



LESSONS LEARNED *from*  
UNDERWOOD LAWYERS AND CLIENTS  
*Past and Present*



*100 Years*



UNDERWOOD  
ATTORNEYS AT LAW

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## FORWARD

**By Dr. Paul Matney, President - Amarillo College**

One hundred years of service to our community—what a truly remarkable record for the Underwood Law Firm!

What I've learned about Underwood is not only the firm's unfailing dedication to providing high quality legal services, but also its absolute commitment to serving the community. Look at the membership of most important public and non-profit boards in Amarillo and you'll find an Underwood attorney.

I'm especially grateful to Jerome Johnson and E.T. Manning for their support over the years, and Alan Rhodes for his contributions as past chairman of the Amarillo College Foundation, his support of the AC Honors program, and the opportunity for honors students to engage in meaningful conversations over lunch with community leaders. These conversations have been transformative for our students.

Whether it's helping raise scholarships for AC students, cooking hamburgers at the All College Fall cookout, or assisting in securing a private gift which made possible AC's new Hinkson Memorial Campus in Hereford, Underwood has been there.

Congratulations on a remarkable 100 years of service to our community and area!

**By Clay Stribling, Board President - Center City of Amarillo**

A century of service is an impressive feat for any business. However, for a law firm starting out in the early 1900s in a rural community, it is downright amazing.

I cannot think of a better collection for the Underwood Law Firm to present than a compilation of lessons learned. Through a century of helping Panhandle residents, I am certain the lessons learned will be engaging, entertaining, and at times, incredible.

Underwood's support of Center City of Amarillo has also been longstanding and consistent. Through membership, board service, event sponsorship and other financial support, the firm has shown a strong commitment to helping promote Downtown Amarillo. A lesson we can all learn from Underwood is that when your community supports you, you support them right back. Certainly Amarillo would not be what it is today without our longtime institutions providing excellent service, but also giving back to the region in so many ways.

Center City is happy to offer the most enthusiastic congratulations to Underwood for reaching this important milestone! May your next century bring you, and our region, as many rewards as your first century.

## INTRODUCTION

I once heard a speaker say, “Every man is my teacher: he who teaches me what to do and he who teaches me what not to do. The most valuable lessons come from the latter.”

The lessons learned in this book span several generations of lawyers, many different incarnations of our firm, and changes in the practice of law that Judge Underwood could never have imagined when he formed the firm in 1912. The lessons reveal that, through these changes over the past 100 years, the essential nature of lawyers and their relationships with their clients remain unchanged.

The prevailing view of lawyers is that they are argumentative, long-winded, and untrustworthy. While some lawyers do fit this stereotype, reading these lessons may give you a different perspective on lawyers. You will see that the successful practice of law requires the ability to understand people—their strengths, their weaknesses, and their motivations. Knowledge of the law is important, but lawyers are problem solvers, and no problem was ever solved without a full understanding of the human dynamics of the problem. You will see that holding together a law firm and serving clients requires compassion, courage, and a sense of humor in the face of adversity.

If you are reading this book, you are probably a client of our law firm. Our sincere hope is that, as you read this book, you will understand more about who we have been, who we are now, and how much it means to us to serve our clients well. There is nothing more rewarding than making a difference in a client’s life. We hope you enjoy reading these lessons as much as we enjoyed writing them.





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## Keep Calm and Carry On

The practice of law can be fulfilling, interesting, and even fun. After all, we as attorneys enjoy knowing the law, and our ultimate goal is to use that knowledge to resolve any problems that our clients might face through high-quality and affordable legal work. If our clients are happy, we are happy. Every time a case is satisfactorily resolved or a transaction is closed for the benefit of our client, we go home content in knowing that we helped to improve the life or business of someone in need.

But practicing law is also challenging. We are kept on our toes every minute of every day because the law evolves constantly, no two clients are the same, opposing counsel may surprise us, judges and juries are highly unpredictable, associates face a variety of demands from partners, and partners are responsible for the work of their associates.

All lawyers must learn how to deal with these scenarios. We must learn to handle stress and to make good decisions under pressure. When something goes wrong, we cannot give up. Instead, we must take a deep breath, correct our mistakes, and learn from them. And when we are fortunate, we learn lessons from others without having to make a mistake first.



## **No Sense in Crying Over Spilled Milk**

A LESSON LEARNED *from* HI BERRY

In the earlier years of the Underwood Law Firm, before the more sophisticated dictating machines, the attorneys dictated their work on big black cylinders. A secretary transcribed the material from the cylinders, and then someone else erased the cylinders by shaving them, making them ready for new dictation.

Hi Berry had spent a good part of a weekend (as he often did) working on his cases, which included a lot of time dictating. He produced numerous cylinders, which he set out for his secretary to transcribe. The girl that usually shaved the cylinders saw this particular set of cylinders sitting out and thought that they were waiting to be shaved. So, she shaved them. When Mr. Berry learned of this disaster, he slowly walked to his office, cocked his hat on his head at a slant (as he always wore it), walked out the firm's door without saying a word, and did not return until the next day. He then simply started to work and never mentioned the incident, as far as I know.

To many of the secretaries, Mr. Berry seemed rather stern, but actually, he was kind and gentle and most understanding of human frailty. He loved his work, his clients, and his associates, and he had a compassionate concern for all.

*By Velma Dunn*

## **Do We Need to Call a Lawyer?**

A LESSON LEARNED *from* GRANT ADAMS

Although we are the same age and even lived in the same dorm at the same time while undergraduate students at UT, Grant Adams began his legal career several years before I did. He often served as a

mentor for me during my early attempts to “practice” law. Once, while discussing what I thought was a particularly confusing issue arising from a question Grant asked me to research, I mistakenly commented on how difficult I found the question. Without looking up from his desk, he immediately quipped, “Do we need to call a lawyer?” I slumped back to my office, where I stayed until I was ready to fully discuss the issue. With a single offhand comment, Grant reminded me that it was now my job to get to the bottom of difficult issues.

Grant later received an offer to join a client’s in-house legal team that he couldn’t refuse and left Underwood. He still lives in Amarillo and remains a close friend to many of us still with the firm.

*By Wade King*

### **Oppose, But Don’t Criticize, a Judge’s Ruling**

A LESSON LEARNED *from* JUDGE JAMES GRAHAM

When I left the faculty at the University of Texas Law School, I practiced law for about 18 months in the lower Rio Grande Valley in Harlingen and Brownsville. My partner and I took in whatever business we could get. At one point, I was trying a hotly-contested divorce case before Judge James Graham. He ruled against me on practically every point and, when he announced his decision against my client, I made some rather critical argument. Judge Graham was offended and said, “Mr. Morris, don’t argue with the Court. I have made my ruling.” Lesson learned: opposition to a court’s rulings is proper, but criticism is not. Respect for the court at all times is mandatory, even if you believe that the court is wrong.

*By Tom Morris*

## **Good Things Come to Those Who Vacation**

A LESSON LEARNED *from* BUCK CLARY

Years ago, I was working on a matter for Buck Clary of Amarillo National Bank. Buck's reputation was, and still is, that he is a no nonsense, bottom line guy. To paraphrase a prior Amarillo bankruptcy judge, Buck Clary was "on rare occasion wrong, but seldom in doubt." If you were to look up the term "hard trader," Buck's picture might be beside the definition. Needless to say, Buck has always been a very valuable person at the bank when dealing with troubled loans, special assets, and difficult situations.

The particular matter at hand involved a freeze or levy served on an account of a bank customer. Because of the levy, all the funds in the customer's account were held in suspense and were not available for use, withdrawal, or payment. After the levy was in place, Buck and his wife left for a week's vacation to somewhere up north, perhaps Montana. The first day after he returned to the bank following his vacation, Buck and I spoke about his time off. During that conversation, he related what had happened the night he had returned to his home.

On that night, Buck dropped his wife off in front of the house and drove through the alley to his rear entry garage. As he tried to pull into his driveway, he noticed a big debris hauling truck parked in his driveway. Its signage indicated that it was owned by a local roofing contractor, and although Buck was a bit perturbed that it was in his driveway, he knew that a number of roofs in his neighborhood and throughout Amarillo were being replaced after hail and windstorms. He figured the roofing company had just used his driveway for convenience since he had been out of town.

Imagine the surprise Buck felt when he got out of his vehicle and surveyed his house only to find that his roof had been removed

completely. Needless to say, neither he nor his wife had asked for the roof to be removed as it was in pretty good shape. Buck called the roofing company and reported what he was viewing. After several calls, the roofing company determined that it had taken the roof off of the wrong house. The roofing company owner attempted to negotiate a low-cost resolution but soon learned his company “really” picked the wrong house. As a consequence, although he was not happy with the inconvenience it would cause, Buck ended up negotiating for a new roof and an upgrade on what he had, all paid for by the roofing company.

A few days later, I received a call from a man who was due money out of the account that had previously been frozen by the levy. He inquired about whether there was any way he could get some of the funds in the account freed up so he could be paid by the account holder. As you might guess, it was the owner of the roofing company who had done a roofing job for the account holder who was making the inquiry. I laughed to myself when he asked what bank officer he should talk to about getting the funds liberated. When I told him the officer to contact was Buck Clary, there was a long pause followed by “there is no way in hell he is going to help me,” followed by “forget it.” When Buck and I visited about this last conversation, besides getting a chuckle out of the situation, he said to remember that “good things come to those who vacation.”

*By Mike Smiley*

### **More Is Not Always More**

A LESSON LEARNED *from* HI BERRY

All of us who knew Hi Berry remember his, shall we say, distinctive approach to the practice of law. However, as this story illustrates, we can learn valuable lessons from others - even from their idiosyncrasies. Shortly before Hi died, he asked me to review the wills he had written



for himself and his sainted wife, Evelyn. Among other things, Hi and Evelyn wanted to make gifts to separate trusts for the benefit of each of their grandchildren that would be effective when the first spouse died. The trusts were to have identical provisions. In light of that, most of us would have included one set of trust provisions and directed that those provisions would apply to each of the separate trusts. Not Hi.

Instead, in each will, Hi first made a gift in trust for the benefit of Grandchild One and then spelled out, in about three pages, the terms of that trust. He then made a gift in trust for the benefit of Grandchild Two and followed that gift with an identical three pages of trust terms. This repetition went on for grandchild after grandchild, with each gift followed by the same three-page recital of trust terms. The result was two wills, each consuming about 50 pages of legal-size paper. (Hi had resolutely refused to join the rest of the legal world in its transition from legal-size to letter-size paper for documents.)

After Hi died, Evelyn asked me to revise her will. She wanted to eliminate the gifts to her grandchildren's trusts, which by then were unnecessary, and to make other changes that were appropriate in light of the fact that Hi had predeceased her. I wrote a new will for Evelyn that consumed about five letter-size pages. Evelyn was bedridden with cancer by this time, so I took the new will to her home for review. When I handed the new will to Evelyn, her first comment was, "Oh my, this is certainly lighter than the other one."

The lesson from this episode, although I'm sure Hi didn't intend it, is that we should strive to make our documents as short as possible, so long as they still do the job. And if you draft a document that your spouse can't lift, that document is far too long!

*By Alan Jones*

## **Be Quiet**

A LESSON LEARNED *from* MIKE LOFTIN

When I was a relatively young lawyer, Mike Loftin had a meeting with an important client that Mike could not attend. As the client wanted an attorney present at the meeting, Mike chose me to attend in his place. As I walked out the door, Mike explained that lots of people would attend the meeting and that if I could refrain from speaking, those people would leave thinking I was much smarter than I was. I have often reflected upon this lesson, although I admit that I am not always as successful acting on it as Mike would want.

*By Slater Elza*

## **Keep Calm and Carry On**

A LESSON LEARNED *from* KELLN ZIMMER

“Keep Calm and Carry On” is a phrase you see and hear a lot these days. The phrase originally appeared on a poster produced by the British Government’s Ministry of Information in 1939, on the eve of World War II, in order to boost public morale in the event of the widely anticipated land invasion by Nazi ground forces. However, Hitler tabled the invasion after Nazi forces were defeated in the Battle of Britain. Consequently, the posters were never distributed and were largely forgotten until 2000, when a copy of the poster was discovered in a box of books in an English bookstore. Today, the five-word phrase is everywhere — on posters, mugs, towels, doormats, clothes, and bumper stickers.

Every time I hear or see this simple, concise phrase, I am reminded of how my late friend and colleague, Kelln Zimmer, was able to persevere in the face of adversity. She accomplished many goals despite enduring insurmountable pain, suffering, and setbacks during

her seven-year battle with breast cancer. Kelln's ability to smile and remain calm in the face of countless operations, radiation treatments, and hospital stays enabled her to graduate Magna Cum Laude from law school (while serving as managing editor of the law review), launch a legal career, travel abroad, purchase a home, and maintain her many friendships.

Although she passed away on August 19, 2010, Kelln Zimmer left behind an inspiring example for me of what it truly means to "Keep Calm and Carry On."

*By Ed Dowdy*

### **Choose Your Words Wisely**

A LESSON LEARNED *from* EXPERIENCE

When I was a second year lawyer, I learned a very valuable lesson: choose your words wisely. A partner in the firm asked me to draft a memo regarding a tax issue. I began the memo with: "The Seminole case . . ." After spell-checking and proofreading, I gave the memo to the partner for his review. By the next day, almost every lawyer in the firm had stopped by my office to have a good laugh. I will forever remember that the words "Seminole" and "seminal" have two separate and distinct meanings.

*By David Goad*

### **Juries Are Completely Unpredictable**

A LESSON LEARNED *from* A JUROR IN  
CAMERON COUNTY, TEXAS

I once tried a case in the 107th District Court of Cameron County. My client, a laborer, was riding in a taxi cab when the cab ran a red light

and was broadsided. The window glass severed my client's right ulnar nerve, and he wound up with a claw hand that seriously interfered with his manual labor. The taxi cab driver was clearly liable, but the parties disagreed about the extent of injury, incapacity, and damages. I faced defense counsel John Quincy Adams, who was probably the best defense lawyer in the Rio Grande Valley at that time. We had a substantial battle in front of the jury. As the trial progressed, I kept watching the jury for some signs as to how it was leaning, but the jury gave no signs of its inclinations until I put my client's wife on as my last witness to prove how seriously his injuries incapacitated him. As she testified, one juror on the back row, who had been impassive throughout, began to nod his head. I was encouraged that we had at least one juror on our side.

The judge submitted the case to the jury just before noon on Friday. Late in the afternoon, the jury sent a message to the court that it was deadlocked, unable to reach a verdict. Judge Arthur Klein urged the jury to continue its deliberations and, after about an hour, the jury sent another message that it could not reach a verdict. The judge then sequestered the jury (the only time I have ever known of a civil jury being sequestered). After supper, the jury continued deliberations with great controversy, as indicated by shouting heard from the dormitory. On Saturday morning, the jury announced that it was hopelessly deadlocked, and the judge declared a mistrial.

Subsequent interviews with jurors disclosed that the deadlock was 11 to 1 for my plaintiff, and the one holdout against my client was the juror who I thought was on our side. Lesson learned: you can never predict what a jury will do, and favorable indicators may be wrong.

*By Tom Morris*

## **Does This Pass the “Stupid” Test?**

A LESSON LEARNED *from* CORY RAMSEY

With the expansion of the dairy industry in the Texas Panhandle, my law partner, Lynn Tate, and I began to work closely with Cory Ramsey, Wade Porter, and Brad Johnson, all of Amarillo National Bank. Lynn and I worked on the legal issues while Amarillo National Bank worked on the financing issues. Sometimes our teams would travel together to Europe on dairy business. On one of our trips, Cory Ramsey explained one of the last questions the bank asks before loaning money. Cory described that after the bank’s loan committee approved a loan, and after the committee confirmed that the loan could be appropriately documented and secured, the bank asks: “If we make this loan, do we pass the “stupid test”?”

Cory’s point is that some transactions might be doable and legal, but you’re just not smart if you undertake them. Cory’s lesson is as applicable to the legal field as it is to banking. I try to apply the lesson to my transactions and to those of my clients.

*By Alan Rhodes*

## **Don’t Rush**

A LESSON LEARNED *from* A CLIENT

This is not a story about what I’ve learned from my partners, but a valuable lesson I learned from a client. Mike Loftin and I were working on a very complex case. Our client had developed interests that were quite different from the insurance company that was handling the matter. The insurance company offered a compromise to our client, but put a one hour deadline on our response.

While several of us could see the merits of the insurance company’s

proposal, the client stated that he had never made a good decision when rushed. As it turned out, his refusal to allow the insurance company to rush him into a decision led to a very worthwhile result. I have often thought about what that client said to us, and the advice has served me well on more than one occasion.

*By Slater Elza*

### **Judges Don't Help You Try Your Case**

A LESSON LEARNED *from* JUDGE CHARLES REYNOLDS

Judge Charles Reynolds, who succeeded Judge Gribble on the 100th District Court, had been a superb trial lawyer. Attorneys practicing before his Court could count on him to follow the law. He served over 16 years as Justice and Chief Justice of the Amarillo Court of Appeals and was the best judge in the history of that court.

I was trying a case in his court in Panhandle against an Amarillo lawyer who did not know how to introduce business records under the business records exception to the hearsay rule. Judge Reynolds sustained my objections, leading the other lawyer to finally say: "Judge, tell me what's wrong. Why are these records not admissible?" Judge Reynolds's response was, "Counsel, I cannot help you try your case."

*By Tom Morris*

### **Don't Let One Car Block Your Exit**

A LESSON LEARNED *from* HI BERRY

Eddie Henderson and I focused on school district clients beginning around 1988. We worked hard to build the practice. With hard work, lucky breaks found us. As it turned out, the cashier at Jerry's

Bar-B-Que was a member of the Highland Park ISD Board of Trustees. J.W. Larimore's friendship created an opportunity to represent Highland Park ISD.

Our efforts to attract school district clients amused H.A. Berry, one of the senior partners of the firm. Mr. Berry shared tips with us. First, Mr. Berry stressed his view that "the only fight worse than a school fight is a church fight." Relying on this view, Mr. Berry noted that tempers often flare at a school fight. He reminded us that we'd frequently be in a small town, traveling alone, late in the evening, with half the district's residents mad about the advice we'd given.

Because of this delicate situation, Mr. Berry admonished us to always park our vehicle in a place where it would take more than one car to block our departure from the meeting.

I've taken a dozen Underwood lawyers or summer clerks to independent school district trustees' meetings from Bovina to Gruver and as far away as Merkel and Big Spring. On every trip they've heard Mr. Berry's counsel: "Don't let one car block your exit."

*By Alan Rhodes*

## **Are You Sure That's the Deadline?**

A LESSON LEARNED *from* ROGER COX

Dot your i's and cross your t's, but most importantly, make sure you know the deadline. These are a few main principles all young associates learn from Roger Cox, some more painfully than others. Most law schools instill in their graduates plenty of confidence, which is necessary for young adults to tackle one of the greatest professions in the world. But it is sometimes easy to allow this confidence to distract any lawyer, particularly young lawyers. Working with Roger Cox, young associates develop what can be affectionately referred to

as a “healthy skepticism,” often more accurately described as sheer terror.

One time, as a lawyer with several years of practice under my belt, I was confident in my understanding of a property tax statute and its deadline relating to appeals of appraised values. I reported the deadline to Roger with the confidence that several years of practice without missing a major deadline will give a young attorney. Roger, who years before had read the statute, responded, “Are you sure that’s the deadline?” Sure enough, on my second read of the statute, I was one day off. Had we missed this deadline, our client would have been unable to appeal the appraised values of several properties across the state valued at over \$20 million. Obviously, missing the deadline would have imposed a significant additional tax burden on the client. If it wasn’t for Roger Cox reminding me to have a healthy skepticism about my research, my malpractice premiums would be much higher today. People hire Roger for his vision and ability to identify all parties’ goals and relative incentives and for his exceptional ability to subtly mold a situation to a client’s benefit. But people also hire Roger because of his attention to detail.

*By John Atkins*

### **Rules Pertaining to Enemies**

A LESSON LEARNED *from* GERALD BYBEE

Gerald Bybee is a dear friend. As one of my mentors, he has helped me with many of the ropes in a transactional or business practice. Gerald is an ally and supporter in the law firm. Not only has he guided me on management issues, he was and is a sounding board for my thoughts. Gerald always shares two lessons in dealing with adversaries or competitors. First, “never let your enemy know he’s your enemy.” He’s right. After one declares war, so to speak, everything changes. Second, “the enemy of my enemy is my friend.”



I'm glad I don't have any enemies, but at least if some come along, I'll know the rules.

*By Alan Rhodes*

### **There's No Need to Win a Hair-Shaking Contest**

A LESSON LEARNED *from* JUDGE DOOLEY

Judge Dooley went on the Federal bench in 1948, the year before I came to Amarillo, and I did not know him as a practicing lawyer. The Bar highly regarded him, and he was a great federal judge. Under his guiding hand, I learned how to try a case in federal court. He demanded a lot but was nearly always right on the law and was seldom reversed. He rarely wrote opinions, but when he did, they were masterpieces of brevity and simplicity. He seldom smiled but underneath he had a keen sense of humor.

While Judge Dooley was still a trial lawyer, he had a case with Jack Adkins, who had a great shock of black hair. Dooley was almost completely bald. Jack had a mannerism of leaning over at the jury box, shaking his finger and shaking his hair. Jack had sued one of Dooley's railroad clients and, in closing arguments, Jack gave his flamboyant, hair shaking performance. When Dooley got up to respond, he first remarked to the jury, "If this is a hair shaking contest, I am beat before I start!" The jury responded with laughter and returned a verdict for Dooley.

*By Tom Morris*

### **Keep Calm and Carry On, Part II**

A LESSON LEARNED *from* KELLY UTSINGER

I was a brand new lawyer working on the first case that was "mine."

It was my baby. I was going to take this case from the petition, develop the facts fully and completely, construct a fool-proof theory, and obliterate the plaintiff. All was going along smoothly until I received the plaintiff's first response to my discovery. Of course, in my mind, the discovery that I sent, which was drafted by my own hand, was perfectly crafted, specific, and completely unobjectionable. Much to my dismay, the plaintiff's attorney refused to answer a single request for production, citing every imaginable objection and some unimaginable ones.

I was incensed. I prepared to throw down motions to compel, motions for sanctions, and any other motion I could possibly think of to make this lawyer surrender the information that I had so eloquently requested. Before drafting this motion, that no doubt would likely read like an HBO script, I made the ever-wise decision of walking next door to visit Kelly Utsinger.

I passionately told Kelly how perfect my requests were, how it would be impossible to legitimately object to them, and told him my plan to drag the plaintiff's attorney through the mud all the way to the courtroom. Kelly very calmly told me to sit down, likely because I probably had picked up something large and he was afraid I would throw it. I remember very clearly that he told me, "Life is too short to get involved in fights like this with lawyers like that." In other words, sometimes it is best to follow the words of the poster the British government produced for its citizens at the outbreak of World War II. "Keep calm, and carry on."

I always try to remind myself of this lesson. The practice of law is already full of stress and strife, and I should do my best not to voluntarily add to it.

*By Matt Sherwood*

## **You Don't Have to Be Belligerent to Kick the Other Side's Butt**

A LESSON LEARNED *from* ANN MANNING

Ann is one of the most authentically nice people I know, yet she is a tenaciously good lawyer. I learned how these two characteristics can exist harmoniously in a lawyer during a case involving a student discipline matter. The case involved the punishment of a senior high school football player who had already signed with a Division I, Twelve Conference football program. Needless to say, this student was large in stature and athletically gifted. The student was in trouble because one day late in the fall, during the high school athletic period, this exceptionally athletic student “body slammed” another student, in full view of many witnesses, over a perceived breach to the honor of a female student.

Under Texas law, an assault causing bodily injury is a mandatory removal offense to the Disciplinary Alternative Education Program (DAEP). More importantly, a student assigned to the DAEP is ineligible to participate in extracurricular activities during the time period assigned there. In this case, the school district was involved in post-season play and had a very important playoff game on the upcoming Saturday. The day after the student athlete was assigned to the DAEP, I received a letter from two plaintiff lawyers threatening litigation unless the student was made eligible to play in the Saturday playoff game. Ann, being a skilled litigator, was the natural go-to person for the matter.

During the next three days, I watched Ann systematically destroy each line of attack attempted by the two plaintiff lawyers. I observed during a conference call with both opposing attorneys how kind and gracious Ann was to them as she explained how she was going to meet, and defeat, each one of their legal challenges. It was a sight to behold!

*By David Backus*

## **Being Schapped**

A LESSON LEARNED *from* JUDGE DAN SCHAAP

Dan Schaap allowed me to work on a few projects for him as a young lawyer. Although he had a reputation for harshly grading an associate's work (we often referred to his project reviews as being "Schapped," or sometimes "b&^%# Schapped"), he actually had a way of gently encouraging an associate to improve his or her writing without the associate feel like a failure. It can be difficult to criticize a friend's work without harming the friendship, but Judge Schaap was a master of doing just that.

Whenever I am now given the task of reviewing or grading a young lawyer's work, I am reminded of this lesson of combining effectiveness with kindness that I learned from Judge Schaap.

*By Wade King*

## **Don't Start Believing Your Own BS**

A LESSON LEARNED *from* KELLY UTSINGER

Kelly Utsinger is the heart and soul of the Underwood firm. He's been our leader in that role for many years. Kelly is passionate about the firm and resolutely protects his fellow Underwood lawyers.

One lesson that Kelly has always taught is that a lawyer should never start believing their own BS. Not believing your own BS means several things. First, it's important for a lawyer to develop a theory for a case or a strategy for a business transaction. The theory or strategy needs to be sound. Second, a lawyer should thoroughly develop the theory or strategy. Third, after thorough development, it's possible and perhaps easy for a lawyer to believe that their strategy or theory is sound, bullet-proof, and without question. When that happens, the lawyer has begun to believe his own BS.

The meaning of the lesson, “don’t start believing your own BS,” is that in almost every case, the other side has an argument, a theory, or a strategy that the lawyer should consider and address. When a lawyer starts believing their own BS, trouble lurks. When believing your own BS, you may not be considering the opposition’s better argument, theory or, strategy. By failing to consider these, you may be setting yourself and, more importantly, your client up for failure.

*By Alan Rhodes*

## **A New Heart**

A LESSON LEARNED *from* ROGER MCCOY

The first time I met Roger McCoy in 2005 was less than a pleasant experience. Alan Rhodes had requested that I accompany him to a meeting with Roger, a client at the time. While we were sitting at the kitchen table, Roger turned his chair so that he was looking directly at Alan. Roger seemed to make a point of not speaking to me and ignoring me while he explained the business transaction. At the end of the meeting, and to be sure that there was no misunderstanding, Roger turned to me and said, “While I understand that you may work on my file, I want you to know that he (pointing to Alan) will always be MY lawyer.” As we left the meeting, I commented to Alan that “the doctors may have accidently removed Roger’s heart.” Alan assured me that I just needed to get to know Roger and vice-versa. So began the process of “getting to know Roger.”

Roger’s family and my family have since grown together and have been through quite a few challenges. Roger and his wife, Dona, are both my dear, dear friends. While legal matters have arisen, our friendship has grown from personal interaction. Roger has been an absolute blessing in my life and a witness to me and many others. Little did I know how much of a “HEART” Roger had. With Roger’s permission, I quote from portions of an email entitled

“Epilogue” that Roger sent in April, 2012:

Last week were four important events:

- I had a birthday;
- It has been one year since “The Last Year for This Old Heart Celebration” [explained below];
- I found out I did get stem cells, 75 million of them, in June of 2009; and
- I returned to the Heart Failure and transplant center in Houston for the first time in 6 months.

So to the point: why and what. What caused the sudden change in my heart and why.

I was diagnosed with heart failure by a local cardiologist by the name of Dr. O in December of 2006. He told me I had a 50/50 chance of living two years.

In 2007, through a good friend I heard of stem cell research going on in Houston. So I went to Houston, I did not qualify for that trial but the head of the trial and world renowned cardiologist, Dr. P, decided he could be my cardiologist. So I dropped Dr. O and changed to Dr. A in Amarillo as an emergency cardiologist in Amarillo, who would work with Dr. P. I went at least every three months to Houston to see Dr. P. He also fixed a blockage that had not been found with the technology in Amarillo.

In June 2009, Dr. P did inject seventy-five million stem cells directly into my heart, as part of another trial. In January 2010, Dr. P told me he had done all he could do and turned me over to the Heart Transplant Unit at St. Luke’s Episcopal Hospital in Houston. The third ranked hospital in America for heart treatment. My doctor became Dr. B, also world renowned. And she was the head of the transplant and heart failure unit at St. Luke’s. You may have seen her on the Today Show.

We spent Valentine's Day 2010 in the hospital in Houston. Dr. B told me, Dona, my son Zack, and his wife Kim one Saturday night at 10:00 p.m. that I was down to a couple of months. One of the things I will always think of is they knocked me out for the night so I could sleep, but Dona had to go to her hotel room alone and pray. Before I checked out of the hospital Dr. B changed the prediction to one year.

We spent our 30th anniversary in the hospital in Houston again in 2011. This was the end, I had to have a new heart or an LVAD to last until I got my new heart. We spent the spring getting on the transplant list and getting ready for an LVAD. My best friends thought I would not make it.

On May 19th, 2011, I was evaluated by Dr. F, the head surgeon at St. Lukes. He has done hundreds if not thousands of transplants and the first LVAD. I was told he always insists on evaluating his own patients, by making them climb stairs with him. Dr. F listened to my heart for 10 seconds and said I did not need to be climbing stairs, he could tell how weak my heart was. But he also told me I would never get a heart, I was too big and that I could not lose weight without an LVAD to make me well enough to exercise.

June 2011, we moved to Houston for the LVAD surgery only to be sent home, my EF had come up too high to qualify. "But don't worry it will go back down and you will not be able to walk across the room by then." I was already in a wheelchair to go through airports. I had walked my last time to a plane.

July – WORSE.

August 9th, Dr. B decides she is going to do a heart cath tomorrow to show the committee just how bad I am. And that I cannot wait or make it any longer without at least an LVAD.

August, 10th 2011, D-Day. Dr. B came out of the heart cath and looked at Dona and Kim, and said “Stone Cold Normal”. My heart function had changed to stone cold normal in 24 hours.

Since that day I have lost almost 30 pounds. I have never taken another heart pain medication, I was on the max. And I walk the hills of Lake Tanglewood, up and down, 1.5 miles in 30 minutes. If you haven’t seen me you should. WOW!

Last April 10th for my birthday over 70 of you joined me in church to praise my God. It was the last year for my old heart. I had to have a new one. Well, I got it.

So with the facts established let us consider the possibilities that have been suggested:

I was misdiagnosed: (See the pedigrees of Dr. P, Dr. B, and Dr. F - NO WAY)

I was over medicated or medicated wrong: (See above)

The Stem cells: I did receive the stem cells, however the trial before mine has now been declared a flop. And Dr. B told me last week that there were no indications of such a big reversal of symptoms.

I did it myself, by my own will: Thanks for the compliment, but see above that the change happened in 24 hours, I would really have to be a miracle worker.

And the last, GOD: That is the only plausible answer and has been echoed by every doctor I have talked to, including Dr. B and Dr. A. Now you can understand why I consider myself so blessed by not only “getting to know Roger”, but actually being a witness to Roger receiving his “new” heart.

*By James Wester*



## **You Never Know What's Going to Happen, Counselor!**

A LESSON LEARNED *from* DR. KYLE WARGO

Dr. Kyle Wargo is a consummate educator. No matter in which venue he finds himself, he stays inevitably in the “teaching mode.” Kyle Wargo has taught me many lessons. One of the most lasting lessons he taught me was to consider the beneficial effects of the simple passage of time. Whether in the context of negotiating contracts or negotiating passed legislation, I have sometimes had to offer bleak counsel to Dr. Wargo regarding the future. Often in those circumstances, he would respond, “You never know what’s going to happen, counselor.” More times than not (okay, every time that he offered up the phrase), circumstances improved over the course of time and worked themselves out to the advantage of his organization. I have learned to factor in the variable of time in my legal counsel. After all, “You never know what’s going to happen, counselor.”

*By David Backus*

## **Handling a Mistake**

A LESSON LEARNED *from* BILL SORELLE

I had the honor and pleasure of working with and trying a number of cases with Bill SoRelle. He was one of the few lawyers that ever actually argued a case before the United States Supreme Court.

Bill was one of the most intelligent lawyers that I have ever met. It took me a while to understand why Bill and Gerald Bybee would always be the only two lawyers sitting at a table talking in the break room. They communicated on an intellectual plane beyond the comprehension of most, including me.

While brilliant, Bill was also the most honest and ethical lawyer that I

have known. Bill was adamant about “being a lawyer of your word” and “taking responsibility for yourself and your actions.” Upon making a mistake in a case, I sought Bill’s advice about what I should do. His answer was simple, “First, you call the client and explain what has happened. As it is their case, they have a right to know and you have an obligation to tell them. Second, you tell the client that it was your mistake and you will go about correcting it at no cost. Third, learn from your mistakes. Better yet, learn from the mistakes of others.”

Bill passed away on May 11, 2001. Underwood honored his memory by designating our law library as the “A.W. ‘Bill’ SoRelle III Law Library.” Bill will always be more than a mentor to me.

*By James Wester*

## **Dinky Airplanes**

LESSONS LEARNED *from* PETE STEIN

Here are a few fun things I learned over the years flying in single engine airplanes with my partner, Pete Stein.

- Some people have simply flown in them enough: The first time I flew with Pete Stein, he told me, “I flew on these enough to last me a lifetime during my service in World War II. I really don’t want to fly on one again.”
- The passenger is always the boss. Pete and I flew back to Amarillo from Wheeler on a single engine plane. It was a really hot day - more than 100 degrees in the middle of July. When the pilot picked us up, he said, “The heat really affects this plane’s lift on takeoff. I put in less fuel so it will have more lift, but we should have plenty of fuel to make it to Amarillo.” Pete and I both exchanged troubled glances but boarded the plane. We both sat in the back seat and could see the fuel gauges from our seats. For those unfamiliar with dinky airplanes, they have two fuel tanks, one

inside each wing. The pilot switches back and forth between them in flight. Just a few minutes into the flight, Pete and I noticed that the needles on both fuel gauges repeatedly swung between “full” and “empty.” One of us asked the pilot about that. He assured us, “Oh the plane has plenty of fuel. Those gauges are just broken. I checked it myself when I filled it up. I know it has enough fuel to make it to Amarillo.” We tried to relax, but the more the needles swung back and forth, the bigger Pete’s eyes and my eyes became. Finally, almost in unison, we begged the pilot, “Is there any place where we can stop and refill the fuel tanks between here and Amarillo?” The pilot suggested, “Well, we could stop in Pampa.” So, Pete and I told him to do that. We stopped in Pampa, topped off the fuel, and then flew on to Amarillo. I don’t recall the needles swinging back and forth any more after the pilot added the fuel! This is my favorite Pete Stein story. I was proud to tell it at his funeral, if only to add some humor to a sad occasion. Pete was an absolutely great guy.

*By Ray Dixon*

## **Some of Your Best Deals Are the Ones You Don’t Do**

A LESSON LEARNED *from* JEROME JOHNSON

I had one real chance to help Jerome Johnson on a project. We knew it would be difficult to complete and, ultimately, it did not come together. Of course, I was disappointed that we weren’t able to complete the transaction. I suppose Jerome was comforting me when he said, “Alan, some of your best deals are the ones you don’t do.”

*By Alan Rhodes*

## **Don't Bet On Your Law License**

A LESSON LEARNED *from* COLONEL E.A. SIMPSON

Colonel Efriam A. Simpson was the source of many lessons. He was a flamboyant trial lawyer with great capacity. He tried a number of railroad cases against Judge Dooley when Dooley was in this firm, and Dooley liked to tell one particular story. Dooley and Colonel Simpson were trying a case in Judge Gee's 108th District Court. Colonel Simpson made over 90 objections to the court's charge and, at the close of his objections, he told the court that, "Every one of those objections is a good objection, and if they are not, I'll give up my law license." The objections were overruled and the appellate court affirmed the trial court's judgment. Thereafter, Judge Dooley liked to say that, "Efriam is practicing law by default because it turned out that not a single one of those objections was good!" I could tell many stories about Colonel Simpson. He was a "character," but he was scrupulously honest and was a singular part of Amarillo's lawyer history.

*By Tom Morris*

## **A Quick "No" Is Almost as Good as a Yes**

A LESSON LEARNED *from* JOE BOB MCCARTT

It's a blessing to represent and work with Joe Bob McCartt. Joe Bob creatively identifies real property to develop or re-develop. Joe Bob imaginatively contemplates the right owners and bankers for a property. With his energy and creativity, Joe Bob has identified many possible transactions for us. From a thirty-one story building to airplane hangars, former air bases, and shopping centers, we've made a number of offers to a variety of sellers.

It's a thrill to help Joe Bob present an offer, particularly when it seems

no one else has considered the possibility. I wait on the edge of my seat for a yes or a counter-offer, hoping to close the deal.

Invested energy and capital increase as counter-offers are exchanged, considered and discussed. Because Joe Bob and I have seen transactions fail after we've invested significant time, effort, and energy, and because "no" is frustrating, particularly following prolonged negotiations, Joe Bob frequently reminds me that a quick "no" is almost as good as a "yes."

*By Alan Rhodes*

### **There Is No Guarantee of Work**

A LESSON LEARNED *from* R.E. UNDERWOOD

Judge Underwood, as he was affectionately known, was a pillar of Amarillo and of the Amarillo Bar Association, having served as the fourth president of that association in 1914.

When the Underwood Law Firm (then known as Underwood, Wilson, Sutton, Heare & Berry) hired me in 1963 as a young lawyer, Judge Underwood had ceased actively practicing law but still came downtown every workday to his office at the firm. His driver would bring him to the office in what was then the Vaughn Building (now the Maxor Building) where Judge Underwood would read the Wall Street Journal and smoke cigars. His driver would then come to take him home for lunch and the remainder of the day.

Judge Underwood wanted to stay in touch with the lawyers in the firm. He would ask each new lawyer with the firm to come to his office for a visit. H.A. Berry, one of the named lawyers in the firm, was responsible for my joining the firm, so he and I went down the hall to Judge Underwood's office for the initial visit. Judge Underwood was a tall man of rather large build with quite a head of white hair.

He was an impressive man. I had no doubt that, in his day, he was a leader in the community of Amarillo.

I recall that he told me that the firm had plenty of business, which should last at least another month. He went on to say that in the practice of law, you had to do good work and establish a good reputation and, if you did, you would continue to have work month after month. But he told me that we lawyers don't have any guarantee as to what the work will be in the future.

*By Ed Hill*

### **Don't Run a Red Light**

A LESSON LEARNED *FROM* DON DEAN

I accompanied Don Dean to Midland, Texas for a week long period of depositions in a personal injury matter. My primary role was preparing client witnesses for six depositions.

After several days and a long morning of preparing and defending depositions, Don and I left the court reporter's office for lunch. I drove the car on the way to a restaurant called "Wall Street", if my memory serves me correctly.

Consumed in a deep discussion related to the many depositions that occurred, I inadvertently ran a red light. Don became noticeably quiet and as we approached the next intersection, Don demanded I pull over and let him out. Confused, I asked Don why he wanted me to pull over. He replied (as only Don could), "Lad, I prefer not to be in the car whenever you run another red light. It will potentially get one or both of us killed."

Lessons learned: texting while driving is dangerous, and running a red light with a partner in the car may get you fired. Sublesson from

D. Lynn Tate: “Hmmm, Gadberry. I have a file drawer full of clients just like you!”

*By Gavin Gadberry*

## **Lawyers Have to Eat, Too**

A LESSON LEARNED *from* BILL SUTTON

In 1968, my fifth year as an Underwood lawyer, I attended my first state bar convention, mainly because the firm had a policy of paying for associates to go. In those days, you made partner by your fifth year or you were out, so I knew something was going to happen, good or bad. Why not enjoy a free trip and hope for the best?

Bill Sutton was the benevolent dictator of the firm. There was no management committee and no compensation committee; he was it. Bill always let me office by him so I knew we were “tight,” at least as close as a thirty year old associate can be to “God.”

Sutton found out I wanted to go to the Houston bar convention, so I got his approval and also his list of favorite restaurants in Houston. The convention started on a Wednesday, and since Linda didn’t fly in those days, we left Monday or Tuesday to be sure to arrive on time. We had a good time, and I was back in the office on Monday, promptly filing my expense account of the trip. About three minutes after my report was in, Marguerite, Sutton’s long-suffering secretary, came by to inform me Mr. Sutton wanted to see me. As his office was next door, I easily complied.

Bill, in a seemingly jovial mood, asked about the convention. As I had never attended one before, I simply replied that all attendees seemed to enjoy it greatly. With that, Sutton flipped over the paper on his desk, which turned out to be the convention agenda and asked about the Wednesday oil and gas seminar. I informed him I did not

attend. “How about the real estate seminar on Thursday, how was that?” Again, I explained that I didn’t attend. “How about the Friday litigation seminar?” I muttered that I didn’t attend, but volunteered that if he would look farther down the agenda to the Friday afternoon cocktail party, I was there. In fury, Sutton shouted, “You have spent more money at a bar convention than any associate of this \_\_\_ firm has ever spent!” Respectfully, I replied, “Well, it’s your fault.” “How in the hell is it my fault?” Sutton demanded. Knowing I was on very shaky ground and hoping that he would remember some of my good works in the past, I bravely stated, “YOU GAVE ME THE RESTAURANT LIST.” “Get out of my office and close the door,” he roared. As the door closed behind me, I could hear Mr. Sutton laughing while trying to catch his breath.

*By Barry Stone*

### **The Silver “Snake-Bit” Lining**

A LESSON LEARNED *from* CHUCK MALLARD

In West Texas parlance, when nothing seems to go right or when encountered by an exceptionally long streak of bad luck, we describe the situation as being “snake bit.” My partner, Chuck Mallard, seemed destined for that designation several years ago while on a fishing trip at a lake in Oklahoma. As he got out of his pickup, he stepped onto one or more poisonous and agitated snakes. Thankfully, his brother was with him and he rushed Chuck to the nearest hospital. Chuck was loaded up with antivenin and eventually returned to Amarillo.

Most folks would call that episode, literally and figuratively, “snake bit,” but Chuck, his wife, Jessica, and his son, Nathan, look upon that experience as one of good fortune. His friends, in and out of Underwood, tend to agree. The effect of the snake bite on Chuck’s system required him to undergo a wide range of medical tests—examinations that he most likely would not have undergone but for his encounter with that venomous viper.



While his system revealed he was beating the bite, his body sent a much more lethal message that he had multiple blockages in the vessels of his heart that required immediate bypass surgery. After a triple bypass using some healthy veins from his unbiten leg, Chuck received a reprieve from what might have been a fatal event.

I'm one of the beneficiaries of Chuck's being snake-bit. When it comes to exceptional lawyers, Chuck appears on my short list. Winning the National Cross Examination Debate Tournament his senior year in college, Chuck took those skills into law school and the law practice. His analytical abilities are extraordinary, and his skills in examining witnesses are unparalleled. He is a natural talent and a formidable advocate. Being around him has made me a better lawyer, providing me with learning opportunities I may have missed if that snake hadn't struck.

Although I've learned a number of lessons from Chuck's skills as a lawyer, I think he has had an even greater influence on me and Underwood due to the strength of his character. You'll find no one more forthright, honest, and unpretentious than Chuck. He is transparent. While he may be plainspoken, his frankness is refreshing in a profession often better known for its double speak than its candor. Couple those attributes with a keen sense of humor and exceptional judgment, and you will recognize one of Underwood's great leaders. His immense credibility with clients, friends, and lawyers (both adversaries and within the Firm) emanates from the palpable sincerity that defines his character in both his manner of expression and in his life.

No one ever found the snake. Some speculate it couldn't survive biting a lawyer. I'm just glad that the snake was at the right place at the right time, and that Chuck's encounter with being snake-bit had a silver lining.

*By Kelly Utzinger*





## The Irresistible Force of Motivation

For a century, members of the Underwood Law Firm have been committed to maintaining extensive involvement and a position of leadership within the communities we serve. Through the years, as we have watched our firm and our clients grow, we have developed a deep sense of what it takes to persevere and to maintain a strong position among peers, competitors, friends, and followers.

Every day, our friends and clients within our communities contribute to our firm's character and reputation by teaching us lessons through their advice, friendship, and mentorship. Of particular importance, our clients have taught us the power of leadership through motivation. Motivation can serve as an irresistible force, and when motivation stems from a desire to help and improve the lives of others, that motivation can and will encourage others to follow. The stories in this chapter exemplify the lessons learned by the members of the Underwood Law Firm about leadership and about this irresistible force of motivation.



## **Get Involved, Be a Leader, Dream Bigger**

A LESSON LEARNED *from* ALAN RHODES

Alan Rhodes interviewed me at the OU Law School, and he became my friend when I joined Underwood in 1986. You might say that we “grew up” together. Alan always conveyed a positive message and called upon the rest of us to send a positive message as well. I remember Alan saying that we had to get involved in the community and get to know the people our age because at some point, the people our age, due to ambition and the simple passing of time, would lead Amarillo. Alan also encouraged us to develop our leadership skills and even remarked, “Someday, it will be up to us to lead Underwood.” When most people were daunted by what was in front of them, Alan believed that it was important to continue to dream bigger and bigger and look further into the future.

Underwood and Alan are the beneficiaries of the success of Alan’s positive message. The Underwood Law Firm is larger, has accomplished more, and has had more success in recent years than any of us who have known the firm these last 30 to 40 years can remember. As the president of our firm, Alan continues to “walk the walk,” and he encourages all of us to get involved, lead, and dream bigger. Thank you, “Mr. President!”

*By James Wester*

## **The Irresistible Force of Motivation**

A LESSON LEARNED *from* BILL NIELSON

As lawyers, we spend the majority of our working hours dealing with clients. This is the most challenging and, at the same time, the most rewarding part of practicing law. I read or heard many years ago that “every man is my teacher: some teaching me what to do and others

teaching me what not to do.” As a lawyer, my clients have been my teachers. I’d like to share a few thoughts about one of those clients and one of the lessons I learned through the privilege of working with him.

Dr. Bill Neilson served as the Vice President of Medical Affairs for the Baptist St. Anthony’s Health System for several years. I worked with him on almost a daily basis for those years. Bill combines an incredible intellect with compassion and a wonderful sense of humor. His mind operates at a speed that is difficult to comprehend, yet he manages to be patient with folks like me as we struggle to catch up with him. When confronted with seemingly intractable problems, he always finds the strength to remain positive, even optimistic. No matter how difficult the problem or stressful the situation, he finds a way to use his sense of humor to diffuse tension so people can work constructively to solve the problem at hand.

The most meaningful lesson I learned from Bill is what I’ll call “the irresistible force of motivation.” As Vice President of Medical Affairs, Bill was frequently called upon to ask physicians to comply with rules or guidelines that the physicians viewed as unnecessary. Asking a busy, strong-willed physician to comply with rules or guidelines the physician firmly believes are unnecessary, or even misguided, isn’t easy. Persuading the physician to willingly comply with these rules or guidelines with a constructive attitude is extraordinarily difficult. Nevertheless, Bill almost always succeeded.

Of course, Bill’s intellect and interpersonal skills helped him win over physicians, but I’m convinced that his motivation made him so persuasive. His motivation was always the same; he sincerely wanted to achieve the best result for all concerned. Bill would be the first to point out that one can never be absolutely sure what is going to be best for all concerned, but he used both his head and heart to guide

him, keeping the welfare of patients as his first concern. Bill never gave any thought to whether a particular course of action would make him look better or worse. He never worried about whether a course of action would make folks like him more or less. He never gave a moment's thought to whether a particular course of action would make his life easier or more difficult.

The purity of his motivation is an irresistible force for good. In the relatively short time I had the opportunity to work with him, he changed many lives for the better and never sought any credit for doing so.

*By Mike Loftin*

### **If You've Seen the Need, You've Heard the Call**

A LESSON LEARNED *from* JIM MURPHEE

I had the privilege of attending a three-day seminar at which The City of Friona's Jim Murphee was a speaker. Jim's first insightful comment, "If you've seen the need, you've heard the call," reminds me to work on the issues I notice rather than assuming that someone else will solve them. In fact, no one else may see the problem. For more than a decade, Underwood has worked to decentralize problem-solving, giving each attorney the responsibility to address issues as the attorneys encounter them, not leaving these issues for "management."

*By Alan Rhodes*

### **Tenacity and Persuasion**

A LESSON LEARNED *from* GAVIN GADBERRY

There was a time when the Underwood associates would meet in the mornings to have coffee. We referred to ourselves as the "Breakfast

Club.” While almost any topic might be discussed then, coffee time was also an opportunity to hatch pranks.

One summer morning, during the first week of the six-week period when law students served as Underwood’s summer interns, someone mentioned that it would sure be nice if we had some donuts to go with our coffee. This simple statement resulted in the Breakfast Club generating a memo for the interns clearly defining one of their duties as bringing donuts for the Breakfast Club. Someone must have liked bear claws because the memo insisted that the box must include bear claws. Since we were creative, the requirement for bringing donuts pointed out that the interns could charge donuts to Underwood’s account at any local Donut Stop. Underwood had no such account. As Gavin Gadberry was the youngest and apparently most naïve of the new group, we placed a copy of the memo under some papers on his temporary desk. Later that morning, I had the pleasure of entering Gavin’s office, explaining the disappointment of the associates in his failure to bring donuts, and helping Gavin locate the memo on his desk, which he had apparently overlooked.

The next morning, when no donuts appeared in the break room as the Breakfast Club convened, we concluded that our scam failed. About 15 minutes later, a sharply dressed and perspiring young Gavin proudly walked into the break room with a dozen donuts, including bear claws, and apologized for being late. Apparently, Gavin traveled to three different Donut Stops before finding bear claws. Additionally, he lost more time because the clerk was not aware of and could not find the Underwood account. Gavin persuaded the cashier that an account did exist and then successfully charged the donuts to the non-existent account. Naïve or not, Gavin made an impression on all of us that morning.

By the way, I drove to the Donut Stop later that morning and paid in full the “Underwood account.”

*By James Wester*



**I'll Do Almost Anything You Ask Me to Do  
(And Almost Nothing You Tell Me to Do)**

A LESSON LEARNED *from* DON DEAN

When I joined Underwood in 1983, Don Dean was about 50. Being a former district judge, one of his gifts was handling big litigation.

Don has an engaging personality. With Don as one of its lawyers, Underwood could connect with Brown, Graham & Co. and its accountants. In addition to Don's relationship with Brown, Graham and its accountants, many lawyers in small towns in the Texas Panhandle warmly regarded Don.

In the late 1980s, Don began representing the Amarillo Independent School District. When I began representing other school districts, Don was a tremendous resource in many ways. First, he had a very good understanding of public education law and the various guidelines to which Texas Independent School Districts are subject. In addition, with Don's litigation skill set, he freed me to build Underwood's public education practice so I could market to dozens of districts located in the Region 16 Education Service Center area.

Don frequently told me, "Rhodes, I'll do almost anything you ask me, and almost nothing you tell me" (with modest language revisions to Don's actual words). Don stayed true to this saying and served as a solid member of the Underwood firm. From Don, I learned to cultivate relationships and the basics of practicing public education law. Don helped make it possible for me to serve as outside general counsel to Baptist St. Anthony's Health System for more than a dozen years.

I thank Don Dean for all of his great contributions to me and to our firm.

*By Alan Rhodes*

## **A Testament to Character**

A LESSON LEARNED *from* MIKE LOFTIN

Back when I tried cases, I encountered an unusual request not only once, but twice. Each request concerned the choice of a mediator to try to settle a suit, and in each case, the opposing party listed Mike Loftin as a proposed mediator. Both times, I informed opposing counsel that Mike Loftin was my partner in the Underwood Law Firm. After I explained the obvious conflict, one of the opposing attorneys agreed that Mike could not serve as mediator, but he made it a point to tell me that even though Mike was my partner, the attorney had confidence that Mike would still mediate fairly and impartially. The attorney in the second case went a step farther. The second attorney still wanted Mike to act as mediator and proved so insistent that I finally had to ask Mike if he would do it. Naturally, and as any lawyer would, Mike refused to serve as the mediator. I will leave it to you to determine what a testament it was to Mike's character and his reputation as a lawyer and mediator.

*By James Wester*

## **Look for a Power Coupled With an Interest**

A LESSON LEARNED *from* HI BERRY

Mr. Berry was a senior lawyer when I arrived at the firm. The legal community and clients recognized him as a leader on agricultural, farm credit bank, cooperatives, and oil and gas matters.

Because of my family's farming background, Mr. Berry allowed me to help him on a few agriculture-related projects. In the mid-1980s, Mr. Berry handed me a file for one of his long-time clients. He described the problem and told me to get to work on it. As I left Mr. Berry's office, he said, "Sonny, it's a power coupled with an interest."

In eight words, Mr. Berry taught me how to point my co-workers in precisely the right direction when I direct their work.

*By Alan Rhodes*

### **Drill It Down to a Third Grade Level**

A LESSON LEARNED *from* PROFESSIONALS AND  
ENTREPRENEURS

Back in the '90s, I was blessed to serve on the national board of directors of the National Multiple Sclerosis Society. In addition to “being there” when the first of many drug therapies were developed for MS patients, I was surrounded (in quarterly meetings in NYC) by the leaders of some of the nation’s leading Fortune 500 companies, a D-1 college football coach (Ara Parseghian), and some of the brightest minds in medical research. Their ability to carve through the clutter, noise, and imposing terminology, and drill everything—everything--down to a third grade level amazed me. They fearlessly asked third grade questions and demanded third grade answers. Their goal for the organization was not so much efficiency, but effectiveness. Everything we did needed to accomplish our mission effectively. We needed to understand, evaluate, and communicate that effectiveness on a third grade level. That’s when I first saw how truly effective and successful people could operate.

This lesson was reinforced by a highly successful, self-made client when he explained to me, “I’m an entrepreneur. I make sense out of chaos. It’s not about supply and demand. It’s about sorting through the chaos and clutter and figuring out how to satisfy the demand. Supply doesn’t matter if nobody wants it; meeting the demand is what matters. But you have to sort through the chaos and the clutter and simplify things before you can figure out what the demand is.”

*By Roger Cox*

## **You Have the Answers and They Want You to Share Them**

A LESSON LEARNED *from* DON DEAN

I was fortunate enough to join Underwood just in time to spend a few quality years working for Don Dean.

I remember James Wester once saying that if we could capture whatever it was that Don Dean did to make his clients love him so much and bottle it, we would be millionaires.

In working with Don, I caught a glimpse of what made him so successful. I personally think the secret was his passion for taking care of his clients. Don took pride in serving as a true “counselor” to his clients. He understood that a great lawyer doesn’t always have the best arguments (although he usually did), have the sharpest tongue, or thump his chest the loudest. A great lawyer does not have to live the image of the “big, bad lawyer.” He understood that a great lawyer does right by his clients, which sometimes means helping them understand things they don’t want to hear or know. Although clients may not like what their lawyer has to say, they appreciate hearing the truth and knowing their lawyer is watching out for them. Don always watched out for his clients and told them the truth.

Don also never hesitated to tell his colleagues the truth. Compared to others in the school law section, Don did relatively little public speaking or training. However, his truthful advice to me was the most profound I’ve ever received on public speaking. In September of 2006, he wrote to me, “Today, both your preparation and presentation were scholarly and sound. You are, by the way, always a consummate lady. When you stand in front of a group like today’s, you are the most informed and learned person in the room. Being the consummate gentle-lady and deferential to other’s opinions is not what it is about. You have the answers and they want you to share them. With kindness, tell them what the right answer is.” I needed to hear this advice. Don’s words forever changed my public speaking style.

I am grateful for the time I spent working for Don, for the candid advice he gave me, and for the opportunity to see what it truly means to be a “counselor” to a client.

*By Andrea Slater Gulley*

### **Just a Dumb Ol’ Cowboy**

A LESSON LEARNED *from* CHRIS SCHARBAUER

I have the pleasure of knowing Chris Scharbauer as both a friend and a client. Both Chris and La Vonne are “top notch folks” and a blessing in so many people’s lives. As I have worked with them on various projects over the last few years, I have continued to gain respect for them, their approach to their business, and their loyalty.

One of Chris’ favorite assertions is that he is “just a dumb ol’ cowboy.” When taken in the good natured context in which he says it, I totally agree with him. He usually makes that remark immediately after I have complimented him on an excellent idea or very astute observation. I agree with Chris’s assertion because Chris has all of the attributes that most of us would attribute to “cowboy” in the “old west”. Here is just a partial description of what comes to mind when I think of “just a dumb ol’ cowboy”:

- God fearing Christian
- Modest
- Gentleman
- Kind and caring (as appropriate)
- Tough as nails (when needed)
- Humorous
- Never met a stranger; only someone that is not yet a friend
- Giving (to those in need)
- Loyal (to those that deserve it)
- Knowledgeable
- Practical

To say that I have the utmost respect for Chris would be an understatement. I have adapted his moniker as I try to live up to being nothing more than “just a dumb ol’ country lawyer.”

*By James Wester*

### **The Art of the Personal Note, Follow-Up, and Taking Notes**

A LESSON LEARNED *from* CLIFF BICKERSTAFF

In addition to Cliff Bickerstaff of Amarillo National Bank serving as my family’s farming banker, Cliff is my close friend. Cliff looks out for me.

In turn, I’ve enjoyed watching Cliff serve as President of The Rotary Club of Amarillo and as Chairperson of the Board of Trustees of the Amarillo College Foundation, particularly observing his work habits. He is a master at writing himself a note so he’ll be sure to complete a follow-up step, as committed. I suppose those notes work because Cliff meticulously ensures that Amarillo National Bank meets my needs and all issues are resolved. Although he’s busy as an Executive Vice-President of Amarillo National Bank and a community volunteer, Cliff does not miss sending a handwritten thank you note. Cliff’s attention to detail and relationships are impressive.

*By Alan Rhodes*

### **If They Are There, You be in the Room**

A LESSON LEARNED *from* ALAN RHODES

Alan has the gift of “marketing” and “entrepreneurship.” He knows that if you want to build relationships, you must be physically present with the potential clients on every possible occasion and must stay persistent. Many years ago, Underwood only represented a few

schools. At the Texas Association of School Administrators' Midwinter Conference some years ago, Alan started a table and invited the superintendents that he knew. Only a handful showed up, but he persisted. From that "handful," the gathering of superintendents and administrators with Underwood lawyers grew to over 150 this last January.

Likewise, we are trying to expand our education practice into other regions. The superintendents gather a few times a year. In questioning whether we needed to be present at these meetings, held in the far corners of southwest Texas, Alan said, "If they are there, you be in the room!" That's the method by which Underwood has grown. We learn from Alan and remember to "be in the room."

*By Ann Manning*

## **He's My Dear Friend**

A LESSON LEARNED *from* JIM BESSELMAN

Because Jim practiced as a litigator, two or three floors away from me, in the 1980s and 1990s, I did not develop a significant relationship with him until I joined his practice management committee in 1996. Jim was president of Underwood in a difficult time during which several lawyers departed from Underwood to seek greener pastures. Over the years, I worked with Jim on a number of issues. If I wanted the firm to make a strategic move, I would ask Jim's help in taking the next steps.

When Underwood needed help from outside the firm, Jim would identify a community member who could help us take the next step. Invariably, Jim would say, "He'll do that for me; he's my dear friend." After a time, I began to wonder how many best friends Jim might have. I guess I never solved that riddle, but I do know that Jim has many, many good friends.

Jim's actions confirmed the need for networks from outside the firm and taking care of the folks in those networks. Jim could accomplish many things with simple phone calls. Most calls were to someone who was his "best friend."

*By Alan Rhodes*

### **Don't Be a Victim; Be a Victor**

A LESSON LEARNED *from* KELLN ZIMMER

It's pretty rare that a shareholder learns valuable lessons on how to practice law from a second-year associate, especially when that second-year associate practices with your firm for only about a year and a half. But Kelln Zimmer was no ordinary associate.

Kelln Zimmer's long battle with cancer is well-documented and well-known by all those who had the pleasure of knowing her. Kelln conveyed her practical lessons to me without so much as ever discussing the subjects with me or anyone for that matter. Of course, that's what good leaders do; they lead by example. These lessons are easy to state and sometimes very difficult to implement. Don't be a victim; be a victor. Find the good in every situation. Consider others' feelings before your own. Don't feel sorry for yourself.

People who met Kelln and didn't know she was sick would never know the personal battle she was so valiantly fighting. She worked incredibly hard for the benefit of her clients. She always stayed upbeat, and you never heard her complain. These are the qualities that Kelln possessed, and I strive (and too often fail) to emulate. I'm proud and blessed to have practiced law with Kelln Zimmer for a year and half.

*By Chris Harkins*



## **Don't Let the Overalls Fool Ya**

A LESSON LEARNED *from* ED MORRIS

From the time I started practicing law, Edward Morris was my mentor and guide. Under Ed, I worked on several interesting business transactions, mergers, and acquisitions. During the first six years of my practice, the largest transaction on which I worked was the sale of a business owned by just three men. The sale price was over a quarter of a billion dollars.

I had not met the clients in person until the closing, but I made sure to wear my nicest suit and tie when they came in to close. I was startled to walk into the conference room and meet the three gentlemen, two of whom had overalls on. I also found out that they carpooled to my office together in a no-frills Chevy pick-up.

Through working with Ed, I came to better understand and apply to my practice the principle “don't judge a book by its cover,” and I have also never let the overalls fool me.

*By John Atkins*

## **Believe and Do Not Give Up**

A LESSON LEARNED *from* ALAN RHODES

I interviewed with the Underwood Law Firm after my firm announced it was going to close. As part of the interview process, I talked with Alan Rhodes.

After hearing my family's story about moving to the United States and becoming United States citizens, Alan asked me why my law practice was not an immigration-based practice. He encouraged me to focus on immigration and suggested that my life experiences would be a

great benefit to my clients. Alan had no doubt that I could enjoy a successful immigration practice.

I wasn't sure. Each time I questioned my ability to build a successful immigration practice, Alan encouraged me. He shared the struggles of building a public education practice in the 1990's. He mentioned that when one door closes, another door opens. He confirmed that a small misstep isn't fatal. He said it's not how you fall down; it's how you get up.

I frequently reflect on Alan's story about building a school practice. I reflect on the ways Alan encouraged me as I started an immigration practice and began to enjoy some success.

Alan taught me to believe in myself and my law practice goals. He helped me keep going and showed me that I should never give up.

*By Nelli Nikova*

### **He's the Most Competent Businessman I've Ever Known**

A LESSON LEARNED *from* WINSTON SMITH

Winston Smith was one of Underwood's best storytellers and a thorough and precise lawyer. Winston taught me to watch and learn from clients and to respect those who are truly outstanding.

From time to time, I had the opportunity to help Winston's good client, Cal Farley's Boys Ranch. Gene Hayman, Lamont Waldrip, and Don Abston were the leaders at Cal Farley's then. While talking with Winston about an issue on which I was working with Gene, he said about Gene, "He's the most competent businessman I've ever known."

Winston's thoughts about Gene Hayman cause me to think about clients who have impressed me. Laurens Schilderink honors his

commitments and takes on larger-than-life projects. Jack and Angeline Koopman think bigger. John Hicks deflects problems and attacks, but more importantly, he builds teams. Kathy Cornett gives practical and very creative advice. Bob Williams is the most competent business person I've seen, my equivalent of Gene Hayman. "Chief" John Lemons's leadership demonstrates the importance of having a positive school atmosphere. David Schaeffer is thorough and patient when showing the Underwood gang a new opportunity. Joe Bob McCart is creative and keeps an eye out for properties with possibilities.

And there is Robyn Rhodes, the world's best teacher.

*By Alan Rhodes*

### **Leave the Door a Crack Open**

A LESSON LEARNED *from* RICHARD "BUZZ" DAVID

One of the greatest opportunities for education and growth in my legal career has been working with the Amarillo Economic Development Corporation. Amarillo EDC is a sales tax funded organization charged with promoting job growth and economic development in the Amarillo area. With Buzz David at the helm, it has achieved incredible success in both of these areas by bringing new, diverse, and cutting edge businesses to the area.

A key element in Amarillo EDC's success is Mr. David's willingness to consider incentivizing additional expansion by businesses who have already received economic incentives and who have successfully fulfilled their job creation or local spending commitments. "Leaving the door a crack open" to those businesses that have knocked it out of the park, so to speak, allows Amarillo EDC to build future job creation or local spending incentive targets above and beyond previously met incentive targets. The synergistic effects are obvious and, thanks to Mr. David's vision, will be enjoyed by the Amarillo community for

years to come. The lesson I learned is to not be afraid to go back to what has worked best in the past and to not look at each contract in isolation. One deal can build on another, and before you know it, the snowball rolling down the hill is as big as a house.

Mr. David leads and teaches by example, so set yourself to “sponge” mode whenever he is around. It has certainly helped me see the forest through the trees.

*By John Atkins*

### **Keeping Life in Perspective - Road Does Not End**

A LESSON LEARNED *from* STANLEY MARSH 3

Among the clients for whom I have had the good fortune to work is Stanley Marsh 3. Known by most folks for his public art works, Stanley’s philosophy is that people better appreciate art when they encounter art in unexpected and surprising venues. The Ramp, Ozymandias, Floating Mesa, and Cadillac Ranch stand out among his iconic masterpieces. The series of signs Stanley erected throughout Amarillo complement these masterpieces. The signs include Stanley’s favorite, “Road Does Not End.” Perhaps the most well-read and certainly the most flamboyant personality I’ve ever met, Stanley coupled the business acumen and brilliance of an investment banker with the knowledge of literature and art of a classics professor to find much success and joy in life. Stanley seemed to be one part existentialist and two parts philanthropist, reflecting a personality true to himself while extending great compassion to those less fortunate.

This assembly of extraordinary traits produced Stanley’s most impressive quality—his wry and eccentric sense of humor. That humor puts life in perspective. Summoned to Stanley’s office on Presidents’ Day, I stepped off the elevator to see each person wearing a black three-cornered hat attached to a white wig. A tall, white feather

protruded from the brim of each hat. Stanley greeted me wearing his hat and holding one for me. He announced that, in honor of George Washington and in celebration of Presidents' Day, everyone needed to wear a tricorne. I put it on. We visited about the legal questions that required our meeting.

When the discussion concluded, I stood, removed the hat, and started to hand it back. Stanley stopped me abruptly, explaining that I should keep the hat and continue my Presidents' Day by wearing it in honor of our founding father. I wore it out, down the elevator, on the stroll two blocks back to my office, up another set of elevators, and into my office. I knew Stanley would be proud that his lawyer had honored his wishes and provided some unexpected and surprising observations from those too serious about life to appreciate a Presidents' Day celebration.

As I considered that moment when Stanley and I discussed pressing legal issues wearing our George Washington wigs and hats, I learned a lesson about putting life in perspective. If we can't sit back and laugh at ourselves and our circumstances, even when things aren't going perfectly, we've missed a lot of what life should be about. A tincture of self-deprecating humor with a large dose of humility can cure a lot of life's maladies. Wearing our three-cornered hats sometimes helps us realize the need to look for joy in our life's journey on a Road [that] Does Not End.

*By Kelly Utzinger*

## **Team Approach**

A LESSON LEARNED *from* JIM SOBIESKI AND STAN MARSH IV

Over the past few years, I have represented the Marsh/Sobieski families regarding some real estate matters, including protracted negotiations on a wind lease. Most of my interactions have been with

James (“Jim”) Sobieski and Stan Marsh IV. Jim handles the legal review, Stan handles the “boots on the ground” factual matters, and both participate in the negotiations.

Jim is a seasoned lawyer and also has extensive experience in the insurance business. In 2011, Jim received his certificate for 50 years of service to the legal profession from the Board of Governors of the State Bar of California. When I learned that Jim had received the certificate, I remember thinking “I have been practicing 25 years, which seems like a lifetime. Yet, Jim has been a lawyer twice as long.” Jim’s experience, intellect, keen eye, and attention to detail ensure that every “paper” gets graded and no stone is left unturned. At times, Jim and I would bounce ideas and issues back and forth, which resulted in a better work product. I realized that no matter how many times I reviewed a document, Jim was going to find some typographical error, grammatical error, or nuance that I had missed. Jim’s strict reading of a contract forces one to read even boilerplate language in a new light. For example, Jim pointed out that the phrase “Capitalized terms herein shall have the meaning...” is technically incorrect because the terms are not capitalized; only the initial letter of each term is capitalized.

While Jim and I would sometimes get embroiled in legal rhetoric, Stan’s experience as a manager and his familiarity with real estate was invaluable in assuring that practical and pragmatic details did not get overlooked. In many instances, Stan’s business approach made the most sense and readily solved an issue.

Throughout the various matters, I realized the effectiveness and value of their team approach in considering and negotiating contracts and leases. Drawing on the strengths and areas of expertise of all involved created a better result.

*By James Wester*

## **Give Back to the Bar**

A LESSON LEARNED *from* SALLY EMERSON

Sally Emerson taught me the importance of giving time and talent to the Bar to improve the practice of law. For as long as I have known her, Sally has been deeply involved in family law organizations. She is not just a member; she is an active participant and a leader. Soon after I started practicing family law, she arranged for me to get on the Family Law Practice Manual Committee of the State Bar's Family Law Section. There was no better way for a young lawyer to learn family law and the drafting of documents than to work on the family law formbook and practice manual. I have been blessed to serve on other committees and to emulate my mentor by being a speaker at continuing legal education events. While these opportunities required me to work hard, I have gained far more than I have given through the knowledge shared and the friendships made.

It has been my great joy to practice with Sally for over 18 years. It is easy to see why she is so well respected in the Panhandle and around the state.

*By Chris Wrampelmeier*

## **Pulling the Trigger When It Is Hard To Do**

A LESSON LEARNED *from* DR. KAREN GARZA

Over some twenty three years in representing Lubbock ISD, I have had the pleasure of working with many great superintendents. One of the very best is Dr. Karen Garza, who came to the District some three years ago from Houston ISD. When Dr. Garza came to the District, she faced many challenges, including finances, old and underutilized buildings, and land-locked areas to the south and west. As a result, she had many difficult decisions to make.

Probably the most difficult decision before Dr. Garza was whether to call a bond election in 2010. In Lubbock, as well as in many West Texas cities, economic issues make it extremely difficult to pass bond elections. Even though the “no tax” groups opposed bonds for the District, Dr. Garza determined that in order to best serve the needs of the students, the District must have new buildings, new computer equipment, school consolidations, renovations to existing buildings, and upgrades. Despite negative feedback from many advisors and citizens, Dr. Garza recommended to the Board of Trustees that the trustees call a \$198 million dollar bond election. After hours of intense study, work, perseverance, and organization, 51.07% of the voters passed the bond. Dr. Garza pulled the trigger when it was hard to do.

*By Ann Manning*

## **Skiping the First and Last Four Years of College**

A LESSON LEARNED *from* MICHAEL TERK

No one called the west side of Odessa in the 1950’s and ‘60’s paradise, but there you learned about hard work and the value of a dollar. Those surroundings demanded a mental, physical, and emotional toughness. Everyday existence in this harsh environment included mesquite, suffocating sandstorms, and insufferable heat. The water was salty and the people saltier.

That’s where I met my friend and client Michael Terk, living one street over from where I grew up. The work ethic, financial insight, and toughness that had been incubated in Odessa accompanied Michael when his parents, recognizing his remarkable intellect, wit, and charm, sacrificed to send him to prep school for his high school education. When he later enrolled at the University of Texas, he soon recognized that college was really standing in the way of success. Some people are promoted or “skip” grades because they are far advanced beyond their peers. I’ve always thought Michael’s native intelligence and



business skill allowed him to skip four grades after high school to start a post graduate degree in commercial success.

Somewhere in the mix, he managed to be smart enough to become a Life Master and professional bridge player. He proved tough enough when confronting a shoplifter at his part time job to survive a gunshot wound. He showed himself wise enough to know that he needed to understand the wholesale spirits business from the ground up, starting with a year of loading trucks on the shipping docks of Terk Distributing followed by pounding the pavement in sales for five years in El Paso. When he moved into management in Amarillo, he guided the company to exponential growth and a national reputation. He was then intuitive enough to sell the business at precisely the right time and has been successfully retired since age 50, literally traveling the world since then.

As a trial lawyer, I've encountered high-powered intellects in virtually every discipline: medicine (surgeons internists, podiatrists, psychiatrists, cardiologists, gastroenterologists, radiologists, oncologists, neurologists--just pick the "MD-ologist"), engineering (mechanical, electrical, chemical, and civil), psychology, vocational rehabilitation, economics, bio-mechanics, accounting, business, ethics, and a host of other types of witnesses that cover the spectrum of matters requiring expert testimony. Put 'em all in a room and my friend Michael can match any of them in a contest of raw intellect and clarity of thought. He has that rare blend of high intelligence and exceptional judgment. He is uncompromisingly demanding and compassionately forgiving, frugal to a fault and philanthropic to excess, possessing the toughest, most demanding, acerbic wit imaginable coupled with the kindest, most understanding, and amiable personality conceivable.

Michael will tell you he'd rather be lucky than smart, but when you cut through the self-deprecating comments and get to know him, you'll understand he has a pretty simple philosophy. Marry someone

with the qualities of his wife Cindy. Sacrifice whatever it takes to stay out of debt. Think independently. Never, never be intimidated by anyone or be afraid to take a reasonable risk. Maintain a keen sense of humor and be gracious to others. Be philanthropic, recognizing that the more you give, the more you get. Give credit where credit is due to the “Big Guy Upstairs,” who is the ultimate source of blessing in our lives.

The lesson learned? The truly important things about people aren’t necessarily reflected by the number of initials that follow their names. A person’s life is best defined by qualities that standard testing can’t measure, by considering the fabric of their character, their sense of discipline and sacrifice, their work ethic and loyalty, the size of their heart, and the quality of their relationships with those who know them best. A measure by those standards of my client and friend, fashioned from humble beginnings on the west side of Odessa, explains why he skipped the first and last four grades of college.

*By Kelly Utzinger*

## **1 in 175 Million**

A LESSON LEARNED *from* DEAN CRUMP

1 in 175 million: that is the odds of winning the Mega Millions lottery. The morning of January 10, 2007, I received a call from Dean Crump, a friend and former co-worker. Dean asked me, “Have you ever represented a lottery winner?” Actually, I had been involved in legal matters for a couple of prior lottery winners, but not in collecting the jackpot. Dean then asked, “Would you represent a lottery winner on a contingent fee basis?” My response was, “Sure, but it does not make much sense to hire a lawyer on a contingent fee basis if you know that you have the winning ticket.” Dean’s response was, “That is why I called you.” A short while later, both Dean and his father, Ron, were sitting in my office discussing the next steps in collecting the jackpot and reducing to writing the terms of their general partnership.

For many years, the Crump, Allen, and Lewis families had been buying lottery tickets for the group and determining how they would share the “big one.” It began with the 3 brothers, which grew to include their adult children over time. It was obvious from the inception that winning the lottery and how the money would be divided among the group had been a topic of discussion at family gatherings for many years.

Trying to maintain secrecy until it was time to formally announce them as the winners was ridiculously difficult, and actually going to the Texas Lottery Commission and collecting the jackpot was an unbelievably joyous occasion. I have a collage of articles, pictures, a Ziploc baggie, etc. hanging on my wall as a reminder of beating the odds and how much fun assisting clients and practicing law can be.

Winning the lottery could not have happened to a more wonderful family. While winning the lottery may have changed their respective lifestyles, it has not changed them as individuals. You might say that “beating the odds” is a family tradition for them.

*By James Wester*

## **Never Be Embarrassed to Get Your Hands Dirty**

A LESSON LEARNED *from* DAN ADAMS

After several years of saving, and because we were lucky enough to be “at the right place at the right time,” my wife and I were able to put a down payment on a home in a “nice neighborhood.” We moved in during the spring. One of the first things I noticed was all of the different yard companies that were servicing my neighbors’ lawns. The second thing I noticed was that my closest neighbor was Dan Adams, the President and CEO of Cal Farley’s Boys Ranch, which is one of Underwood’s oldest clients.

Let's just say I've always been frugal, and I chose to do my own yard work. Nonetheless, I began to worry that maybe mowing my own yard might give Dan the wrong impression. I was pleasantly surprised to see Dan mowing his own yard on the first nice Saturday that spring. Since then, we frequently pass each other while hauling grass clippings to the dumpster. Dan and I each acknowledge our sense of pride that we're the only two on our block that take the time and effort to mow our own grass. The lesson I learned from Dan is that no one is too important and no job is too small to give it your personal interest and dedication.

*By Fred Stormer*

### **An Informed Objection**

A LESSON LEARNED *from* R.A. (BOB) WILSON

Mr. R. A. Wilson was away from the office the day in 1975 when I interviewed with Underwood, Wilson, Berry, Stein, and Johnson. His name came up frequently during the interviews. At dinner that evening, all the lawyers agreed that he was an exceptional courtroom lawyer who had won many victories for the firm's clients. I'm sure an image akin to Perry Mason came to mind.

About a month later, I joined the law firm and was introduced to Mr. Wilson. His appearance and demeanor were at odds with what I expected. A slender man of average height, he spoke softly in a professorial manner. He spoke at a measured pace and enunciated his words carefully. (I later learned that during childhood he overcame a severe speech impediment).

Courtroom lawyers are afflicted with a penchant for telling lengthy "war stories" describing their courtroom heroics. I never heard Mr. Wilson tell a single one. His calm demeanor in all types of circumstances was legendary. I never heard him raise his voice to

anyone. One day, as he was passing by Hi Berry's office, he noticed smoke coming from the trash can beside Mr. Berry's desk. (Mr. Berry was a smoker at the time.) Hi Berry approached Mr. Wilson on his way back to his office. As they passed, Mr. Wilson said, "Hi, I believe you have a fire in your trash can that you need to attend to."

Mr. Wilson devoted himself to the study of the law of evidence. He read every significant decision pertaining to the law of evidence and maintained in series of small black notebooks a complex index to these decisions. When an evidentiary question came up in the courtroom, say pertaining to the manner in which a particular document had to be authenticated before it could be admitted into evidence, he could quickly find the controlling decisions and the key language from those decisions in one of his notebooks. He would then rise with an open notebook in his hand. Reading slowly from it, he would make his objection to the admission into evidence of the document or his response to the other lawyer's objection.

All the judges and lawyers in the Panhandle knew that when Mr. Wilson rose in the courtroom with one of his black notebooks to state an evidentiary objection or to oppose the other lawyer's objection, he was either paraphrasing or quoting directly from the current and controlling law in Texas. If a judge disagreed with Mr. Wilson and ruled against him, the opposing counsel knew he faced the likelihood of a judgment in his client's favor being reversed on appeal.

And so it was that a quiet, scholarly man, seemingly ill-suited for the path he chose, became legendary among his peers. Today, when computer research puts all the decisions on any evidentiary topic only a few key strokes away, it is not possible to fully appreciate the time and effort required of Mr. Wilson for him to accomplish essentially the same thing by reading each and every significant decision by a Texas court pertaining to the law of evidence and creating his own index.

I once asked Mr. Wilson if he could give me some advice on how to become a better student of the law. He politely replied that it was best for each lawyer to find his or her own way based on individual aptitudes and preferences. He said, “Mike, I’ve done a lot of reading every day for many years, probably more than you, or any lawyer, would or should want to do, but it seemed to work for me.” That brief comment was as close as I ever heard Mr. Wilson come to acknowledging that what he had accomplished was extraordinary.

*By Mike Loftin*

### **Sometimes You Just Get Lucky**

A LESSON LEARNED *from* TIM GRAVES

Tim Graves is President and CEO of the Texas Health Care Association (THCA). Whenever you work for Tim at the Legislature, there are a few cardinal rules that you had better follow.

First, leave all logic at the door. You’ll very rarely know why things happen the way they do, and trying to unravel the mysteries swirling around you will just make your head hurt and irritate Tim.

Second, stay on message. There will be many, many people trying to get you off target and sometimes in trouble. Work through the “talking points,” then stop talking and listen.

Third, put all your cards on the table. Legislative staff should hear both sides of the story accurately from you. Then you can try to persuade staff that your position is better from a policy perspective.

Fourth, if you make a mistake (e.g., tell a senator’s staffer that it is stupid to include in an agency legislative directive a crime for everything), let Tim know before he finds it out from someone else. He may want to pull in other folks for damage control or whip you

with a wet noodle. In any event, everyone on the legislative team needs to know your strengths and weaknesses, especially those self-inflicted weaknesses.

Fifth, always tell the truth. If you don't have the information, tell legislative staff you don't know the answer but will try to find it out for them. Whether you can actually find the answer, let legislative staff know one way or the other promptly. You don't want someone else giving them the answer. If you do, you lose control of the answer and message. Also, you sure won't get any edge with staff for being tardy.

Sixth, never, ever testify about something you don't know anything about. I learned this lesson the hard way.

One morning early in the session, Tim and I were making Capitol visits on tort reform issues for THCA's nursing facility members. One particular senator (let's call him "Bear") had been difficult to please. A committee hearing was occurring the morning of our visits on a particularly innocuous bill authored by the Bear. The bill didn't have much to do with THCA's membership, but I suggested to Tim we should "drop" a card in favor. Tim asked me whether I knew anything about the piece of legislation, and I replied honestly, "not much." He reminded me of the rule to not testify about something you know nothing about. I artfully persuaded Tim that he could just fill out the card indicating he didn't wish to testify, drop it, and we could leave the hearing room (i.e., throw the grenade and run). Tim did just that. Unfortunately, the bill had left the committee members and staff perplexed. Apparently, the Bear was not present to explain or support his own bill. Little did we know as we tried to slink off from the committee room that the Chairman was looking for someone to explain the bill.

As Tim and I opened the door to the committee room to make our

escape, we heard the committee chair say: “Tim Graves. Where is Tim Graves? He has registered his support. There he is. Tim, please come up and explain this bill.”

As we pulled ourselves back into the committee room, I heard Tim say to me, “Now, see what you have done.” Tim dutifully took his place at the committee table and did something I have never seen or heard before, by anyone.

“Mr. Chairman, I don’t know much about this bill. But my general counsel at the back of the room would love to provide you an explanation,” Tim proposed. With that, Tim turned with a sheepish smile to beckon me forward. And of course, the Chairman agreed that would be a good idea.

Luckily, I knew enough about the concepts surrounding the bill and was able to bluff most of my way through it. This occurred because absolutely no one in the committee room had a clue what the legislation meant—not even the Bear’s staffer.

Not since that fateful day have I suggested to anyone to drop a card in support or against a bill with which the organization is not thoroughly familiar and for which the organization has a need to register a position.

**The rest of the story—you sometimes just get lucky:**

Every once in a while you just get lucky. Later in that same session, the Bear was getting grumpier towards THCA. He had cornered a lobbyist affiliated with THCA and said the association hadn’t done a thing all session long to help him out. So, he wasn’t going to help us on any tort issues. Well, the lobbyist called Tim and me about the Bear’s “visit” with him. We both remembered the fateful morning early in the session and sent the lobbyist the hearing summary along with a copy of the witness list. Not just one person from THCA testified in



favor of one of the Bear's bills, but two. Well, the Bear backed down but never seemed to be anything other than grumpy. Every once in a while, though, you just get lucky.

*By Gavin Gadberry*





## Standing on the Shoulders of Giants

During our 100 years, the Underwood Law Firm has seen many attorneys and members of our staff come and go. Each one of those persons brought something new to the firm and contributed in some way to the firm's ever-evolving character and personality. One thing hasn't changed though: the Underwood Law Firm's commitment to excellence and its dedication to providing the absolute best legal services to its clients under the highest ethical standards.

The firm's tradition of superior, ethical legal services started long ago under the leadership and inspiration of its founding members. The early members of our firm taught incoming attorneys important lessons about, among other things, integrity, patience, and attention to detail, and these lessons have been passed on through the generations to affect every aspect of our work and interactions.

The future of Underwood is bright because we are standing on the shoulders of our founding members and on the shoulders of the great attorneys who followed in their footsteps. The stories in this chapter reflect on past years of Underwood service and illustrate some of the lessons that generations of attorneys have passed down to make Underwood the quality law firm that it is today.



## The Zen of a Trial Lawyer

A LESSON LEARNED *from* R.A. (BOB) WILSON

In the fall of 1980, fresh from a post-graduate one-year tour of duty on the Seventh Court of “Civil” Appeals, I went to work for Underwood, Wilson, Berry, Stein & Johnson and with the confidence of a sixteen year old who has just received his license to drive. After all, I’d spent a year around appellate judges, grading lawyers’ papers, and learning the “right” way to introduce evidence, cross examine witnesses, and preserve error. Clarence Darrow’s reputation was about to be eclipsed. And then, I met R.A. “Bob” Wilson who, through his example, taught me more about life and the law than I could have ever received in school or in court.

Mr. Wilson had been practicing for 45 years when I arrived. I’d seen him command the attention of the Court of Appeals with his extraordinary knowledge of the law and his exceptional aptitude for building error into the trial record. In lawyer taxonomy, he was a superior species. I soon discovered that there was something about Mr. Wilson that lifted him to the very highest level of his profession. He taught me that being an exceptional trial lawyer required character qualities that were not taught in law school and not learned from my observations working for the Court of Appeals.

Knowing that Mr. Wilson was often available during the lunch hour as he listened to the farm and ranch report on his AM radio and read advance sheets, I’d frequently interrupt his briefing to seek a little insight into some legal question I couldn’t answer. In hindsight, I’m sure he felt my research was inadequate and my analysis shallow, but with the long-suffering of Job, he’d graciously provide an explanation. I was too naïve to appreciate both the depth of his wisdom and breadth of his patience—qualities that surfaced not only in his responses to my questions but also in the manner he treated even his adversaries. I never saw him break from his calm demeanor. Although I’m sure

he got angry and frustrated, as we all do, he did not display those emotions and was always the picture of civility.

Mr. Wilson did not have a powerful appearance or speaking presence, but he did have the ability to persuade because he was genuine in the quality of his character, not at all pretentious or threatening but always courteous and humble. He appeared to be completely unflappable and never intimidated by legal questions or by imperious opponents. He maintained a quiet, respectful confidence that transformed him from a good lawyer to an individual of superb graciousness, patience, and gentleness that distinguished him from most lawyers I have encountered during the past thirty years. He was that rare combination of gentleman and zealous advocate, realizing that his legal adversary need not be his personal enemy, understanding that his opponent must never evoke a display of his emotions, and treating all whom he encountered with dignity without regard to their station in life. These were, perhaps, the most valuable lessons I've learned, not just as a lawyer, but hopefully for my life.

*By Kelly Utsinger*

### **The Diversity and History of Underwood Legal Practice**

LESSONS LEARNED *in* THE EARLY YEARS

I came to the Underwood Law Firm as a new lawyer in March of 1952. The firm consisted of six senior lawyers: R. E. Underwood, R. A. Wilson, W. M. Sutton, Clayton Heare, William Boyce, and H. A. Berry. C. A. Stein was not yet considered a senior lawyer but was a seasoned attorney. Collectively, these gentlemen had experience in every area of criminal and civil law which their time and place afforded.

Clayton Heare and William Boyce had both been justices on our court of civil appeals. In the several years before my arrival, the Governor

of Texas had offered to appoint three of the partners to the Supreme Court of Texas: Bob Wilson, Clayton Heare and William Boyce. All declined.

I was to be the “young lawyer” in the firm for the next six or eight years and was privileged to work closely with each of these lawyers. It would be many years before I realized what a true blessing this was. There was an introduction to almost every kind of practice that lawyers had at the time: family law, estates, wills and trusts, property law, oil and gas, banking, corporate, partnerships, traffic tickets, local, state and federal court trials, appellate court hearings and trials, and personal problems of all kinds. It gave me a base to have a very broad spectrum throughout the years.

It is impossible for me to give any detailed account of specific lessons learned from my original years with the Underwood Law Firm except to say those early years made me into the lawyer I became.

*By Jerome Johnson*

## **Raise Your Game**

A LESSON LEARNED *from* TOM MORRIS

Following his service as a naval carrier pilot in World War II, my friend S. Tom Morris went right back to finish his third year at the University of Texas Law School in November of 1945. He once described it to me as “the easiest year of all my law school” because the war was over and he was ready for the transition back to civilian life.

As all Underwood lawyers know, Tom went on to a stellar career with the Gibson-Oschner firm, and that excellence continues with the Underwood Law Firm today. Tom told me a story once about having occasion to tutor a young lawyer who wanted to be a trial lawyer. The

young lawyer came to Tom one morning and said that he had made a bad choice of career and that he was literally scared to death to try a lawsuit, shaking when he announced ready. Tom replied quite directly, “You ought to be flying in a 70 degree dive with anti-aircraft bursting all around you, trying to keep your gun-sight on a target, and you would know what fear is.”

Tom personifies what a lawyer should be. His relentless study of the law, assiduous trial preparation, and fearless presentation are second to none. If any of us have a lawyer hero, he should be it.

Lesson learned: Aspire to achieve the excellence that Tom Morris has maintained throughout his life in the law, and emulate his demonstrated personal honor, self-respect, respect for others, and discharge of the duties that each of us owe as citizens of this great republic. You will, I promise you, raise your game.

*By Ken Fields*

## **Perseverance**

A LESSON LEARNED *from* BILL SORELLE

The dictionary defines perseverance as “steady and continued action, usually over a long period of time, and especially despite difficulties or setbacks.” There are no superlatives in the definition. Perseverance is not thought of as a heroic endeavor. Young men and women do not dream of persevering. Perseverance is often unrecognized, even more often unappreciated. By the way he lived, my friend and law partner, Bill SoRelle, taught me the meaning of perseverance. He showed me that a person’s character is revealed in adversity.

Bill spent the first part of his adult life in the Navy. Despite not having any legal training, he became a member of the Navy’s Judge Advocate General’s Corps. After completing his active service in the



Navy, he attended the University of Texas School of Law. Although he was married with a three-year-old daughter and working part-time to make ends meet, he excelled academically and became an editor on the Texas Law Review.

In 1969, immediately after passing the bar exam, Bill joined Underwood, Wilson, Sutton, Heare & Berry. In December of 1981, Bill was diagnosed with lymphoma. He quietly, but fiercely, battled lymphoma for the last twenty years of his life. His wife, Judy, shared Bill's determination to not give in to the cancer and supported him in every facet of his life. He didn't stop practicing law until shortly before his death, and he only stopped then because he didn't feel it was fair to the law firm or his clients to continue to practice when he wasn't able to work a full day, every day.

Bill was a brilliant lawyer who successfully argued a case before the United States Supreme Court, but it was his steadfast loyalty to his clients that set him apart from other lawyers. During the 1980s, one of Bill's clients was charged with making false statements to a grand jury during the federal government's aggressive prosecution of highway contractors who engaged in bid-rigging. Bill spent many hours defending his client through the trial and on appeal. After Bill had done all he could do as a lawyer, he did what he could as a friend; he would drive from Amarillo to the federal prison in Big Spring, where his client was incarcerated. It isn't easy to spend time around a client after your best efforts as a lawyer have failed, but it never occurred to Bill to do otherwise.

Bill was a quiet man; he never attempted to dominate a conversation. There was nothing remarkable about his appearance; he never sought to be the center of attention. He appeared, to those who did not know him well, to be an unremarkable man. But those who knew him well understood that for 20 years, after being diagnosed with an "incurable disease," he persevered against all odds and fought for his clients.

During the twenty years that he battled cancer, Bill remained too engaged in helping others to dwell on his illness. I know there must have been many dark moments during his long battle with cancer and that he must have let down his guard with Judy, but he never once exhibited any self-pity while he was at the office. When he did discuss his illness, he would bring some humor to bear. Bill's physician in Amarillo, who had become a close friend, told Bill that he had done all he knew how to do and suggested that Bill go to California to see a highly acclaimed oncologist. When Bill returned from California, he told me that the oncologist sat him down and told him that there was nothing to be done for his condition and that his prognosis was grim. Bill paused a moment, smiled a wry smile, and said the good news was that he was pretty sure he wasn't going to hire the California doctor and so he wouldn't have to be traveling out to California for treatment.

Bill never thought of his courage and grace in the face of adversity as extraordinary. He and Judy just faced each day as it came and did what needed to be done. He persevered not for the sake of what he could take from life but for what he hoped to be able to add to the lives of others.

*By Mike Loftin*

### **It is Not Easy Making Friends as a Lawyer**

A LESSON LEARNED *from* HI BERRY

Mr. Hi Berry is a legend. The legal reporters are filled with cases that he handled. I joined the Underwood Firm when Mr. Berry was in his 80s. Mr. Berry expressed to me at one point that he "knew all the lawyers that he needed to know for one lifetime." Mr. Berry seemed to enjoy chatting with me. I could never get enough of having such a seasoned veteran espousing his wisdom. While I doubt he coined the phrase, Mr. Berry seemed to see the world as divided into

two categories: “those with us and those against us.” In providing guidance, Mr. Berry explained to me that I would not make many friends practicing law. Mr. Berry’s theory was “You will represent one side, so that automatically means that 50% of the people don’t like you. Of the 50% that you represent, about half of those won’t like you. About the best that you can hope for is that about 25% of the people you meet during your career will actually like you.”

*By James Wester*

### **A Lawyer’s Lawyer**

A LESSON LEARNED *from* R. A. (BOB) WILSON

In the fall of 1979, I began my law practice as the briefing attorney for the Honorable Charles Reynolds, Chief Justice of the Seventh Court of “Civil” Appeals in Amarillo. While that experience provided an invaluable post graduate education, working with one of the foremost jurists in the state, the job also gave me an opportunity to observe many of the premier attorneys in West Texas. Spirited exchanges between the Court of Appeals’ three judge panel and the lawyer advocates were routine, with a notable exception.

When R. A. “Bob” Wilson appeared before the Court, few questions were asked. The atmosphere became more like a professor lecturing his class than an appellate argument. Mr. Wilson’s demeanor was always humble. His pattern of speech hinted a slight impediment. His manner of expression was simple but eloquent. One would hardly think that such an unpretentious presence could silence the bench. Mr. Wilson, however, was legendary in his understanding of the law, particularly as to preserving error at trial.

When I joined the Underwood Law Firm, I came to understand the reason for that reputation. I had the good fortune to office next door to Mr. Wilson when I first arrived at the firm. Working in that

neighborhood taught me a lot of lessons. Each day during the lunch hour, Mr. Wilson would tune his AM radio to the farm and ranch report, read advance sheets, and, on a manual typewriter, summarize the opinions he had read for his trial notebook. He read all Texas opinions as they first appeared.

In those days, the firm had a massive library. As a young associate, I served many consecutive sentences without parole in that library, briefing a broad range of issues. When Mr. Wilson would come to the library, he'd walk straight to a set of Reporters, remove a single book, turn to a single case, review it, close the book, and return to his office. There was no reason to make notes on the case because he already had briefed it. There was no cause to spend an inordinate amount of time reviewing the case, because he was already aware of its holding. There was no purpose for making a copy of the case because its essence could be found in his trial notebook. Mr. Wilson's renown as a lawyer's lawyer was earned by a love of the law accompanied by his disciplined and diligent study of it.

His practice taught me the value of knowing the law and resolute preparation, a lesson that would serve all lawyers well.

*By Kelly Utzinger*

## Reflections

LESSONS LEARNED *from* PETE STEIN AND OTHERS

When I joined the law firm of Underwood, Wilson, Sutton, Berry, Stein & Johnson in 1975, there were about a dozen lawyers in the firm. Our offices were on the 15th floor of the Amarillo National Bank Building. There were no computers, fax machines, or legal assistants. The younger lawyers typically used Dictaphones; the older lawyers dictated directly to their secretaries, who were proficient in shorthand. A fair amount of first draft work was done in longhand.

Typos in letters were corrected with “White Out” whenever possible to avoid having to retype an entire letter.

The firm’s support staff consisted of Fran Morrow, our office manager, and one or two employees in accounting. As the newest associate lawyer, I picked up the mail from our post office box in the morning on my way to work and again during the noon hour. If a pleading deadline required a trip to the clerk’s office somewhere in the Panhandle, say Perryton or Dalhart, I became a road warrior. When furniture needed to be moved, that was my job. Needless to say, I anxiously awaited the arrival of a new associate lawyer.

Every lawyer wore a suit, white shirt, and necktie to the office every weekday. Every lawyer was expected to come to the office on Saturday mornings and stay until around noon. On Saturday mornings, “business casual” (a term that did not yet exist) was acceptable. Little work was done on Saturday morning, but a lot of coffee was consumed. I suppose these Saturday mornings were de facto firm meetings during which the partners caught up on developments in their personal and professional lives. Bear in mind that there were no cell phones or iPads, so the lawyers weren’t checking for text messages and emails or surfing the web as they sat in the coffee room and visited.

All the offices designed for lawyers were occupied when I joined the firm, so I was put in a small secretarial office just a few feet from Pete Stein’s corner office. Pete had the habit of speaking loudly when he was on the phone, and he virtually always kept his door open. As an associate lawyer, I was expected to keep my door open unless I had a client with me, which I almost never did. Pete spent the majority of his day on the phone with lawyers and clients. Without email and with every letter requiring a fair amount of time and effort, we handled a lot of business with clients and other lawyers on the phone. Pete was plain-spoken and candid with both clients and opposing

counsel. He made his points but was not argumentative. He was never condescending. He was well-versed in the law, but his real gift was applying his commonsense and good judgment to solving problems. My best traits as a lawyer had their origins in the many hours I spent listening to Pete on the phone.

The only clients (really potential clients) I ever had with me in the small room that served as my office were “walk-ins.” As the name suggests, a walk-in was someone who had no previous relationship with our law firm and arrived, without warning, asking to see a lawyer. (Yet another assignment for the newest associate was to handle all walk-ins.) I only remember one of my walk-ins, but I recall him vividly all these years later.

A slender, well-spoken man spent an hour or so in my office explaining that he wanted to sue an insurance company that was denying coverage for a house fire, claiming that the fire was set intentionally. He was intense, but not physically intimidating. Fortunately, I sensed that I did not want to take this gentleman on as a client. I say fortunately because I learned less than a year later, when he was arrested, that the man I spent an hour in very close quarters with was Samuel Hawkins, the “traveling rapist.” Mr. Hawkins raped numerous women in Texas, Oklahoma, and Colorado, and killed at least two women. He was eventually convicted and executed.

*By Mike H. Loftin*

### **Don't Tell Me What's Messed Up; Fix it**

A LESSON LEARNED *from* HI BERRY

From time to time, a lawyer finds that it is necessary to share bad news about a file with another member of the firm. The lawyer may even be forced to admit that he or she is part of the problem. Several years ago, I asked Gerald Bybee to help me work through a mess

that I probably had a hand in creating. As I continued to bemoan the problems at hand, Gerald reminded me that he was Hi Berry's associate when he began work at the firm. Gerald shared a story of admitting to Mr. Berry that a problem had developed on a file. Upon learning of the bad news, Mr. Berry's comment for Gerald is one that remains an Underwood saying today: "Don't tell me what's messed up; fix it."

*By Alan Rhodes*

### **Defend Cases Both on Points of Law and the Law of Justice**

LESSONS LEARNED *from* BILL GIBSON AND R. A. (BOB) WILSON

Bill Gibson had been a successful defense lawyer, but he had become tired of trial practice and turned most of his cases over to me. Bill had an innate sense of justice, and when I first started working for him, he advised me to defend cases not only on book law but on the law of justice: what is right and wrong. He said that if you will approach a case from that standpoint, you will generally find that the law will support what is morally right. That was good advice, but it has a hitch—who sets the moral standard? In contrast with Bill Gibson's philosophy, R. A. (Bob) Wilson of this firm was an outstanding litigation lawyer, but he won more cases on technicality of the law than on what was right and wrong. He was a master at preserving a record for appeal, and he won far more cases on appeal than he did in the trial court. Lesson learned: be right on the law and protect your record.

*By Tom Morris*

## **The Truth, the Whole Truth, and Nothing But the Truth**

A LESSON LEARNED *from* DON DEAN

In public education, Don Dean helped me learn substantive law, how to work with boards of trustees, how to handle investigations, and how to deal with employees who might be under an investigation. Don Dean would quote our dear friend and senior partner, R. A. (Bob) Wilson, stating that there's a difference between "the truth, the whole truth, and nothing but the truth." Don urged us to understand whether a person's responses met each of the three parts of the test.

*By Alan Rhodes*

## **Patience Prevails**

A LESSON LEARNED *from* CLAYTON HEARE

Clayton Heare and I were working on an ad valorem tax valuation case. Our client was the biggest taxpayer in the county and opposed a raise in the valuation of its properties, but the county commissioner's court was adamant that the increase was necessary. One afternoon, Mr. Heare and I traveled to the county seat for a lengthy meeting with the county judge and the commissioners, but the result was an impasse. He and I headed back to Amarillo and prepared a proposed temporary restraining order (TRO) to prevent the imposition of the tax value increase anticipated to occur the following day.

We started trying to locate the district judge of the county in which the properties were located and who resided just over 100 miles from Amarillo. We found that he was serving as a visiting judge in another county about 50 miles from Amarillo in another direction and was on the bench trying some unrelated case still in progress. Mr. Heare dispatched me to the county seat to try to present our proposed TRO after court recessed for the night. When the judge finished trying



the unrelated case for the day, he did listen to my presentation of the TRO, and I handed him some cases which I believed supported the granting of the TRO. The judge told me he would study the matter in his office and he sent me to the county law library in the courthouse to see if I could find some additional case authorities.

After what seemed to me to be the passage of about two hours, the judge came in to the law library and told me that he was not going to rule on the TRO that night. So, with my tail between my legs, I returned to Amarillo and reported the lack of success to Mr. Heare. We concluded that we would return the following morning to meet further with the county judge on the impasse.

The next morning, Mr. Heare and I traveled back to the county seat of the county seeking the tax increase and walked into the office of the county judge whereupon he advised us that he and the commissioners had retracted their position to seek a tax increase on our client and there was no need for any more meeting on the matter. In utter amazement, Mr. Heare and I headed back to Amarillo to report the result to our client.

The lesson learned from this experience was that patience sometimes has amazing, unexplained results, so pursue your case with zest and to the best of your ability and then wait with patience while things work themselves out, despite any misgivings you may have.

*By Ed Hill*

## **The Important Ox**

A LESSON LEARNED *from* ED HILL

I recall an instance in which a client retained Ed Hill to assist him in a very unpleasant situation. In addition to being potentially subject to a large civil suit, the allegations were expected to lead to a criminal

indictment. The specific quote from the client was “my life is in your hands.” Although Mr. Hill seemed busy with many matters for many clients, Ed gave each client special attention and treated each client’s matter as if it was the only one that he had. I recall that concept being summarized as something along the lines of “the most important ox in the ditch is the one that you own.”

*By James Wester*

### **Where to Wear the Name Tag**

A LESSON LEARNED *from* JEROME JOHNSON

It is amazing the things we remember. I remember Mr. Johnson explaining to me where to wear a name tag. If you are right handed, then the natural inclination is to put your name tag on your left side. However, men generally shake hands with their right hands, and this automatically draws a person’s eyes to the right. Because of this, should you not wear your name tag on your right?

*By Chuck Mallard*

### **Words Matter**

A LESSON LEARNED *from* WINSTON SMITH

Winston Smith was one of the best storytellers I have ever known. Winston’s true gift was language. Great storytellers are not always good writers, but Winston was both. Perhaps the most important lesson I learned from Winston was that words matter, particularly when clients are asking you to craft a document that will speak to their loved ones after they are gone. After all, is that not the true purpose of a will?

Winston believed that it was critical that our words properly expressed the client’s intent. He thought wills should, to the maximum extent possible, be readable. He thought that wills should be as short as

humanly possible. Each will that I draft today incorporates those tenets.

*By Sharon White*

### **When Your Client's Ox Is in a Ditch**

A LESSON LEARNED *from* TOM MORRIS

As part of our routine training as associates at the Underwood Law Firm, the “Associate Daddy” (the shareholder who supervises the associates) would set up lunches with senior shareholders to engage the young associates and pass on words of wisdom about the practice of law. I recall a particular lunch with Tom Morris, the firm’s oldest practicing attorney.

Tom’s reputation in Amarillo and across Texas is legendary. He has practiced for over 60 years and has more trial experience and published more cases than just about anyone around. During lunch, Tom told the young associates that there was no secret to being a great lawyer. It took hard work and commitment. That meant reading the advance sheets, updating your brief books, working evenings and Saturdays, and thoroughly preparing for all phases of a legal case. Most importantly, Tom stressed the key to being recognized amongst your peers and successful with your clients: “When your client’s ox is in a ditch, you gotta be in the ditch with him to help pull it out.”

Tom has taught us by his words, but more so by his actions, that investing time and attention to the law, to your partners, and to your clients will pay off with an enduring practice and devoted clients. Tom is clearly an example for us all.

*By Fred Stormer*

## Enough Laughter Goes a Long Way

A LESSON LEARNED *from* CLAYTON HEARE

Clayton Heare always had a great story or joke to tell. I know of nobody else who could be his equal. He would often come into my office and tell me the latest joke he had heard. Before he left, he would write the joke on a piece of paper so he would remember it. He didn't keep the paper; it just helped him to remember it.

When I came to the Underwood firm, Clayton had reached an age at which he no longer wanted to try lawsuits. He had many good clients, and I got to handle some great ones. Whenever I left town to work with one of these clients, Clayton would always accompany me and give me helpful hints and always good jokes.

One day we went to a small town, which was pretty far away. We had a jury, but it took a long time to get it. It was getting pretty late in the day, and the judge, who wanted the case finished that day or night, sent the jury home to have supper and made them come back to the courthouse by 7:00 p.m.

The jury took some time. The two lawyers for the other side, their clients, the judge, the court reporter, the judge's secretary, and I listened to Clayton tell one story after another. For three hours, all seven of us, including the judge, laughed until we cried. We all agreed that we had never laughed so long and as hard in our lives. I think if the jury hadn't finally finished their work, we might have kept on laughing. The judge ruled in our favor. I still wonder if Clayton helped with that. The judge was still laughing when he closed the court down.

Before Clayton came to the Underwood Firm, he had a partner who was a real character but not too honest. One of Clayton's best stories was when a lady came into his former partner's office and wanted to

know if he would get her husband out of jail. The partner said, "You don't want me to represent him?" "No sir, I just want you to get him out of jail. How much will it cost?" Clayton's partner said, "I'll get him out of jail for \$25." The lady pulled her dress up and she showed a lot of ten dollar bills attached to her leg.

The lawyer asked, "Now wait a minute; is he in the old jail or the new jail?" She said, "I guess the new jail." And the lawyer said, "Lord no! It would take \$100 to get him out of that new jail." She paid the \$100. Thereafter, we often would say, "Oh, you're talking about the new jail!"

When I first started at the Underwood Firm, its offices were in the Amarillo Building. The Amarillo Building had a barber shop in it and Clayton loved to be in the barber chair. He gave the barber a hard time, and the barber would give Clayton a hard time. When I could, and when Clayton was there, I often went to the barber shop just to listen to them.

One day, Clayton came in and told us, including the barber, that he and his wife had just gotten back from Rome, Italy. The barber asked Clayton, "Did you see the Pope?" Clayton said yes, he had seen the Pope. The barber asked, "Did you talk to the Pope?" Clayton said, "No, but the Pope did say something to me." The barber asked, "What?" Clayton said the Pope asked, "Where in the hell did you get that awful haircut?"

I am sad to have to say, Clayton Heare died in that barber chair some time later, maybe within just a few weeks. I have missed him for many years.

*By Harlow Sprouse*

## The Law of the Farm

A LESSON LEARNED *from* ALAN RHODES

When you grow up on a farm in Parmer County and are a product of the Bovina public schools, you learn a lot of things that those who spend their formative years in more urban environments may not understand until later in life, if at all. My partner, Alan Rhodes, had that rural upbringing that gave him a perspective on some fundamental principles from which we could all learn valuable lessons—particularly when it comes to the law of the farm.

I learned from Alan that good farmers don't cut corners. Preparation is the key—cultivating, planting, watering, fertilizing, weeding, and harvesting are essential. If you don't plan and you don't prepare, you don't succeed. That requires discipline and self-sacrifice. Patience is needed. You can't force Mother Nature to move any faster as the seed germinates, sprouts, and matures. Keep your equipment in good shape. Recognize you must spend money on things like seed, fertilizer, pesticides, herbicides, sprinklers, and fuel to run your wells to make money with a productive harvest. Having good neighbors is important, which means being neighborly yourself. In the final analysis, trust in God, who has ultimate control.

Alan taught me that the law of the farm translates into all aspects of my life, personally and professionally. It is a formula for accomplishment. Applying its principles to the firm, Alan's leadership has contributed to the most success Underwood has known in at least 30 years, maybe ever. That achievement is not measured simply by expanding practice areas that were created using the law of the farm, such as education, public finance, agriculture, and energy. More importantly, the principles have translated into the people who are part of the firm

and who have been inspired to make it a special place to work. In the process, the land has been prepared and the seeds have been planted for the next hundred years. Those in the firm who have the wisdom to follow the law of the farm will find an even greater future, God willin'.

*By Kelly Utsinger*







## Rolling In The Deep

Underwood is one of the largest firms in the Texas Panhandle. Because of its size, the firm and its attorneys are able to handle a diverse range of practice areas, and both its transactional and litigation groups represent a broad spectrum of every type of client in every type of matter imaginable. Underwood is also able to provide those clients with its traditional high-quality service around the clock.

But it is not just the size of the Underwood Law Firm that makes it special. Rather, it is the sense of community and collegiality that its members share with one another. The members of Underwood trust each other to provide mentorship, to answer questions, and to step in if another member of the firm needs help. The stories in this chapter highlight what it means to work for a firm whose members share a close bond that transcends the meaning of partnership and truly encompasses friendship.



## **Rolling In the Deep**

A LESSON LEARNED *from* ADELE

Adele is one of my favorite singers. She won a Grammy this year for her song, “Rolling in the Deep.” I did not know what the title of the song meant until I read a magazine interview of Adele. She explained that she was raised in a rough part of London in which there were a lot of gangs. She said she always heard the expression, “you gotta roll deep,” which means always have plenty of people around you to have your back. This instantly made me think of my law firm.

As a member of the Underwood Law Firm for 18 years, I know what it is like to “roll deep.” There is always someone to turn to for help with just about any problem. I practice family law, but if a client has a criminal problem, a business problem, needs a will or estate planning, needs to collect a debt, has an oil and gas problem, has a tax problem, or needs just about anything else, I can find an Underwood lawyer ready and able to help. I know my partners will come to me for family law problems. I am very proud to be a member of this law firm. We are “rolling in the deep.”

*By Sally Emerson*

## **Do Not Pick a Fight With a Man In His Hometown**

A LESSON LEARNED *from* CRAIG SANDERS

In 2012, I had a disappointing experience involving an acquaintance with whom I’d extensively travelled and worked. I found myself the subject of significant criticism. Several business colleagues called and confirmed that the acquaintance had gone out of his way to criticize Underwood and me. I was disappointed and offended.

I talked with my friend, Craig Sanders, about the situation. Craig told me a story about a visit to New Mexico as a teenager. Craig's story ended with one of the locals reminding him that one "should not pick a fight with a man in his hometown." You see, when you are at home and in a scrape, friends multiply, probably exponentially. Craig said that's particularly true when a Texan is involved in a New Mexico event.

Craig's words described my 2012 situation in a precise manner. Thankfully, in my situation, the incidents were occurring in my hometown, and my friends and clients did not listen. Eventually, the acquaintance and I found a way to continue our working relationship. That's good. I am blessed that my friend Craig Sanders had the wisdom and class to look past the time I came perilously close to forgetting the lesson he'd taught me.

*By Alan Rhodes*

### **A First Class Law Firm**

A LESSON LEARNED *from* BILL SUTTON

Bill Sutton had a gravelly voice that sounded like it came from the bottom of a large metal barrel. His voice was a combination of Oscar the Grouch from Sesame Street and the troll under the bridge in the Billy Goats Gruff. If you didn't know him, Bill Sutton might have appeared gruff. However, underneath that exterior and in spite of the harsh voice, Bill Sutton had a heart of gold. In those "good old days," nearly every Underwood lawyer worked until around noon on Saturday morning. Bill Sutton inevitably called a halt to work sometime between 12:00 and 12:30. The firm then "adjourned" to Paradise Too (a Mexican restaurant). Bill Sutton always bought the first pitcher of beer.

I'll never forget the time Mr. Sutton and Hi Berry invited me to lunch

at A&W Root Beer. It seems they both had a hankering for a foot long chili cheese dog on the same day.

What I remember most and best about Mr. Sutton was how much pride he took in the Underwood Law Firm. When I came to the firm in 1977, Underwood had fairly recently completed a move from the Vaughn Building (now the Maxor Building) to the new downtown Amarillo National Bank Building. I understand that Mr. Sutton supervised the renovation and remodeling of the new quarters with great care. He wanted everything exactly right. After the move, Mr. Sutton didn't want any of us to abuse the new facilities. The quickest way to a "chewing out" in the troll's voice was to walk down the hall with a cup of coffee without a saucer underneath it!

Yes, Mr. Sutton wanted Underwood to have first class facilities and to take good care of them. Even more though, he wanted the firm to become first class in every way, not just the best law firm in the Texas Panhandle but equal to or better than any firm in the state. He demanded and expected quality work and client service from every lawyer. His tremendous pride in the firm made each of us really strive to meet his expectations.

Mr. Sutton passed away in 1979. I only got to be around him for a couple of years, however, those two years had a tremendous impact on how I feel not only about the firm but about our duties and responsibilities as lawyers. I regard it as a rare pleasure and extreme privilege that I knew Bill Sutton.

*By Ray Dixon*

### **Hey 23, Do You Want Some of This?**

A LESSON LEARNED *from* CHAD PIERCE

When I joined the firm in the early '90s, I had no idea of the lifelong friendships that I would develop. Almost a year to the day that I

joined the firm, Chad Pierce walked in. We shook hands and had an instant friendship. Chad and his wife Shannon have twins who are the best friends of my son, but I digress.

We also had a City League basketball team. Alan Rhodes was sneaky inside. James Wester could do many things both inside and outside the paint. Gavin Gadberry had a wicked jump shot. Chad was a presence on the court and defended the paint.

One night, Rhodes was making a move to the rim when a guy came from nowhere and took him out. As Wester and Gadberry were picking him up, the gym was filled with the sound of “Hey 23, do you want some of this?” It was Chad. He was like a tower standing over the other team’s number 23. Number 23 was not interested in any of Chad and was a non-issue for the remainder of the night. Chad never spoke of it again.

I knew at that moment that I had a friend who would never let his team down or get thrown down. I have been privileged to know Chad for almost 20 years, and he will always be the first pick on any team I build.

The day Chad came to my office and told me that he was going to go in-house and become the General Counsel for AQHA, I was not surprised. AQHA also knew that he was the best team player that they could acquire.

I shed a tear at the news and feared that we would lose the strength of our friendship. Thankfully, I was wrong. Our friendship has only grown, and if Number 23 is ever around, I know that Chad will have my back.

*By Chuck Mallard*

## **How Lucky I Was To Learn From My Childhood Hero**

A LESSON LEARNED *from* JIM BESSELMAN

I first remember meeting Jim Besselman when I was in elementary school. He had the coolest kids, the prettiest wife, and was a lawyer at the Underwood Law Firm. I'm pretty sure I spent the next years of my life wanting to be Jim Besselman. I remember when I was a prosecutor, one of the Judges told me that Jim was the best trial lawyer he had ever seen.

When I had been at the firm for about 9 months, they moved me upstairs to work for Jim. We traveled together, worked together, and tried cases together. He tried his damndest to teach me what he knew. Everywhere I went in Texas, the other lawyers knew Besselman, and I was accepted because of that. I watched him fire clients who asked him to do unethical things. I saw him passionately advocate for his clients at all times. I witnessed a lawyer at trial who had a total mastery of the facts necessary to win his clients' cases. What I learned was how lucky I was to be the guy that got to work with and learn from his childhood hero. It was everything I hoped it would be. Thanks.

*By Slater Elza*

## **Investment in People**

A LESSON LEARNED *from* RAY DIXON

When I first started at the firm, Ray Dixon frequently had me help him with research projects on his various cases. One case in particular involved a local landowner attempting to block an oil and gas operator from accessing its leased properties. After performing the required research and preparing the applicable documents, Ray invited me to travel along with him to the Eastern Texas Panhandle and attend the hearing with our clients.

The hearing proved mostly uneventful, but I really enjoyed the return trip. A couple miles away from the Court house, Ray took a detour and drove me over to the property that was the subject to our hearing. I began asking questions about the oil and gas business and how Ray got started doing oil and gas work. Next thing I know, Ray had covered hundreds of miles down the back roads of the Eastern Texas Panhandle. He drove slow and explained all the oil and gas field equipment. I am pretty sure that our drive home ended up being 3 or 4 times longer than originally planned. I asked Ray if he would mentor me if I tried to expand the Underwood oil and gas practice, and he was more than happy to do so. I can't imagine how many billable hours Ray has lost answering my questions and mentoring me along the way, but I am forever indebted to him for it. He invested in me, just like previous Underwood lawyers invested in him. I hope to someday be able to do the same for the next generation of Underwood lawyers.

*By Patrick Weir*

### **Jim's Many Lessons**

A LESSON LEARNED *from* JIM EVERETT

Our former firm administrator, Jim Everett, was a gentle man, yet he knew most every word to the movie Pulp Fiction. What most don't know is that he is a wonderful painter. He and I would have 30 minute to one hour conversations most every day. In each conversation I learned something from Jim. I cannot say that there was "a" lesson learned from Jim; rather, Jim taught me many lessons.

*By Chuck Mallard*



## The Best

A LESSON LEARNED *from* ED HILL

I started working with Mr. Edward H. Hill in about 1987. I was in awe of Mr. Hill, who was a senior partner, known by everyone in the oil and gas world and a “go to” lawyer when the company (or an individual) was at risk. When Mr. Hill used his “trusty red pen” to carve up any memo or pleading that I drafted, he also took the time to explain to me why he made the changes. This feedback was a gift, often underappreciated by a young lawyer.

For a number of months, Mr. Hill would tell me, “Wester, you are the best!” Of course, I had to brag to everyone that Mr. Hill had complimented me repeatedly on being the “best”. After two or three months of this seemingly endless compliment, I was exposed to Mr. Hill’s humor one afternoon when he explained to me that “There are three categories: best, excellent and superior.” Ed was, and is, a superior man, superior lawyer, superior mentor, and superior friend.

*By James Wester*

## The Meaning Of “Partner”

A LESSON LEARNED *in* GERMANY

In law school, we learned that partners are two or more competent persons who enter into a voluntary contract to place their money, effects, labor, and skill, or some or all of them, in lawful commerce of business, with the understanding that there shall be a proportional sharing of profits and losses between them. One of my fondest memories is the first time that Don Dean and Kelly Utsinger introduced me to a client as a partner of the Underwood Law Firm. That introduction gave me a sense of pride and accomplishment.

It was not until many years later that I learned the term “partner” can have a different meaning. Alan Rhodes and I, along with Cory Ramsey and Wade Porter of Amarillo National Bank, were traveling in Hamburg, Germany on a business trip. As was many times the case when traveling in unfamiliar areas, we were running late for a client meeting and needed to change clothes before the meeting. So, we decided that while Alan and Cory would park the car, I would check into the hotel for Alan, and Wade would do the same for Cory. After engaging in a very lengthy negotiation with me, the desk clerk refused to give me Alan’s room key. Finally, in desperation, I looked at the man and said, “Damn it, he is my partner. Give me his key.” The man promptly responded with a large smile, “Oh, he is your partner?” and then promptly offered me the key. Realizing that “partner” in Germany meant something very different than in Texas, I refused to take the key. Upon meeting Alan at the elevator, I told him he would have to get his own key.

I’ve always considered “partner” to define a special relationship between two individuals. I have learned that, in Germany, “partner” is used to define more of a special relationship than I had considered. Lesson learned: be careful using the word “partner.”

*By Lynn Tate*

### **Point the Guns Out**

A LESSON LEARNED *from* E.T. MANNING

I’m sure E.T. Manning was instrumental in placing me on the firm’s compensation committee more than 20 years ago. I expect he received significant push-back when he placed a first-year shareholder on a key committee.

In addition to watching E.T. manage and work, he mentored me. When another lawyer frustrated me or when I expressed my belief that a lawyer might not be pulling his or her weight, E.T. always counseled

that I needed to “point the guns out.” Law firms are fragile. They are easily damaged. With all the egos involved, it’s easy to mount an internal attack in an effort to gain an in-the-firm position.

For more than a decade, Underwood has been lucky and wise. By “pointing the guns out,” we’ve avoided self-inflicted wounds.

*By Alan Rhodes*

### **As a Defense Lawyer, We Often Do More for the Plaintiffs Than Their Own Counsel**

A LESSON LEARNED *from* MIKE LOFTIN

Years ago, when I was a baby lawyer, I recall struggling with a particular issue. Mike Loftin saw me struggling and asked me what was going on. I went to his office, and being such a young lawyer, I was nervous and uncomfortable. I explained my issue to Mike, and we discussed how best to handle it. During our discussion, Mike said something of such importance that I have since thought about it in so many of my cases: “As defense lawyers, we often do more for the plaintiffs than their own lawyers do.”

That observation says so much about the character of Mike Loftin. I, for one, am very glad I could learn from him.

*By Chuck Mallard*

### **The Good Shepherd Lesson**

A LESSON LEARNED *from* BILL SUTTON

Bill Sutton was my Underwood mentor and best friend. He taught me to be a “good shepherd” to my clients and to render fair billing, first being fair to the client and then to us. He told me many times,

“Barry, they don’t pay us enough money to lie for them,” which meant there is not enough money in the world to warrant an Underwood lawyer’s lying or cheating for a client.

Sutton was my model of what a lawyer should be. He had a “nose for the law” and didn’t have to know all the facts to steer a young associate in the right direction. An Abilene law firm misused Sutton at the beginning of his career, letting him work all day moving its library when he interviewed with the firm, which did not hire him. Consequently, he was always kind and generous to all young lawyers who interviewed with our firm. He led our firm for many years until modern times and younger lawyers wanted more of a say in firm affairs.

I loved him and missed him for a long time after he was gone. I saw him every day during his last illness, whether at home or in the hospital. His daughter, Judy, asked me to help take him home the night before he died because that’s what he wanted to do. As I carried him from the car to the house he firmly asserted, “When I hired you, I didn’t know you’d turn out to be my \_\_\_\_\_ nursemaid, too.” What did I learn from my favorite Underwood lawyer? I learned everything about competent, ethical lawyering.

*By Barry Stone*

### **The Patience of Job Alan Rhodes**

A LESSON LEARNED *from* ALAN RHODES

Alan Rhodes is one of the most patient men I know. Alan is not patient in the ordinary sense of the word, that is, not quickly frustrated. Instead, Alan is patient like a Marine sniper is patient, patiently taking calculated steps to accomplish a specific purpose and allowing time, sometimes very long periods of time, to be his ally.

My association with the Underwood Law Firm, unknown to me at the time, began nearly 10 years before I joined Underwood. From 1994 through 1999, I was a staff attorney with the Texas Association of School Boards (TASB), and Alan was an Underwood lawyer building a school law practice in the Panhandle. When TASB conducted its annual training seminars for school board members across the state, Alan ensured that the TASB lawyers, including me, were extremely well-treated when they swung through Amarillo to provide the training. As a TASB lawyer, I attributed the great treatment in Amarillo to old-fashioned West Texas hospitality, and that was true in part. However, as I have gotten to know Alan, I discovered that the treatment was also preparation. He was conditioning TASB lawyers for future potential employment with Underwood as the firm found the need for additional school lawyers. The strategy worked wonderfully for me, because in 2004, my historical association with Underwood through those TASB seminars in Amarillo led me to become an associate with the firm.

Since becoming associated with the law firm, I have often marveled at what Alan can accomplish because he is patient enough to see a need and then plant seeds, water them, and let time germinate them into opportunities to meet that need. One of the lessons I have learned from Alan Rhodes is the successful practice of law sometimes includes a large dose of strategically calculated patience.

*By David Backus*

## **Don't Skimp**

A LESSON LEARNED *from* E.T. MANNING

When E.T. was a giant at the firm, he let me work on St. Anthony's Hospital matters. I became a member of the American Health Lawyers Association (AHLA). E.T. approved my attendance at an AHLA continuing education program. Shucks, it was at the Maui

Westin. As a fourth-year associate, Robyn and I were going to take the trip of a lifetime at the firm's expense. E.T. called me into his office before leaving. He shared a book, Marianne's Guide to Fine Dining, and after urging me to have fun and take a few extra days in Hawaii, he confirmed his character and leadership when he said, "Don't skimp."

*By Alan Rhodes*

### **The Grass May Seem Greener Now, But Will it Survive?**

A LESSON LEARNED *from* ALAN RHODES

1995: I was working as a paralegal for Underwood and some attorneys decided they wanted to split from the firm. One was my direct supervisor, so he invited me to join them. Alan Rhodes met with me and offered to keep me on, even though my job was basically gone when my supervising attorney left. His words were, "there will always be an Underwood Law Firm." I left with the departing group anyway.

2012: Fast forward 17 years, and I'm back at Underwood. Several other places where I worked in the meantime no longer exist, but there is still an Underwood Law Firm. As Amarillo National Bank has proclaimed in their newspaper ads, "We've Seen a Lot of 'Em Come and Go." I now believe, especially after 100 years, that there will always be an Underwood Law Firm.

*By Kathy Rieken*

### **Help Your Colleagues**

A LESSON LEARNED *from* SALLY EMERSON

Shortly after I began work at Underwood in the fall of 1993, Sally Emerson joined the firm. At that time, Sally had been a sole

practitioner for over 14 years and was board certified in family law. As I searched for my calling in law, I found myself going to her more and more for work, even though I had been certain throughout law school that I would never practice family law. Through Sally, I learned how challenging family law is, not just psychologically but also academically, and how the practice of family law touches on many more areas of the law. By the end of my first year at the firm, I was hooked.

Through Sally, I learned to take the time to help fellow lawyers. I knew I could go to her with questions and not worry about the questions (or me) seeming too simple or stupid. I watched her help other attorneys with family law questions. Those attorneys were not just within the firm. Other family law attorneys called her with questions about their cases. She took the time to help them without a thought about the sacrifice of her time. For her, it was enough that the caller was a colleague. I try to emulate Sally and be a resource for my fellow attorneys inside and outside the firm.

*By Chris Wrampelmeier*

## **A Helping Hand**

A LESSON LEARNED *from* JUDGE DAN SCHAAP

When I started the practice of law in Amarillo 20 years ago, it was in a firm of four attorneys. After six years, I moved to a firm of eight attorneys and thought that was really big. When the opportunity to go to work for Underwood came, I was both excited and uncertain. Excited because of the reputation of the firm and the people I knew there and uncertain because the firm was so “big” with almost 40 lawyers.

When I started at the firm I wanted to make a good impression, and I wanted to give the impression that I knew what I was doing. However, in the world of litigation, I have found no attorney “knows

it all” and that we can always use some help now and then. That help may be talking through an issue or having someone come on board and help directly with a case. When those moments arrived for me, I was pleasantly surprised that every attorney at Underwood was more than willing to help with any issue or problem I had.

There were no closed doors through which I could not go to seek help. It seemed a “firm thing” that everyone was so willing to assist whenever asked. My favorite person at the firm with whom to talk through issues was Judge Dan Schaap. Of course, he was not a judge then but he always carried that learned air about him. He could drill down on an issue faster than anyone I know, and he had the uncanny ability of steering me in the right direction, even if that was not the direction I wanted.

Although Judge Schaap has since left the firm to join the judiciary (I’m still working on getting over that), there is no shortage of helping hands at the firm always available to talk to and ready to help on a moment’s notice. Just knowing that Underwood has that type of culture, one in which I KNOW that I can get help anytime I need it on any matter, makes all the difference in the world in the practice of law. It is what makes Underwood like a family and for that I will always be grateful.

*By Wade Arnold*

### **My Ox in the Ditch**

A LESSON LEARNED *from* KELLY UTSINGER

From my days at Underwood, I remember the cook-offs, cotton candy days, salsa contests, and the strange Elvis picture that hung in my office until I was no longer the “youngest” associate. But most of all, I remember Kelly Utsinger taking the time out to fly with me to Dallas Immigration Court when I had my “ox in the ditch,” as Mr. Morris would say, to give me guidance and confidence while I was working



on a complex criminal and immigration case.

*By Nelli Nikova*

## **Taking Second Chair and Trusting Your Partner**

A LESSON LEARNED *from* GAVIN GADBERRY

Most trial lawyers disdain being in the “second chair.” There’s just something about the role of co-pilot, vice president, or bridesmaid that is inconsistent with the expansive egos, and equally deep-seated insecurities, of those of us who have chosen the courtroom as our life’s stage. While I’ll plead guilty to that indictment, I must commend and thank my dear friend and partner Gavin Gadberry for helping me learn that others might be equally suited for the “first chair” and that trusting your partner’s abilities makes the rigors of the courtroom a little less intense.

Gavin is my protégé, about a decade behind me at the firm. I dragged him around in his young and impressionable years to courthouses throughout the state, always relegating him to the second chair. That all changed one day in a quite contentious hearing in Fort Worth with government lawyers who were trying to persuade the court to appoint a trustee to take over one of our client’s long term care facilities. About half way through my argument, as I stood at counsel table, I felt a tug at my coat. At first, it was only a slight pull, but as I continued to argue, it became more incessant to the point of being a swift series of jerks. Gavin wanted to argue, and he obviously wanted to argue pretty badly. As difficult as it was for me to relinquish the pilot’s controls, I advised the court that Mr. Gadberry would conclude our presentation. Gavin’s argument captured all the qualities of persuasion. It was simple and succinct but compelling factually and legally. As I remained seated, Gavin conducted the remainder of the hearing and convinced the judge of the wisdom of our position.

Gavin has gone on to be one of the pre-eminent lawyers in the state, if not in the nation, in the long-term care field. It wasn't easy for me to sit down and let Gavin argue, but his persistence taught me some valuable lessons. First, seniority and taking the lead do not necessarily mean you have cornered the market on the best presentation or arguments. Being open to other ideas and recognizing the special skills of your partners increases the prospects of success. Acknowledging the abilities of your partners and facilitating their opportunities to be displayed strengthens the bond among partners. It increases trust both with clients and within the firm. Second, there is something liberating about allowing someone else to take the lead. While it may not completely relieve the tension, it distributes the weight. Sharing that load makes the journey easier and makes the goal more attainable without the drag created by a tug on the coat.

*By Kelly Utzinger*

### **How I Found Oil in My Backyard**

A LESSON LEARNED *from* JERRY LYONS

I always smile when I remember Jerry Lyons. What a kind, quirky, gentle, unique, and refreshing soul. His recent passing saddened me, but remembering him still makes me smile.

I owe a huge debt of gratitude to Jerry for giving me an entry into practicing oil and gas law, one of the most exciting areas of practice in the legal profession. There is lots of money at stake: money to spend, money to earn, and money to lose. It is still a gamble even with 3-D seismic and modern horizontal drilling. Wildcatters, Spindle Top, boom, and bust are a few things that come to mind. All of this and more embodies the practice of oil and gas law.

Like most young lawyers, I didn't know what I "wanted to do when I grew up." But I did know this: oil and gas law was one of the most boring subjects I took at the University of Texas Law School. No way

could I envision myself practicing in this area. Professor Huey put me to sleep with it every day. I couldn't do this for a living!

However, Jerry Lyons had confidence in me; or maybe he just took a wildcatter's gamble on a young lawyer. Perhaps he was just too busy and desperate for help, but it doesn't really matter why at this point. Jerry gave me the Irons division order title opinion early in my career at Underwood. He patiently worked with me, taught me, and gently corrected my mistakes but demanded that I do it over and over and over again until we got it right. Then, Jerry did the same thing, not once or twice, but many times, until gradually, I "got it." I grew to love this quiet, intellectual side of oil and gas land title practice that demanded big chunks of uninterrupted time. I appreciated the portable work that I could take home in the evening or tackle on the weekend.

Learning these concepts from Jerry has allowed me to go to the Alaska gold rush atmosphere of the Texas Panhandle and Western Oklahoma clerk's offices and do standup title opinions. Quite the opposite of doing a title opinion in a quiet office or at night on the kitchen table but so exciting and fun! I don't recall Jerry ever going on these trips. In those days, the younger lawyers did them. But the building blocks of oil and gas land title law Jerry gave me unlocked this opportunity and even gave me my first of many opportunities to fly somewhere in what Don Dean called a "dinky" airplane. When visiting with a prospective oil and gas client, I still get asked, "Will you do a standup opinion?"

Lastly, Jerry opened up another area of oil and gas practice for me, one in which he never worked. He gave me a little book entitled something like *How to Drill an Oil Well in Your Own Backyard*. It described, on a layman's level, how the technological aspects of oil and gas exploration, drilling, and production work. Jerry thought that a good oil and gas lawyer should know that hydrocarbons aren't

found in underground pools, but in the interstitial spaces between the molecules in the rocks making up the reservoir formation. Learning these technical things paved the way for me to understand, in part, the specialized jargon of petroleum engineers and geologists and to converse with them in a semi-intelligent manner. It helped me immensely in getting into the fast-paced and fascinating world of oil and gas litigation.

Yes, I'll always feel indebted and grateful to Jerry as an outstanding friend and mentor to a young lawyer. Thanks to his fantastic teaching, I've had a wonderful career in oil and gas law. Jerry really did help me find oil in my own backyard. Thanks, Jerry.

*By Ray Dixon*

## **My Mentor**

A LESSON LEARNED *from* E.T. MANNING

E.T. was Underwood's undisputed leader for many years. He could bring people together, negotiate deals, see the possibilities, and support his people. During the time E.T. led the firm, we officed in Amarillo National Bank's Plaza One. It seemed as if every lawyer on the 12th floor worked on one of E.T.'s projects. E.T. was outstanding at identifying options for a client and presenting the advantages and disadvantages of each. He saw healthcare as a significant legal industry line, well ahead of most others. For many years, under E.T.'s leadership, many of us had the opportunity to work with and for St. Anthony's Hospital and its various subsidiaries.

On a number of occasions we saw E.T. take steps to keep our firm together. During the 1990s and through many difficult instances, E.T. sacrificed for the greater good. When E.T. retired in 2000, we lost one of our visionary leaders and my mentor.

*By Alan Rhodes*

## **Pick Your Partners the Same Way You Pick Your Friends**

A LESSON LEARNED *from* ALAN RHODES

On my second day of summer clerkship with the firm, I attended a school board meeting with Alan Rhodes. The meeting was with a district almost two hours away from Amarillo. During the drive, Alan engaged me in typical attorney-clerk conversations about how I liked the firm, who have I met, what did I want to do with my law practice, etc.

After several minutes of superficial discussion, he drilled down and asked if I had given any thought to what I was looking for in a law firm and in my future law partners. I had not given much thought to more than the typical factors when considering your first job; i.e., location, firm size, salary, and the like. As Alan continued to speak, he discussed more meaningful issues, such as the commitment your partners should have to the law firm and to each other.

He told me several stories about lawyers who had burned the midnight oil working together on significant projects or a big case. He also talked about the rigors of both the practice and business of law and the importance of being able to count on your partners. To drive this point home, Alan noted, "I know that if ever I can't take care of myself, I can trust Lynn Tate with my checkbook, and he'll make sure that my family is taken care of." He ended with, "If they wouldn't make a good friend, they probably won't make a good partner."

Alan's comments were a reflection of the firm's core values and a significant factor in my decision to come to Underwood. In fact, Alan's comments became my yardstick for measuring whether law students should be offered the opportunity to come to Underwood.

*By Fred Stormer*

## Care, Compassion, and a Comfortable Chair

A LESSON LEARNED *from* KELLN ZIMMER

I have never been known as low key. To the contrary, I have a quick fuse, and the smallest of issues can easily rile me. This characteristic was especially true during my first year as an associate with Underwood. I worked almost exclusively in litigation and wanted to prove myself to the excellent lawyers around me. In so doing, I placed an enormous amount of pressure on myself, which often led to “boiling over” moments when things did not appear to be going well in my cases.

Fortunately for me, my dear friend, Kelln A. Zimmer, officed just down the hall. I knew Kelln from our days at Crockett Middle School, she as an 8th grader (president of the student body, of course) and me as a 5’10” 105-pound 6th grader with braces. To say that I was rather awkward would be an understatement. Despite that, Kelln was charismatic and kind, even to an unimportant 6th grader like me. I remembered all of this when I again saw Kelln at law school at Texas Tech. I had heard about her courageous battle with cancer, and I was thrilled that we were the same year at Tech law. We clerked at the same two firms after our second year of school, and we hatched a grand plan that summer that we would be a package deal so that we could take over the Amarillo legal community together.

During our time together at Underwood, Kelln was my saving grace. Almost every day, I barged into her office, fuming mad about some small issue. She stopped what she was doing, allowing me to sit down in her overly comfortable office chair and blast away about what was bothering me. Not once did she cut me short or tell me she did not have time for me. She took interest in what I said, offered advice, and did her best to help me improve the situation.

Although Kelln was taken from us way too soon, I will never forget

how much she helped me that first year. I hope to pay it forward someday and help an over-zealous young associate. After all, it is amazing how much better one can feel with a little care, compassion, and a comfortable chair. Love you, KAZ.

*By Matt Sherwood*







## **Riding for the Brand**

The members of the Underwood Law Firm interact with each other as close friends and as a family. The result is a collegial, compassionate, friendly, and fun place of employment. But Underwood isn't just about having fun and getting along well with our colleagues. Instead, every member of Underwood understands and respects the fact that we have a job to do and that we need to do it well to uphold the traditional values of the Underwood Law Firm.

The members of our firm work hard and strive for perfection, not because we are seeking or will be rewarded individual recognition, but rather because we all recognize the value of working together to improve the Underwood brand. The stories in this chapter show how the members of the Underwood Law Firm have dedicated themselves to "riding for the brand," a phrase that, over time, has become our firm's slogan and source of inspiration, and how our members' dedication is reflected in our firm's reputation.



## **If Everyone Does Their Own, the Dishes Do Themselves**

A LESSON LEARNED *from* DON DEAN

I remember, on one occasion, Don Dean allowed me to sit in a meeting with prospective clients who were in a family squabble. As we worked through the issues, Judge Dean confirmed that family problems are frequently best solved by the family, without lawyers.

The clients' spokesperson wholeheartedly agreed with Judge Dean and lamented the family's situation. He said the difficult situation followed a lack of family members doing their part, and the situation was just like doing the dishes: "If everyone does their own, the dishes do themselves."

In handling Underwood firm business, we work to apply this concept. If all lawyers will handle their own engagements, billings, collections, and disengagements, these issues take care of themselves.

*By Alan Rhodes*

## **1990s Flash (without the MOB) Dance**

A LESSON LEARNED *from* EMBARRASSMENT

Experiencing one's first victory as a young lawyer is always exciting, but performing a flash dance by yourself (some twenty years before it was made popular by the AT&T network/ MOB commercial) in the law firm reception area is not a good idea for an attorney, regardless of age.

In the early nineties, I won my first summary judgment hearing. I maintained my composure leaving the courthouse but upon my return to the law firm on the 15th floor of the Amarillo National Bank Building, I could no longer contain myself. After exiting the elevators,

I threw open the doors to the law firm's main entrance where Sherry Branch (now Sherry Wester) was sitting.

In a professional and demure fashion, Sherry's eyes widened and she shook her head sideways trying to tell me that the time was clearly not appropriate for a flash dance in the reception area. Performing a highly complex, yet poor, Michael Jackson spin move, I observed in the whirl a reception room full of clients. Quietly, I stopped in embarrassment, gathered myself, and slunk off to my office. The thrill of victory was gone.

Lesson not learned: pay attention when Sherry Wester is trying to tell me that a little composure is required. Lesson learned: bottle your excitement until you get into the confines of your own office's four walls.

*By Gavin Gadberry*

## **Integrity, Excellence, and Attention to Detail**

A LESSON LEARNED *at* UNDERWOOD

I hold my affiliation with Underwood in the highest regard. My time at Underwood established a strong foundation for me as an attorney. The Underwood culture demanded integrity, excellence, and attention to detail from its attorneys. I am personally indebted to many Underwood attorneys, such as Alan Rhodes, who patiently equipped me to practice law with these ideals in mind. Though I am now the Executive Vice President, General Counsel, and Corporate Secretary of Citizens, Inc., I still regularly include my affiliation with Underwood in our SEC disclosures. Each time I do so, I am reminded of my responsibility to the attorneys at Underwood who invested in my legal career.

*By Geoffrey M. Kolander*

## **It Means Something When You Show Up**

A LESSON LEARNED *from* WILL SNEAD

I had the good fortune to meet and work with Ray Snead, Jr. and his family beginning in the mid-1980s. It was, and is, a blessing to work with the Sneads on farming and ranching matters. Through the Snead family, I began to understand “big ag.” Ray Snead brought an auction process to the Panhandle and outlined an effective method of marketing significant agriculture assets. It was a pleasure to work through the issues associated with the simultaneous auction of about 30 properties.

While in Dalhart working on some project, I told Will that I planned to come to the Snead family’s New Year’s Day open house. I wanted to see the post office that Will had renovated to serve as the family’s business office. On learning that I planned to attend the open house, Will invited me to the more intimate family gathering at Ray and Clair’s home. When Will extended the invitation to me, he confirmed, “It means something when you show up.”

Will is right. It means something when you show up. If you’re an Underwoodian, make showing up a habit.

*By Alan Rhodes*

## **Riding For the Brand**

A LESSON LEARNED *from* ALEX FAIRLY

Alex Fairly is a creative business man. While Alex’s store front is commercial insurance, his footprint and business operations are much greater.

Several years ago Alex developed a new insurance product. Developing

this insurance product required Alex to invest significant time in the development of software to support the product. As the insurance product came on line, Alex asked his boss about compensation for the software and programming that he had written on nights and weekends. As Alex's boss told Alex that he wouldn't be paid for the programming, the boss confirmed that doing what needs to be done to get the job done is "riding for the brand."

Alex's statement and explanation were a point of departure for the Underwood Law Firm. We almost immediately used the phrase as we approached potentially difficult projects, particularly non-traditional projects.

Jennifer Volmer is the Underwood employee who frequently embraces this "get it done" philosophy. Thankfully, using her energy and vitality, Jennifer takes other Underwoodians along "riding for the brand."

*By Alan Rhodes*

### **Assess the Problem, Be Organized, and See It Through**

A LESSON LEARNED *from* RAY DIXON

Ray Dixon was a mentor to me in many ways and is a master at problem solving. Among the many lessons I learned from Ray are (1) assess a problem to determine a workable solution; (2) be organized in everything, especially when tackling the problem at hand; and (3) finish the job rather than endlessly dealing with the problem. The expression "It's amazing what can be accomplished when no one is worried about getting credit" comes to mind when working with Ray. Much is accomplished when Ray is involved in a project because he does not concern himself with the credits for success. This attitude rubs off on those working with him. Ray is adaptable and can work with many different types of personalities and on many different areas

of the law. Everyone working with Ray can focus on the problem at hand rather than on the unimportant side issues that often drain a lot of time and energy. Ray is someone with whom I want to be on the same team no matter what problem we're facing.

*By Pat Mosley*

## **I Can Give You Much More Than You Can Steal From Me**

A LESSON LEARNED *from* DON DEAN

I was Eddie Henderson's good friend and cheerleader as he worked to build Underwood's public education section in the late 1980s. When Eddie left Underwood for the First National Bank's trust department, I inherited the five smaller school districts Underwood represented.

Because my work for St. Anthony's Health System was light at the time, I worked hard to obtain other public education clients. I fearlessly committed to new public education clients because of Don Dean's presence. Don was a former district judge and a respected litigator, and I knew he could make good on any of my commitments.

In addition to serving as respected counsel for the Amarillo Independent School District, Don had a number of friends including Ed Nichols, Gene Glazner, and Chic Russell who were the leaders of Brown, Graham & Co. As a result of Don's introductions, I developed many friendships with Brown, Graham & Co. accountants. Occasionally, Don might know of a Brown, Graham lunch or golf game to which I was a party. He was always able to confirm his creation of the relationship and his continuing friendships with Ed, Gene, and Chic. He would remark, "I can give you much more than you can steal from me." When it came to client business and client relationships, Don was right. He was always in a position to give me much more than I might steal from him.

Don's statement was not all negative. It stresses the importance of the trust relationship between a lawyer and clients. Don spent years developing his relationships with Gene, Chic, and Ed. He rightfully took pride in those relationships and worked to maintain them.

Don had many relationships with other lawyers and received many referrals from lawyers outside Underwood. Don valued those referrals and in his relationships with non-Underwood lawyers. He always reminded us, "When the project's finished, send those clients back to the lawyer who referred them to us."

*By Alan Rhodes*

## **Riding for the Brand, Part II**

A LESSON LEARNED *from* ALAN RHODES

An associate recently asked me, "What does it mean to 'ride for the brand?'" I first heard the phrase in 2004 after I had been with the firm for almost a year. I was in Taos, New Mexico on my first retreat with the Underwood attorneys. Always checking on the details, I showed up in the conference room early to be sure it was set up in a "U" shape, as requested by the president of the firm, Alan Rhodes. Well, it wasn't. The conference center had set it up "classroom" style instead. I had 20 minutes before the meeting started, so I started to shuffle tables and chairs around to get them in the proper configuration. Alan walked into the chaos and started helping me. I told him that I could get it all and that he did not have to help, thinking to myself this was a "staff" function and not for a lawyer! Alan told me that helping when help is needed is called "riding for the brand." We are all on the same team, and we work together to get everything done. We were sweating as we lined up the last of the tables and chairs, but the room was ready to go. Wow!



Not long after that, I was helping Alan plan a party for dairy producers and cattle feeders in Friona, Texas. The dairy farm where this blow-out event was taking place was brand new and the bathrooms were not quite finished--yikes! No problem. We figured that we would just rent some portable bathrooms for the event. The trouble was finding a company to deliver to Friona, Texas. (Where is Friona, anyway?). It was not a big problem for me because I owned a Ford Expedition that could pull anything. As I pulled into the parking lot of the dairy farm the day of the party with two portable bathrooms in tow, I remember Alan Rhodes saying to Kathy Cornett and the other McCormick employees, "I believe Jennifer is 'riding for the brand!'"

So, what does "riding for the brand" mean? It is an old expression from the cattle ranching days of the American Old West. We all know that branding refers to the way cattle are marked to indicate ownership, but the meaning goes much deeper. A brand is a ranch's trademark. A brand represents pride and obligation while inspiring loyalty, dedication, and cowboy camaraderie. When you ride for the brand, it means that you have signed on to the mission of the ranch, that you are committed, and that you are a dedicated team player.

I am still very proud to ride for the Underwood brand.

*By Jennifer Volmer*

### **This Federal Court is Not So Different After All**

A LESSON LEARNED *from* JUDGE DAN SCHAAP

I practice family law, which is exclusively in either a state district court or a county court at law. I do not practice in federal court and never have. I started with the Underwood Law Firm 18 years ago. Sometime after that, Judge Mary Lou Robinson appointed me to serve as an attorney ad litem in a federal case. I believe Judge Robinson appointed me because I speak Spanish and the litigants spoke Spanish. I can think of no other reason. I certainly wasn't

qualified in any other way! I was absolutely terrified. I had no idea what to do in federal court, and all I had ever heard is that it was “different” from practicing in state courts.

I turned to my partner, Dan Schaap, for help. Dan always made the time to explain things to me, no matter how busy he was. He told me, step by step, how to do my part in the case as an ad litem in federal court. He taught me what Judge Robinson expected an ad litem to do. He explained what pleadings I should file and what investigation I needed to do. When it came time to go to the final hearing, he even told me where to sit, stand, and put my briefcase, as well as where in the courtroom to address the court, what to say, and even what to wear! I could never have done it without him.

In the following years, Judge Robinson very infrequently appointed me as an ad litem in similar cases, and I always ran everything by Dan first. He eased my terror enough that I ultimately became more comfortable and realized that federal court is really not all that different from state court.

Dan left our firm a year or so ago when he was appointed to the 47th District Court. He is a great judge, but I really miss him and his guidance a lot.

*By Sally Emerson*

### **Bring Food to the Fire**

A LESSON LEARNED *from* BILL HOY

Bill Hoy was an Underwood shareholder until he departed the firm in the mid 1990s. I admired his ability to speak a foreign language based on the Internal Revenue Code.

During a discussion about firm politics and in particular, about firm

compensation, Bill softened his “eat what you kill” compensation philosophy and reminded us that all shareholders needed to “bring food to the fire.” Bill confirmed a basic tenant for a law firm our size. Everyone is responsible, and everyone needs to handle his or her share of the load.

Bringing food to the fire could mean creating business or completing the transaction after the business arrived at the shop. At any rate, it is each Underwoodian’s duty to “bring food to the fire.”

*By Alan Rhodes*

### **Keep Your Client’s Business Secret**

A LESSON LEARNED *from* JERRY JOHNSON

Jerry Johnson once stopped by my office to talk to me. He recalled his days when he used to try a divorce case or two. He told me that for a while it annoyed his wife, Wookie, that she learned of the latest social scandal from other people, only to find out Jerry was working on the case. Jerry said quite simply that a client’s business belonged to the client. A lawyer does not share that business with anyone who does not have the same duty of confidentiality, even if that person is the lawyer’s spouse.

I took that lesson to heart. My wife has gotten used to being the last to find out about my cases. It makes for some interesting moments sometimes when we meet with friends who are clients.

*By Chris Wrampelmeier*

### **Keep Some Powder Dry**

A LESSON LEARNED *from* WADE PORTER

As Underwood worked with Dutch dairy farmers and their United States investments and relocations, Wade Porter and Cory Ramsey

were Amarillo National Bank's lead lenders.

The transactions were intriguing. Each Dutch family was "all in." Each family hoped to begin milking with the largest possible number of cows, and each dairy farmer hoped to lease the largest possible facility. If building a new facility, the dairy farmer would build the largest possible parlor.

In each transaction, as it progressed, we'd reach the point where it was necessary to draw the line. I recall Wade explaining that both the dairy farmer and the bank needed to "keep some powder dry." Wade explained the figure of speech he used and urged the dairy farmer that there would be some tough times ahead.

Wade told me that, from the bank's point of view, it was important to remain in a position in which it's possible to advance additional funds to a borrower. You see, it's always possible for a borrower to work itself into a jamb.

Wade taught me how to keep some powder dry.

*By Alan Rhodes*

### **An Associate Can't Be "Out of the Office"**

A LESSON LEARNED *from* HARLOW SPROUSE

After working at Underwood for about two years, Cathy and I decided to take a vacation to Las Vegas. From Las Vegas, we rented a car and drove to San Diego and Disneyland.

A few lawyers (I won't give their names) at the firm had told me that they never took a vacation the entire time they were associates. I decided that was a bunch of "bunk" and went anyway. In fact, Bill Sutton had told me that a lawyer, even an associate, never had to ask

permission to take time off. Provided your work was done or you had found someone to cover for you, you did not have to ask.

Nevertheless, the vacation was a big deal given the dubious precedent set by the two lawyers who claimed they had never taken vacations while associates. In those days (probably 1979), we didn't have Priceline or the internet, where you could just browse and book your plane tickets, hotel, and rental car. Instead, you went to see a travel agent. Most of the people in the firm used a travel agency called "Todo del Mundo." My Spanish is not very good. I always thought it meant "all the world" or the "whole world" or something like that.

I chose a day between Christmas and New Year's when the firm was pretty quiet for this risky visit to the travel agent. Except for Bill Sutton, who sat in the 15th floor coffee room and opened every envelope that contained a check for client fees, and Harlow Sprouse, who was always there working, hardly anybody was in the office.

I waited until pretty late in the afternoon, around 4:30. I walked out the door and told the receptionist that I would "be out for a while." Unfortunately for me, while I was "out," Harlow decided that he wanted to give me a research project. He called my office. After receiving no reply, Harlow called the receptionist, who told him I was out.

When I got back to the office from the surreptitious trip to Todo del Mundo, my secretary told me that I was to see Mr. Sprouse immediately. When I went to see him, I could tell that Harlow was pretty exasperated about his futile search for me. He told me in no uncertain terms that only partners can be out of the office. Associates were required to tell the receptionist and their secretary where they were going!

Throughout the rest of my days as an associate, I never went anywhere

as an associate without telling my secretary and the receptionist exactly where I was going. To this day, anytime I plan to be out of the office for an extended period, I write a detailed email telling people exactly where I am going and how to reach me.

Luckily, Harlow did not hold being “out” when I should have gone “somewhere specific” against me. From 1977, when I arrived at Underwood, until 1990, when Harlow left us, I worked with him repeatedly on many fun and interesting projects. I really enjoyed working with Harlow and missed that a lot after he left Underwood.

*By Ray Dixon*

**Always Give 100%**  
**(Because You Never Know Who Might Be Watching)**

A LESSON LEARNED *from* MIKE WARTES

The Underwood Law Firm is fortunate to represent a large number of school districts in the Panhandle, including Canyon Independent School District. Canyon ISD’s current superintendent is Mike Wartes. Like many superintendents, Mike started as a coach and worked his way up through the ranks. Although I have had the privilege of working with Mike over the last several years, our first encounter occurred when he was still a coach and I was still in high school. It was not until I had been a lawyer for several years that we realized our paths crossed well before the attorney-client relationship.

On a visit home to see my parents in 2004, after I’d been at Underwood for several years, my mother gave me a stack of old high school memorabilia, including a football program from my sophomore year in high school. In the program, I found a picture of Mike Wartes from 1983, when he was head coach for the Denver City Mustangs. I sent Mike a copy of this page from the program. During our next visit, he recalled with great detail how soundly his Mustangs beat my

Roosevelt Eagles. Although we had some talent on my team, it was frequently negated by a lack of focus and minimal effort by some of my teammates, which was reflected on the scoreboard the night we played Denver City.

Over time, we tend to remember the victories and forget the losses. Mike's comments about my team made me realize that my loss, although faded from my mind, was someone else's victory to be remembered. Mike taught me that even if you can't win them all, you want the other side to remember how hard it was to win, rather than how easy it was for you to lose. I'm proud to say that team Underwood always gives 100%.

*By Fred Stormer*

### **Knowing the Person Is as Important as Knowing the Case**

A LESSON LEARNED *from* PETE STEIN

In one of my first years with the Underwood Law Firm, I had a client that was sued in an Oklahoma court in a feedlot dispute. The year was approximately 1998, and at that time, the law firm had no active attorneys licensed to practice in Oklahoma. My client wanted me to answer the lawsuit to buy time for something that was in the works. This seemed like a perfunctory task, but it meant I needed to either refer the case to an Oklahoma attorney, find an attorney in Oklahoma to act as local counsel, or find a Texas attorney with an Oklahoma law license with whom to associate and to sponsor me to the court in Oklahoma. The client was insistent that I stay in charge of the matter. While discussing the situation with one of my brethren, he suggested that I call Pete Stein and ask if he would help. Mr. Stein was one of the named partners in the firm and had been retired for a while. Fortuitously, Mr. Stein, though retired, had maintained his Oklahoma law license. Prior to then, I had never spoken with Mr. Stein during my tenure at Underwood.

I called Mr. Stein and asked that he sign on with me to answer the suit in Oklahoma. Mr. Stein seemed interested, and he suggested that he come down to the office to further discuss the matter face to face. We set a time in the next day or so for the appointment. When we sat down, Mr. Stein asked me a number of questions about myself, my family, and my background. It was like a job interview, but I found him to be a very warm and thoughtful man. He then moved on to ask about the case, the facts, the strategy, and the objectives. At the end of the conversation, Mr. Stein asked for the “answer” to the suit so he could sign. He said he would be happy to work with me in the case and help present it at trial, if the case proceeded in that direction. I came away from that meeting with an admiration for Mr. Stein as a gentleman and a professional. He took time to learn about me and then about the case. He was all about duty to the firm and honor to the practice of law. Nothing was perfunctory.

*By Mike Smiley*

### **Empower Associates**

A LESSON LEARNED *from* SALLY EMERSON

A lesson I learned from Sally Emerson is to give associates responsibility early. Sally did not hoard her work but rather freely shared it with me as I started out. She did not coddle me either. Many of the cases she gave me involved difficult clients or issues. While she might answer my questions, she was not going to hold my hand in court when she knew better than I that I was ready to go solo. Once she gave me a file, she made it clear that I was to view it as my file and I had better take care of it. She would not second guess my trial and settlement decisions. Her method prevented nervousness from hampering my law practice. As soon as she knew I would not drown in my first minute in the water, she was pushing me into the deep end. I created my own relationships with attorneys, judges, court coordinators, court reporters, and bailiffs. Sally took a risk trusting an associate to



handle her clients' work, and I am glad she did.

*By Chris Wrampelmeier*

### **Be Well Prepared, Make Sense, and Don't Patronize the Jury**

A LESSON LEARNED *from* MIKE LOFTIN

Mike Loftin is an outstanding trial attorney and has mentored many young lawyers. The lessons I learned from Mike, starting from when I was a summer clerk, assisting him with a trial in Pampa, are: (1) be well prepared, but be ready to improvise as the trial progresses; (2) be sure that your arguments make sense; and (3) don't patronize the jury. Most lawyers do a pretty good job with the first two, but some struggle with the third. Mike is not one of them. He speaks to the jurors as if he is carrying on a conversation with them. He doesn't try to put on an act in front of the jury or appear to be someone that he is not. Even though Mike grew up in Houston, far removed from the backgrounds of most jurors in the Texas Panhandle, he doesn't try to hide his background. Instead, he shows up in court dressed professionally, and he speaks concisely and in an articulate manner. I believe the jurors sense that he is genuine, and they respond favorably by listening closely to what he has to say. I remember one time discussing with our firm administrator Jim Everett how Mike is so successful with Panhandle juries even though he grew up in a far different environment in Houston. Jim said he thought the jurors probably appreciate that Mike is what an attorney should be. I agree with that assessment: Mike is what an attorney should be.

*By Pat Mosley*

### **Pull the Trigger**

A LESSON LEARNED *from* ALAN RHODES

Throughout my first few years as a young lawyer at the Underwood Law Firm, I turned to Alan Rhodes for guidance and work. Alan has been the firm president and one of the firm's busiest lawyers for

as long as I've been at Underwood. He has always been generous about doling out work to keep young associates busy. But due to his busy schedule, he was often unavailable to provide much feedback. Therefore, any guidance you got was considered something useful.

Alan's busy schedule and the amount of work that he possessed were mixed blessings. On one hand, his schedule provided plenty of opportunities to interact with clients and work on projects independently. On the other hand, working with so much autonomy for the firm president could get stressful. You sure didn't want to screw anything up. The amount of work and the desire to "do the job right" could send a young lawyer into lock down. After watching another young lawyer spin his wheels on more than a few projects and knowing that the young lawyer was hoping for a flawless product, Alan commented to me, "Fred, sometimes you just have to pull the trigger and send it to the client."

The takeaway from Alan's comment is twofold. First, if you don't stay on top of your work, it is liable to cover you up. Second, time will not solve your clients' problems. Reading a good draft of your work product will help move the project forward.

*By Fred Stormer*

## **Let's Do It to Them Before They Do It to Us**

A LESSON LEARNED *from* KELLY UTSINGER

Kelly Utsinger and I have many common friends, many of whom, when reading this lesson, will be shocked because Alan is clearly the aggressor in this duo.

While that is more often the case, a few years ago Kelly shared the phrase, "Let's do it to them before they do it to us." I think the lesson is self-explanatory. The key to this phrase is in its application. When

we file a declaratory judgment petition, undertake a new marketing strategy, or call on a key contact, we're frequently thinking of this lesson and we know the early bird gets the worm.

*By Alan Rhodes*

### **The Value of Reading**

A LESSON LEARNED *from* DON DEAN

I was fortunate enough to begin working for Don Dean almost immediately upon joining the Underwood Law Firm. From the instant I started working with Don, he impressed upon me the advantages of thorough research and meticulous preparation.

Don considered himself "old school," and in fact, he was. He took to heart his duty and obligations as a senior lawyer to train and teach young associates. Part of this ritual would include numerous sessions of researching issues and reporting what you found back to Don. These sessions would involve his own version of the "Socratic method." If you ever showed up for one of these sessions without properly researching or reading the cases you had found, Don would quickly know and point out, "Lad, I have found that those who can read and do have a great advantage over those who either can't or won't."

Don was, of course, correct. On several occasions, being thoroughly prepared has allowed me to expose the weaknesses in an opponent's position or to readily persuade an opposing lawyer that my point of view was correct. Don was instrumental in developing my legal analysis and writing skills as a young lawyer, and I will always remain grateful.

*By Fred Stormer*

## **I Have a Buying Price and I Have a Selling Price**

A LESSON LEARNED *from* LYNN TATE

Beginning in 2000 or so, Lynn Tate and I spent hours together dealing with agricultural law issues. Some of these issues were our personal business; some were for our good clients.

I've always had the bad habit of stating a property's value too early in the conversation. Lynn is just the opposite. He's very good at listening to the conversation and focusing on the context. When Lynn reminds me that we must know the precise context, he confirms what Beck Breeding, his maternal granddad, taught him, "I have a buying price, and I have a selling price."

*By Alan Rhodes*

## **Be Fair**

A LESSON LEARNED *from* KELLY UTSINGER

On the evening that Kelly Utsinger called and offered me a job at the Underwood Law Firm, we talked about several things. One of the things that I have never forgotten is his telling me that Underwood lawyers afford each and every courtesy to all other lawyers. Specifically, we should grant any request for an extension of time or other requested accommodation. It was important to Kelly that I, as a new Underwood lawyer, understand the importance of maintaining relationships with others in the legal community. Although I am sure that Kelly continues to share this story with young lawyers, I have also made a point of my practice to share it as well.

*By Slater Elza*

## Our Checks Are Good

A LESSON LEARNED *at* THE SUPERMARKET

Not being from Amarillo, I was obviously impressed with the Underwood Law Firm when I accepted a position. However, my first glimpse of the firm's reputation came at a supermarket a week or so before I started working here.

As anyone moving into a new house in a new city knows, one of the first tasks is making a trip to the supermarket to buy all of the essential items. With two heaping baskets in tow, we approached the checkout stand and waited patiently as the checker and sacker spent what seemed like an hour entering and bagging the resulting three baskets full of items. I wrote out a check for the sizable total and handed it to the cashier. After a quick examination, she realized it was a temporary check and asked for an address and telephone number. She then informed me that she needed a manager to approve it. The manager arrived and studied the temporary check and my Oklahoma driver's license. I quickly explained that I had just moved to town and was going to work for the Underwood Law Firm. He told me that he was friends with some of the Underwood lawyers and that he and Bessie were good friends. It took me a minute to realize that he must be referring to the man I knew as Mr. Jim Besselmen. After a discussion about several of the Underwood lawyers, the manager quickly initialed the check and handed it to the cashier saying, "That check is good."

*By James Wester*

## **Dedication to Excellence**

A LESSON LEARNED *from* TOM MORRIS

Mr. Morris and I have spent the last several years working together for a significant firm client. During that time, we have worked on administrative, litigation, employment, and legislative matters. Accordingly, we have had hours to discuss all kinds of different matters, legal and otherwise, and there is no doubt that I have learned much during these discussions.

Without question, however, the most significant lesson I have learned is about dedication to one's clients and the work we do for them. Mr. Morris has referred to this as an attorney's "dedication to excellence." These are not just words but something evident on a daily basis with Mr. Morris. I have seen him take his legal documents that I felt were superior work product, completely rework them, and end up with an even better product than before. I have seen him have outlines prepared well in advance for both depositions and trial. Many times in my own practice, I would show up and take a deposition I was not well prepared for. If my 92 year old partner can take the time to prepare to the extent that he does, then so can I. Over these past years working with Mr. Morris, I have seen the quality of my work improve as I continue to watch and learn from him.

*By Slater Elza*

## **What Else Today?**

A LESSON LEARNED *from* ALAN RHODES

In the 2000s, dairy farmers and contractors began to find Underwood. Alan's family farm in Parmer County and the Tate Family's Collingsworth ranch and farm gave us a background that was helpful to the farmers moving to the Texas Panhandle and Southwest Kansas. Increasing Parmer County farming operations helped us

with information about water, concentrated animal feeding operations (CAFO) permitting, and available real property.

Many of our new clients were Dutch, immigrating from Denmark or the Netherlands. As a result, we found ourselves providing a number of non-traditional services. I recall on one occasion helping a new dairy farmer select the best dealer for his first gooseneck trailer.

Alan and I would regularly be on conference calls with a dairy farmer, and we often learned as much from them as they learned from us. At the apparent end of most conversations, Alan would ask something like, “What else can we do for you today?” It amazed me how often we were assigned another project in response to this simple question. A great question for service professionals is always: “What else today?”

*By Lynn Tate*

### **All Lawyers Put Their Legal Briefs on One Leg at a Time**

A LESSON LEARNED *from* KELLY UTSINGER

As an associate, I worked with Kelly Utsinger on a variety of cases. In one instance, I was one of several lawyers on a team handling a particularly complicated piece of litigation. This case had nasty issues with class certification and whether an arbitrator’s decision in a prior matter would be binding in the current litigation. The research and briefing in this case quickly became excessive, and the client hired another law firm to act as a “consultant” to assist Underwood on some of the more complicated legal issues. This firm had locations throughout the US, Europe, Russia, and Asia and had 1000-plus lawyers. In other words, it was a “tall tower law firm.” Although the lawyers in the firm were pleasant, it quickly became apparent that they believed they could teach us small town lawyers a few things.

Kelly, a few other attorneys, and I had spent considerable time preparing a particular brief. Our “consultants” stepped in and sent us a copy of their version of a brief on the same issue for Underwood to use as a “go by.” After Kelly and I had read and thoroughly digested the other law firm’s work, he asked me what I thought. I told him, in my candid opinion, that their brief was good, but lacked the depth and substance of Underwood’s. In short, I thought the Underwood Law Firm prepared the superior product. Kelly agreed and stated, “Fred, you’ve got to always remember that even tall tower lawyers put their legal briefs on one leg at a time, just like you do.”

Kelly made it clear that hard work and preparation beat a “tall tower” reputation, and that the Underwood Law Firm is more than capable of working with or against any law firm.

*By Fred Stormer*

## **Underwood People**

A LESSON LEARNED *from* CHUCK MALLARD

I recently made a 20 hour roundtrip drive to my parent’s corn farm in Nebraska, and took the alone time to reflect on many things, including life at the Underwood Law Firm. It reminded me of an email Chuck Mallard sent several years ago—oddly enough, about corn—entitled “Underwood People.”

It just so happens that I still have the email. I’m sentimental like that—he sent the email on September 13, 2006, after a long night of cleaning corn for the upcoming Chamber BBQ.

Here’s what Chuck wrote:

*“I am often asked by lawyers at other firms how Underwood ‘does it.’ The answer*



*is simple, it is the people, and I want to recognize our Associates, Jen and the others who gave up 6 hours of their lives tonight to shuck 3000 ears of corn-which is only the beginning of a long week dedicated to carrying the Underwood Flag at the Chamber BBQ.”*

I think back to that night, and do not remember the 3,000 ears of corn, the corn silk cuts, the heat in Matt Whitten’s garage, or the pig in Matt’s bathtub (that we ended up not cooking). Well, I guess I do have a vague recollection of those things, but what I remember most from that night are jokes, laughs, and fun. I suspect if you ask others who were there that night, they remember the fun of the evening, too—and probably the pig.

I do a lot of recruiting for our Firm, and I am often asked why I chose Underwood. I tell them that I chose Underwood because, after six weeks of clerkship, I didn’t want to leave. I also tell them that I continue to choose Underwood because, although I may not always like the work I have to do every day, I always like the people with whom I work.

Take it from this Cornhusker it’s a special group of people who can make cleaning 3,000 ears of corn fun.

As Chuck said, it’s all about the people.

*By Andrea Slater Gulley*



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