidence of the pet, including adoption records, vet care receipts, photos and social media posts, and any other evidence of their connection to the pet, the panelists said, noting that during the divorce process, parties can file for protective orders or temporary restraining orders to deal with pet custody. However, Deyerle said she recommends they “try to see if you can work it out—getting court orders can be a very costly process.” Morgan recommended ex-partners use a possession schedule for a pet like they would for a child. She said the best way to avoid conflict is by setting up pre- and post-marital agreements.

Handling Mistakes

The best thing an attorney can do after making a legal mistake is “be honest and transparent,” said Scott Skelton, of Skelton Slusher Barnhill Watkins Wells in Lufkin. In a session titled “What to Do When You’ve Made a Mistake,” he said, “You have to sit tight, take a breath, and follow the rules.” Skelton explained his experience after thinking he’d missed the statute of limitations on a matter for one of his clients. He said that an attorney can’t withhold information for their own benefit, as laid out in the Texas Disciplinary Rules of Professional Conduct. “When you’ve made a mistake with a client, then you have an adverse interest to your client,” he said. “Tell your client you made a mistake and that they need to get another lawyer.” Skelton advised attorneys to ask colleagues for help, as they may be under stress and may need help thinking clearly. Attorneys may be tempted to settle quickly, but he advised against it, explaining that Ethics Opinion 593 prohibits settling without disclosing malpractice and other specific steps. Skelton also advised attorneys always to be civil and professional. “Don’t play gotcha with other lawyers,” he said. Skelton described his positive experiences with a fellow attorney he’d had thousands of cases against. “We were always good to each other, always helped each other, and didn’t put each other in a box,” he said. That attorney donated a kidney to him in 2009. “Give and take make practice easier, more fun, and more livable,” Skelton said.



TEXAS BAR FOUNDATION Award winners were recognized during the Texas Bar Foundation's 2024 Annual Dinner on June 21. Standing from left: Steven C. Laird, Justice (Fmr.) Craig T. Enoch, Justice (Fmr.) Douglas S. Lang, Lynne Liberato, Donald W. Allee, Henry B. "Hank" Paup, and Richard A. Cantu. Seated from left: Hon. Alvin Zimmerman, U.S. District Judge David Hittner, Jeremy W. Dunbar, Rusty Hardin, and Judge Fred Biery. Not Pictured: Gary L. Nickelson, and Kent Rutter. PHOTO BY MARC SWENDNER

Best Practices for Using AI

Now that AI is becoming a popular tool for attorneys, they need to be aware of three key concerns: liability, ethics, and security. So say Darron Flagg, chief compliance and privacy officer at software company PowerSchool in Sacramento, California; and Matthew Prater, in-house counsel at chemical manufacturer SABIC in Houston. In a session titled "Collaborating with your AI Coworker," the panelists urged attendees to help their employers develop an AI policy, which should include choosing a regulatory framework to follow from among options developed by the National Institute of Standards and Technology; the United Nations Educational, Scientific and Cultural Organization; and others. They also warned that attendees should help their employers understand the terms and conditions of AI tools and the limitations of IP protection for work products created with them. They noted companies operating in multiple countries should be aware of each locale's AI legislation, and that even within the U.S., different states are developing their own laws. Turning to ethics concerns, the panelists noted that several of the Texas Disciplinary Rules of Professional Conduct come into play with AI, including competent and diligent representation (Rule 1.01), keeping clients reasonably informed and explaining matters as reasonably necessary (Rule 1.03), reasonable fees (Rule 1.04), and protecting the confidentiality of client information (Rule 1.05). They recommended attendees review the Professional Ethics Committee for the State Bar of Texas' Opinion 648 (use of cloud computing services), Opinion 627 (ensuring files are preserved/disposed), and Opinion 701 (recurring fee service, even if not used). They also referenced key Federal Rules of Civil Procedure and Federal Rules of Evidence related to AI matters.

Hip Hop on Trial: Texas Courts Confront the Use of Rap Lyrics in Criminal Prosecutions

The interpretation of hip hop and rap lyrics, their often-perceived connotations of violence, and how Texas courts have recently addressed their intent was the theme of Dallas attorney Chad Baruch's session. Baruch focused on the recently decided case *State v. Hart*, heard by the Texas Court of Criminal Appeals in May 2024. In 2019, 33-year-old Larry Jean Hart drove a group of people to the apartment of Michael Gardner and watched and waited in the car while Gardner was murdered. Hart was charged with capital murder—affirmed 2-1 by the Dallas Court of Appeals—despite Hart claiming he had no idea of their intentions and claimed he had difficulty "comprehending things." During the trial, the state introduced a video recording of a song showing several young Black men rapping about holding weapons and selling drugs. Hart was seen in the video lip syncing the words "two Glocks on me." Prosecutors also introduced four Facebook posts of Hart's that referenced guns. Hart testified that he didn't own any guns and never carried guns. The state attempted to use the threatening lyrics as a slight against Hart's character, claiming he was able to comprehend the break-in at Gardner's apartment. In a 5-4 decision, the CCA overturned the lower court's ruling and remanded the case. The court's majority opinion stated: "We don't convict people of murder simply because they have written lyrics about murder." Baruch added "[The court] recognized there seems to be an emerging national trend that unless the video or lyrics or rap performance really does reflect that actual, specific crime, these lyrics probably, in most cases, ought to be excluded."

ChatGPT Prompts for Busy Lawyers

Houston attorneys Nelson Ebaugh and Raffi Melkonian outlined the benefits and pitfalls for practitioners implementing ChatGPT and other large language model software into their work during this session. Both speakers said that ChatGPT can be a useful tool for lawyers in some respects, but the technology hasn't quite advanced far enough for lawyers to entrust it with sensitive or important matters. Issues of confidentiality, deep critical thinking, and even some caselaw inaccuracy persist, as well as a continued debate on whether ChatGPT can be called artificial intelligence. "My viewpoint is that it's not a good idea to call it 'artificial intelligence.' I think a better term is 'machine learning.' ChatGPT is not intelligent. It's not a substitute for lawyers. This is just a computer doing computer things," said Ebaugh, who noted that he uses ChatGPT as an effective brainstorming device and a grammatical/syntax editor, but not as a central piece of research. Though ChatGPT is evolving in its utility, Ebaugh and Melkonian agreed that it can't yet substitute for an experienced, law-trained human. "It has gotten much better in the last few months. It is less likely to make up cases, for example, if you ask it legal questions. But it will still do that. You have to be extremely careful—do not ask it to write briefs for you without guidance. You will get bad and dangerous results," Melkonian said. "The product is not quite at a level where you can rely on it to do really important work that has to be done quickly."

Helping Disaster Victims

The Poverty Law Section hosted the session titled "Understanding Disasters and Disaster Assistance" to help attorneys understand how they can help victims of hurricanes, flooding, fire, and other disasters. Panelists included Melissa Thrailkill, of the Law Offices of Brandy Wingate Voss in Dallas; Ana Laurel, of Texas RioGrande Legal Aid in Victoria; and Cornelia Alvarez of Legal Aid of NorthWest Texas in Abilene. "Disasters are becoming more common and more severe," Alvarez said. "Texas has its fair share." Thrailkill explained that attorneys specializing in many areas of law can volunteer to help victims. Needs include not only help accessing FEMA aid, but also matters involving family law, real estate, consumer issues, contracts, and more. Many Texas counties are served by few lawyers, so in times of disaster, attorney volunteers from outside the area are important. Alvarez said Texas has many vulnerable populations and, though aid is available, its distribution is not always equitable. Having an attorney can make a major difference for vulnerable populations applying for aid. "Don't be scared to jump into these cases with your local bar or local association," Thrailkill said. "They are very rewarding." Many legal aid providers have templates for private attorney volunteers to use in helping victims. To get started, the panelists recommended attorneys check out the Legal Aid Disaster Resource Center's online "Boot Camp" for attorneys interested in volunteering at ladrc.org/disaster-bootcamp.



TEXAS YOUNG LAWYERS ASSOCIATION Hisham Masri talks to the crowd after being sworn in as 2024-2025 TYLA president during an evening reception that acknowledged the group's projects, previous officers, new leaders, and outstanding attorneys. To see a list of award winners, go to texasbar.com/annualmeetingawards. PHOTO BY GEOFFREY HINKSON

The Legal Titans of the 1954 U.S. Supreme Court Case *Hernandez v. State of Texas*

The principal argument behind the landmark U.S. Supreme Court case *Hernandez v. Texas* was that people of Mexican American descent in Texas were systematically denied opportunity to serve on a jury, which deprived them of equal protection as guaranteed by the 14th Amendment, according to this session's panelists Justice Gina Benavides, of the 13th Court of Appeals, and Chief Justice Dori Contreras, of the 13th Court of Appeals. The panelists, along with moderator Christopher D. Pineda, assistant U.S. attorney of the Southern District of Texas, outlined the underlying facts of the case. Pete Hernandez was a migrant worker at a bar in Edna, who had an issue and went home, obtained a gun, and returned to the bar and killed Joe Espinosa. Hernandez was indicted for murder and was tried and convicted by an all-white jury. Hernandez's guilt was never in question; the legal team decided to create a trial record showing that discrimination against Hispanics was common and therefore violated the Constitution, according to the panelists. The guilty verdict was upheld by the Texas Court of Criminal Appeals, and the case went to the U.S. Supreme Court on appeal. The unanimous decision by the U.S. Supreme Court extended constitutional protection to Mexican Americans. The panelists said this case is important not only because it is about Hispanics serving on a jury but also because it was the first time an all-Mexican American legal team argued before the U.S. Supreme Court. The panelists discussed the legal team—which consisted of former Chief Judge of the U.S. District Court for the Southern District of Texas James DeAnda, Gustavo C. Garcia, former Chief Justice of the 4th Court of Appeals Carlos C. Cadena, and John J. Herrera—and their accomplishments. "If they had not succeeded, then who knows," Contreras said. "It could have been another decade before something would have happened."