13th ANNUAL FACULTY UPDATE
for Legal Services Attorneys, Public Interest Practitioners
& Pro Bono Attorneys

and

Texas Tech Law Practice Technology CLE

October 25—26, 2018
# 13th Annual Faculty Update & Texas Tech Law Practice Technology CLE

**Program Schedule**

SBOT Course # 174024407 - 11.25 CLE Hours, Including 2.0 hours Ethics  
New Mexico CLE—11.2 Hours, Including 1.0 hour Ethics

## Thursday, October 25

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<th>Time</th>
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<th>Speaker(s)</th>
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<td>1:00 pm — 2:00 pm</td>
<td>Case Update: Texas Homestead</td>
<td>Sally Henry, Professor</td>
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<td>2:00 pm—3:00 pm</td>
<td>Negotiation</td>
<td>Nancy Soonpaa, Professor</td>
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<tr>
<td>3:00 pm—3:15 pm</td>
<td>Break</td>
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<tr>
<td>3:15 pm—4:15 pm</td>
<td>Marital Property Update</td>
<td>J. Wesley Cochran, Professor</td>
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<td>4:15 pm—5:00 pm</td>
<td>Texas Civil Procedure Update</td>
<td>Dustin Benham, Professor</td>
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## Friday, October 26

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<th>Time</th>
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<td>9:00 am—9:05 am</td>
<td>Introduction</td>
<td>Alyson Drake, Assistant Director for Public Services</td>
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| 9:05 am—10:20 am | Client Management                                           | Marin Dell, Assistant Director for Electronic and Digital Services  
Donnie Yandell, Chief Public Defender, Caprock Public Defender Office |
| 10:20 am—10:35 am | Break                                                        |                                                      |
| 10:35 am—11:20 am | Word                                                        | Alyson Drake, Assistant Director for Public Services |
| 11:20 am—12:05 am | PDF’s                                                       | Allison Clayton, Director, Innocence Clinic          |
| 12:05 am—12:15 pm | Break—Pick up lunch                                         |                                                      |
| 12:15 pm—1:15 pm  | Keynote: The Duty of Technological Competence (1.0 Ethics Hour) | Jamie Baker, Interim Director, Law Library          |
| 1:15 pm—2:15 pm  | Texas Labor and Employment Law Update                       | Jarod Gonzalez, Professor                            |
| 2:15 pm—3:15 pm  | Recent Case Updates of Interest                             | Charles Bubany, Professor                            |
| 3:15 pm—3:30 pm  | Break                                                        |                                                      |
| 3:30 pm—4:15 pm  | Expungements                                                 | Dwight McDonald, Criminal Defense Clinic             |
| 4:15 pm—5:15 pm  | Ethics of Managing Difficult Clients (1.0 Ethics Hour)      | Larry Spain, Professor                               |
Nancy Soonpaa, Professor of Law

**Negotiation**

Nancy Soonpaa is a professor at the Texas Tech University School of Law where she directs and teaches in the Legal Practice Program; teaches Health Law, Negotiation Workshop, and Family Law; and served as Associate Dean for Student Affairs from 2005-07. She received her B.A., M.A. and J.D. from the University of North Dakota.

Dustin Benham, Professor of Law

**Texas Civil Procedure Update**

Professor Benham is a law teacher who devotes his time to improving the civil-litigation system. He teaches and studies civil procedure, evidence, and advocacy. Professor Benham's courses include Evidence, Discovery, Trial Advocacy, and Professional Responsibility. He teaches all of these courses by synthesizing applicable legal doctrine with skills that students can use to hit the ground running in practice. Over the years, he has also taught Appellate Advocacy and Procedure, Post-Trial Procedure, Supreme Court Advocacy, Criminal Law, Legal Practice, and Texas Trial and Appellate Procedure. He received his B.A. from Texas Tech University and his J.D. from Baylor University.

Sally Henry, John E. Krahmer Banking and Commercial Endowed Professor of Law

**Case Update: Texas Homestead**

Sally McDonald Henry is a professor of law who specializes in commercial law, corporate law, banking, bankruptcy, and related litigation. Before coming to Texas Tech, she practiced law for almost thirty years, first as an associate and then as a partner in the corporate restructuring department of Skadden, Arps, Slate, Meagher & Flom LLP, a worldwide corporate law firm. She is a graduate of Duke University and of the New York University School of Law, where she won a number of awards for her scholarship. She is admitted to practice in the State of New York and in the Southern District of New York, as well as a number of the federal courts of appeal.

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D. Marin Dell, Assistant Director for Electronic & Digital Services

Client Management

Marin Dell is the Assistant Director for Electronic & Digital Services for the Texas Tech School of Law. Marin received her B.S. in Information Systems Management from the University of South Florida and her J.D. from California Western School of Law. Her M.S. degrees, one in Library and Information Science with a Law Librarian Specialization, and the other in Management Information Systems, were received from Florida State University.

Donnie Yandell, Chief Public Defender, Caprock Public Defender Office

Client Management

Donnie Yandell is the Chief Public Defender of the Caprock Regional Public Defender Office at the Texas Tech School of Law. He is a mentor and trainer for 3rd year law students in the area of Criminal Defense. He received his J.D. from Texas Tech School of Law.

Alyson Drake, Assistant Director for Public Services

Word

Alyson Drake is the Assistant Director for Public Services and the Direct of the Excellence in Legal Research Program at the Texas Tech School of Law. In addition to managing the Law Library’s reference, instructional, and student services, Professor Drake teaches Texas Legal Research and Foreign, Comparative, and International Legal Research, as well as coordinates and teaches research workshops for the law school’s Legal Practice Program and Excellence in Legal Research Program. Professor Drake’s scholarship focuses on the intersection between cognitive theory and legal research pedagogy, as well as on how legal research instruction can support the American Bar Association’s program of legal education. She recently served as the Chair of the Research Instruction and Patron Services Special Interest Section of the American Association of Law Librarians and serves on the Advisory Board for the Foreign Index to Legal Periodicals. Her most recent articles have appeared in Law Library Journal and Florida Coastal Law Review, and she also blogs on issues related to legal research instruction and educational theory at Legal Research Pedagogy (www.legalresearchpedagogy.com). Professor Drake has spoken on these topics at Legal Writing Institute’s Biennial Conference, the Southwestern Association of Law Librarians Annual Meeting, the Southeastern Association of Law Librarians Annual Meeting, and the Center for Computer-Assisted Legal Instruction’s Annual Conference for Law School Computing, among others.

B. Allison Clayton, Director, Innocence Clinic

PDF's

Allison Clayton is the adjunct professor of the Innocence Clinic. In addition to the Clinic she runs a local law practice. She is Deputy Director of the Innocence Project of Texas, Director of the Lubbock Criminal Defense Lawyers Association, and an active member of the Amicus Committee of the Texas Criminal Defense Lawyers Association. She graduated from TTU magna cum laude with honors and received her J.D. from TTU School of Law.
Jarod S. Gonzalez, Professor of Law

Texas Labor and Employment Law Update

Jarod Gonzalez joined the faculty at the Texas Tech School of Law in 2004. He teaches classes in Civil Procedure, Trial and Appellate, Employment Law, and Conflict of Law. He received his B.B.A. and J.D. from the University of Oklahoma.

Charles P. Bubany, Adjunct Professor of Law and former George Hermann Mahon Professor of Law

Recent Case Updates of Interest

Professor Bubany received his J.D. degree from Washington University (St. Louis), where he was a note editor for the Washington University Law Quarterly. He attended a year of graduate school at the University of Illinois College of Law, taught law at West Virginia University, was a Navy JAG officer, and practiced law in St. Louis before joining the Law School faculty. Received his B.A. from Saint Ambrose University and his J.D. from Washington University.

Q. Dwight McDonald, Adjunct Professor of Law

Expungements

Dwight McDonald is a adjunct Professor of Law who assists in supervising and mentoring students in the Criminal Defense Clinics at TTU School of Law Clinical Programs. He also teaches Law Practice Management. He received is B.S. from Lubbock Christian University and his J.D. from Texas Tech School of Law. He joined Tech Law in the Spring 2015. Prior to joining he was in private practice for 21 years.

Larry Spain, Alvin R. Allison Professor of Law & Director, Clinical Programs and Civil Practice Clinic

Ethics of Managing Difficult Clients

Larry Spain is the Director of the Clinical Programs and Civil Practice Clinic and also holds the Alvin R. Allison Professorship at Texas Tech School of Law. Along with directing the clinics, he also teaches classes in Family Law and Professional Responsibility. Professor Spain received his B.A. from the University of Iowa and his J.D. from Creighton University.
Keynote Luncheon Speaker

The Duty of Technological Competence

While law has generally been slow to adapt to technological change, the ABA Model Rules of Professional Conduct amended the Duty of Competence language to include a Duty of Technology Competence. This duty requires lawyers to keep abreast of “changes in the law and its practice, including the benefits and risks associated with relevant technology.” A majority of states have now adopted this new Duty of Technology Competence, but there is little guidance on its current reach. The guidance documents mainly discuss the duty in terms of eDiscovery, electronic storage, social media, and the cloud. As society moves beyond the Information Age to the Algorithmic Society, this duty should extend to the competent use of artificial intelligence and algorithms in law. As such, it behooves legal educators and lawyers to take heed and prepare for ethical practice in this brave new world.

Jamie Baker

Interim Director, Law Library

Professor Jamie Baker is the Interim Director of the Law Library and an Associate Law Library Faculty member at Texas Tech University School of Law. In addition to coordinating Law Library operations, Professor Baker teaches Civil Trial: Practice & Litigation Materials and Academic Legal Writing. Professor Baker's scholarship primarily focuses on cognitive computing in the legal research realm. Her recent articles have appeared in the latest edition of the Law Library Journal and the South Carolina Law Review. She also speaks and writes about legal research pedagogy, the law librarian profession, scholarly communications, and open access. Her blog, The Ginger Law Librarian, has been named an ABA Blawg 100, as well as a Top-Ten Blog for Information Professionals, and Best of the Legal Blogs by the Internet Legal Researcher. Professor Baker has spoken on these topics at the South Carolina Law Review Annual Symposium, the Southwestern Association of Law Schools Annual Meeting, and the Texas Tech University School of Law Annual CLE, among others.