



SPEAKING WITHOUT TALKING

When Austin criminal defense attorney **Amber Farrelly Elliott** meets with clients, she often lets her hands do the talking. Although Elliott's hearing is not impaired, she began studying American Sign Language at the age of 9 and now uses her signing skills in representing deaf individuals in criminal cases. Elliott, a graduate of the Arizona State University Sandra Day O'Connor College of Law, says she accepts court appointments in Travis County to represent deaf defendants charged with misdemeanors or felonies.

Elliott says it typically takes more time to explain the procedures in a criminal case to a deaf person. "I have to take time out to educate them on the whole process. I explain who I am, what my role is."

However, as Elliott noted, American Sign Language does not have a sign for every word. "I think the first thing that comes up is the word 'prosecutor,'" she says. While some deaf people are familiar with the word, many don't know what a prosecutor is. "I spell out 'prosecutor' and then attach a meaning."

Elliott says she follows the same procedure when explaining legal terms — such as habeas corpus — to deaf clients. She finger spells the term, explains its meaning, and uses a sign for the term that may have been used by interpreters for the deaf or deaf people themselves. But there's more to it than just explaining terms. Deaf individuals who have never been arrested may not understand the difference between civil and criminal cases and the fact that incarceration could be a consequence if they are convicted of a criminal charge. "I tell them if they're talking to me, they're looking at jail time."

Deaf people often spend more time in jail following their arrest because it can take longer to secure bonds for them. If the deaf defendant's contacts also are deaf, it can be difficult

to get in touch with them. Elliott says most deaf people carry cell phones for texting. But, "the courthouse doesn't text people. They have to be at home to get a phone call."



Amber Farrelly Elliott is an Austin criminal defense attorney who learned American Sign Language at age 9. She uses her signing skills to represent deaf individuals in criminal cases. Here, Elliott demonstrates how to say "hello."

Despite the complications in representing the deaf, Elliott often is able to prevent many of her clients from being incarcerated for an alleged offense. "A lot of my cases are the result of misunderstandings or miscommunications," she says, noting that police do not always provide interpreters for the deaf.

One example is a homeless deaf man who had poor reading skills. Police with the University of Texas at Austin issued a criminal trespass warning to the man to stay off the campus.

When the man returned, he was arrested for trespassing. Prosecutors dismissed the case after Elliott explained that because no one had explained the situation to the man, he did not understand that he was not to return to the campus.

Paul Rutowski, president of the Texas Association of the Deaf, wrote in an email that deaf people often are skeptical of hearing people who learn sign language and try to be "heroes" to the deaf community and take advantage of this angle. "She is not 'helping' deaf people specifically in this arena," Rutowski says. "She is just doing her job as an attorney like what a hearing attorney should do with hearing clients."

Elliott allows deaf and hard of hearing people to "speak their minds without 'taking over' and fairly represents them," Rutowski says.

Elliott says she has not run into any problems with people being skeptical of her representation of deaf individuals. "I get nothing but 'thank you's from my clients.' ❄️"

Elliott allows deaf and hard of hearing people to "speak their minds without 'taking over' and fairly represents them."

— Paul Rutowski
President, Texas Association of the Deaf

— Mary Alice Robbins



Don't FEAR the BEARD

Look up the best — and worst — beards in sports history, and you'll find athletes from just about every sport: Mike Commodore (hockey), Alexei Lalas (soccer), Brian Wilson (baseball). But you'd find nary a snowboarder on that list. If two Dallas attorneys and their friends have their way, that'll change very soon.

Enter the Beardski, a beard-adorned ski mask. The idea came about when **Joe Motes**, **Michael Shore**, and a few other friends were challenged by one of their poker buddies to come up with ideas for a business that they could plausibly follow through with. Motes, Shore, and four others in the poker group met to discuss the ideas. The first idea was for specialized software. The Beardski was the second idea. "After discussing an idea for some really complex software, one of the guys proposed the Beardski and we said, "Yeah, that one," laughs Motes, a partner in Akin, Gump, Strauss, Hauer & Feld, L.L.P. Shore adds, "We thought, with the Beardski, if the plan wasn't working out, we could bail out after two hours and \$50 if we needed to."

Motes admits that he was initially skeptical of the idea. "I just went to bed and thought, 'Why would anyone want this?'" The group knew the Beardski was novel, but it soon gained legitimacy. With a prototype in hand, Shore decided he'd test-run the Beardski during a Christmas ski trip in Utah. The item came in handy during the bitterly cold ski runs, as Shore and his son tucked the beards into their jackets to keep their necks warm. Shore says the Beardski drew a lot of attention — and laughs — on the slopes. The group also asked a snowboard team to test out the Beardski. "Those guys just went nuts — they loved them," Shore says.

Shore, senior founding partner in Shore, Chan, Bragalone, DePumpo, L.L.P., says he and Motes were lucky to handle the front-end aspect of the Beard-



Dallas attorneys **Michael Shore**, left, and **Joe Motes**, are part of the team behind the Beardski, a beard-adorned ski mask. Shore, senior founding partner in Shore, Chan, Bragalone, DePumpo, L.L.P., and Motes, a partner in Akin, Gump, Strauss, Hauer & Feld, L.L.P., say the Beardski is not limited to the slopes.

ski brand — patent, trademark, and contract details. "Unfortunately for the other guys, they still have to deal with the rest of the details. We're just kind of basking in the 'glory' of this," Shore quips.

Available in a variety of lengths and colors — black, brown, grey, red, white — the Beardski is not limited to the slopes. While the group is looking to expand the Beardski brand to ski clothing, they are also looking into marketing the beards as novelty items that can be used at collegiate and professional sporting events. The group sold out of the first 3,000 Beardskis; shipments of thousands more are on the way.

Shore says the Beardski will not be the last idea to come from the group. "We definitely plan to develop a whole Beardski brand and come up with other products. The bigger picture is to do more."

For more information about the Beardski, visit www.beardski.com. ★

TEXAS PEOPLE

Carry A. Baker, an Amarillo private practitioner, was appointed by Gov. Rick Perry as a public member of the Texas Board of Professional Engineers. The board licenses qualified engineers, enforces the Texas Engineering Practice Act, and regulates the practice of professional engineering in Texas. Baker's term will expire Sept. 26, 2015.



Mike McKool, co-founder and chair of McKool Smith in Dallas, received the Anti-Defamation League's 2010 Larry Schoenbrun Jurisprudence Award.



The award is presented to legal professionals who demonstrate a devotion to the principles enshrined in the U.S. Constitution, commitment to the democratic values of the United States, and dedication to fair and equal justice for all.

Judge **Peter Sakai**, of the 225th District Court in San Antonio, received the National Asian Pacific American Bar Association Trailblazer Award. The award recognizes the achievements, commitment, and leadership of lawyers who have paved the way for the advancement of other Asian Pacific American attorneys.



Boerne private practitioner **Edward G. Vaughan** was appointed by Gov. Rick Perry as chair of the Texas Water Development Board. His term will expire on Dec. 31, 2013. The board's mission is to provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas.

