

# THE SIDEBAR

A Publication of the Midland County Bar Association

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Vol. 3, Issue 1

December 2022



Season's  
Greetings

## Table of Contents

A Letter from the President ..... 3

An Interview with the Honorable Jeff Robnett ..... 4

Extra! Extra! ..... 6

Public Service Announcements..... 11

All I Want for Christmas is . . . ..... 12

Obituaries and Remembrances..... 13

Upcoming Midland Bar Meetings ..... 15



## A Letter from the President

Season's greetings,

As we approach the end of the year, let me take a moment to express my gratitude. I am personally thankful that West Texas attorneys pride themselves on civility in the practice of law. If you have not discovered this already, you will soon realize that, many times, your opposing counsel in one case might be your co-counsel in the next—your greatest opponent now, your strongest ally tomorrow. Because of the close-knit nature of our legal community, our attorneys take seriously the expectation of exposing legitimate disagreements and attempting to reconcile their differences.

I would be remiss if I did not acknowledge these uncertain times. Yet, amid hardship, we begin to value things we once took for granted, such as human dignity and decency.

A successful law practice necessarily entails forming meaningful relationships with coworkers, staff, other attorneys, courts, and the public. Inescapably, the legal field requires us to work with people who hold divergent ideals and opinions. Segments of our society have become polarized—our beliefs do not always align. Nonetheless, attorneys should hold themselves to the highest standard of cordiality, grounded in a spirit of good faith.

May we continue to practice uplifting behaviors, including professionalism and respect, as we look forward to the new year. Start a productive discussion. Identify common ground. Be curious, not dismissive. Your words matter. They have power. Use them wisely. Support those unfairly targeted by exhibiting kindness and compassion. Instead of disparaging speech, utilize constructive criticism.

I am extremely proud of our judges and advocates in Midland. They perform heroic work devoting countless hours to often unnoticed and thankless tasks that benefit our profession and society. They display an inspiring amount of resilience. Thank you for maintaining confidence in the rule of law, for doing your part, and for working together to bolster the Permian Basin's rigorous legal industry.

I express my deepest appreciation for your love of the law, patience, and sacrifice. These contributions have not gone unnoticed. I encourage each of you to take the holidays to relax with family and friends, celebrate the grit and courage espoused by our city with elegance and fortitude, and reflect on ways we can make 2023 even better. I wish you all peace, joy, and good health.

Merry Christmas and Happy New Year,

Tiffany Means, President, Midland County Bar Association

## An Interview with the Honorable Jeff Robnett



### **Can you tell us about your background and education?**

Sure, my family is from Stanton, but I am from Midland. I was born in Midland. I went to Midland schools all the way through high school. I went from Midland High to Princeton University, class of '84, and then to Texas Tech Law School. I did summers at Tech too, so I graduated in the fall before I would normally have graduated, but I was able to clerk at both Lynch Chappell & Alsup and Cotton, Bledsoe, Tighe, & Dawson.

### **What was your undergraduate major?**

Economics. I also played football at Princeton and ran track.

### **What position did you play in football?**

Running back.

### **Any Princeton track records?**

Ha! Actually, I might still have some of the sprint records in yards. My last year was the year right before they changed from yards to meters.

### **I've heard that you were a fast runner.**

I was small but fast. There were a lot of football players in my family. My dad played for A&M on the team that went to the national championship, and my uncle, my dad's brother, was an All-American.

### **Any interest in going to Texas A&M instead of Princeton?**

Ha! No. I wasn't big enough. I was fast, but that's not enough at a school where the linemen are bigger and even faster.

### **Did you consider staying in the Northeast?**

No, no interest. I could have stayed, but I wanted to come back. It was too big.

### **Where did you practice after law school?**

I practiced at some big firms in Dallas, but I didn't really like big city practice. By the end of my time there I was working solo, and I liked that more.

I came back to Midland in 1999. Midland was home.

### **What do you like about living in Midland?**

Good people, no traffic, good schools.

**What do you like about practicing in Midland?**

The difference in Midland is that the lawyers are smarter. They are more prepared, and they care more about people, including other lawyers.

Out-of-town lawyers come to Midland and say, “You’re all so nice and accommodating” — well, that’s how we do things here. People are both respected and respectful.

**Why did you decide to run for judge?**

I had always thought about it. I think every lawyer thinks about it. At least, we litigators do. We’re street fighters, and the Court is the ring. As a judge, if you do your job right, you get to be the referee in the ring — hearing all of the good arguments and making the decisions. It is interesting to be the referee rather than a player. I think most lawyers at least think about becoming a judge.

When the positions were filled, I didn’t want to run because the incumbents were doing a good job. But an open position came up at a time when I was able to run. Everything aligned.

**What are the best and worst things about being a judge?**

The worst thing is that your connections with other lawyers are weakened. You must maintain your impartiality. As a judge, you can’t go to the same occasions where you would catch up with friends and acquaintances who are lawyers. It’s unavoidable. The best thing, as I said before, is hearing the great arguments, seeing the hard work that both sides do, and making a decision.

**What advice would you give to lawyers in your court?****Three Things:**

1. Be courteous to everyone — including your staff.
2. Be prepared. Lawyers in Midland are well-prepared.
3. Get to the point. As a judge, you get to see the best lawyers avoid the mistakes you made as a younger lawyer. When I see one of our seasoned lawyers come in and get right to the point, I think, *I wish I had learned that earlier.*

**Last question, we heard that you pardoned a dog. Can you tell us about it?**

One day, I was out in the [Court] parking lot and I found a dog. It was a tiny dog — kind of fuzzy — a dachshund type dog. It followed me a few steps from the car and looked lost. In an attempt to find the owner, I asked my wife if she could post a picture of the dog on social media.

As a joke (which we thought might make it more likely to find the owner), **we put the dog on witness stand!** We had him swear into the microphone to tell the truth, and then we pardoned him for jaywalking. The owner was found the night after we made the post, and she got the dog back — his name was Chico. But Chico escaped again. Eventually, after he was found for a second time, the owner let my kids (***I have 14, by the way!***) adopt the dog. The kids love Chico.

I am now **“The Judge Who Pardoned the Dog.”**



**EXTRA!**  
**EXTRA!**

## District Court Finds Gun Ban for Indictees Unconstitutional under New Framework

by Jeanne Morales and William Clark

Judge David Counts of the U. S. District Court for the Western District of Texas, Pecos Division, has published a memorandum opinion (*USA v. Quiroz* (PE:22-CR-00104-DC)) finding a federal statute prohibiting those under indictment from receiving firearms to be unconstitutional under the framework set out in the U. S. Supreme Court's recent ruling in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*. Judge Counts' opinion is a clear and an enjoyable read, with leavening as diverse as the Eagles and Plato, and by reading it you will be well prepared for the 5th Circuit's Opinion, as the government appealed immediately.

In his opinion, Judge Counts emphasizes that *Bruen* requires the government, as a threshold matter, show that any regulation of conduct covered by the plain text of the second amendment must be consistent with the United States' historical tradition of regulation. Conducting his own historical inquiry, Judge Counts finds no historical tradition dating back to the era of the Founders of prohibiting those under indictment from exercising fundamental constitutional rights. Notable in this opinion are Judge Counts' analyses of the history of statute in question, of the history of restrictions on the constitutional rights of felons, of the distinction between mere indictment and conviction, and of the absence of any additional balancing test regarding public order and welfare under the *Bruen* framework.

## Texas Supreme Court hears Oral Argument Regarding Ambiguity of Double Fractions

by William Clark

Evidencing the continued uncertainty in interpreting older oil and gas instruments drafted using double fractions to describe mineral and royalty interests, the Texas Supreme Court heard oral argument on *Van Dyke v. Navigator* (11-18-00050-CV) including the position that the use of a fraction of 1/8, without more, could create ambiguity in a deed. This case revolves around a 1924 deed which reserved, "one half of one eighth of all minerals." Successors to the reserving party argued before the Court that this language reserved an undivided 1/2 of 8/8 mineral interest, on the grounds that at the time, 1/8 was so commonly used to refer to the entire mineral interest an owner possessed that any use of a fraction of 1/8 should raise concerns in an interpreter that a fraction of the entire mineral estate was intended—the so-called "estate misconception". Commentators and practitioners regularly encountering such double fractions will anticipate the Court's opinion on this issue.

It should be noted, however, that this case may be resolved on other grounds under the presumed grant doctrine, also argued before the Court, and, in the event the Court should choose to resolve the case on that basis, it may find no need to address the question of whether a double fraction, standing alone, requires an interpreter to consider invoking the estate misconception.



## Update from the 11th Court of Appeals

By Chief Justice John Bailey

The fall of even-numbered years is an anxious time for the appellate courts in the state. Each of the 14 intermediate courts of appeals is an independent state agency that is dependent on the Texas Legislature for funding. Our budget is on a two-year cycle. The budget that the Legislature approves next spring will provide funding to our court from September 1, 2023 to August 31, 2025. While the legislature does not meet until January 2023, we have already submitted our budget request for the next biennium, and we have already appeared before the Texas Legislative Budget Board to answer questions about our budget request.

While the intermediate courts are separate state agencies, we submit our budget requests together under a program that we refer to as “similar funding for same size courts.” Thus, our legislative request for the 11th Court of Appeals is essentially the same as the other three-judge courts. And the larger courts of appeals basically ask for the same budget amount on a “per justice” basis. This year we have asked for a budget increase to help address inflation in the form of increasing our employees’ wages. It will be interesting to see how the legislature addresses inflation because all state agencies have asked for more money for salaries to cope with inflation. While the state currently has a budget surplus, state leaders have indicated that they would like to provide property tax relief to Texas residents. The prevailing thought is that all state agencies will receive increased funding for salaries, but that the increase will not be as much as they have requested.

During the last legislative session, an effort occurred to redistrict the intermediate courts of appeals. A map was voted out of a Texas Senate committee that would have greatly altered our appellate court district as well as almost all other appellate court districts in the state. For example, Midland and Ector Counties would have gone back to the El Paso Court of Appeals. Abilene (Taylor County) would have gone to the Amarillo Court of Appeals. What remained of the Eastland Court of Appeals would have been added to the Fort Worth Court of Appeals—along with the Waco and Texarkana Courts of Appeals to form a very large, 19-judge court. Fortunately, that plan never made it to the Senate

floor. The chiefs have been told that a wide-scale redistricting bill will not be filed this legislative session. However, we will not know for sure until the session is underway. The chiefs anticipate that some specialty appellate court bills will be filed. For example, bills have been filed in previous sessions to create appellate courts for large commercial cases and for cases involving the state as a party.

As far as our filings are concerned, our numbers have essentially returned to pre-pandemic levels. That return is because our trial courts keep up with their dockets and they continued to try cases. That is not the case across the state. There are courts in Dallas, Houston, and the other metropolitan areas that have yet to return to their level of activity prior to the pandemic. For us, the dip in filings that we experienced in 2020 and early 2021 gave us an opportunity to work ahead on our docket. Justice Trotter, Justice Williams, and I, along with our dedicated staff, have been able to cut the age of our oldest cases by approximately six months. We hope to continue our efforts in this regard during the current fiscal year.

## Texas Criminal College Trial CLE Credit

by Jeanne Morales

Important alert! The 2023 46th Annual Texas Criminal Trial College is scheduled for March 26-31, 2023. It offers 37.25 CLE hours, a week’s worth of instruction on the beautiful Sam Houston State University campus, room, and breakfast and lunch every day for only \$150--an incredible value!

Applications (which must include a Letter of Recommendation from both a judge and an attorney) are due no later than 5 p.m. on December 20, 2022. For more information, please visit:

[https://www.tcdla.com/TCDLA/Events/Event\\_Display.aspx?EventKey=P032623](https://www.tcdla.com/TCDLA/Events/Event_Display.aspx?EventKey=P032623)

This course will provide you with valuable skills, regardless of your experience level. DO NOT PASS THIS UP!!!!

## 5th Circuit Remands Use of Excessive Force Issue

by Jeanne Morales

In September 2022, the 5th Circuit in *Crane et al v. City of Arlington et al* (Case: 21-10644) affirmed the dismissal of bystander claims but vacated and remanded a Summary Judgment. The case involved the use of excessive force during a traffic stop in violation of the Fourth Amendment. Extensive facts are supplied and the legal analysis is thorough. A particularly incisive quote from the opinion: “Finally, this Court considers the speed with which an officer resorts to force where officers deliberately, and rapidly, eschew lesser responses when such means are plainly available and obviously recommended by the situation. Officer Bowden demonstrated an admirable attempt to negotiate with Crane. Roper, on the other hand, shot Crane less than one minute after he drew his pistol and entered Crane’s backseat beside a pregnant woman and a two-year-old.” The remand will bear watching.

## Permanent Resident Status is not “Permanent”

Reasons for those with *greencards* to become Naturalized U.S. citizens

by Jeanne Morales

When you are a legal permanent resident (you have a “green card”), there are many ways that the law can act against you, so that the immigration authorities can revoke your green card and deport you. Many people reading this have already put themselves at risk!!! This is the single biggest reason that you should become a naturalized U.S. citizen as soon as you are eligible. Even if you think “I obey the law, so this is not something I have to worry about”, keep reading, so that you can see how risky staying a green card holder can be – you need to know about aggravated felonies.

“Aggravated felony” is a term that describes a category of offenses carrying particularly harsh immigration

consequences for noncitizens convicted of such crimes. Regardless of their immigration status, noncitizens who have been convicted of an “aggravated felony” are prohibited from receiving most forms of relief that would spare them from deportation, including asylum, and from being readmitted to the United States at any time in the future.

An aggravated felony does not require the crime to be “aggravated” or a “felony” to qualify. Instead, an aggravated felony is simply an offense that Congress has labeled as an aggravated felony – even if it was committed under state law, and today includes many nonviolent and seemingly minor offenses. Some immigration judges have noted that numerous non-violent, fairly trivial misdemeanors are considered aggravated felonies under our immigration laws.

A non-citizen must worry if they have ANY prior convictions; in most federal courts, a conviction for any offense listed as an aggravated felony is grounds for deportation, even if the crime was not considered an aggravated felony at the time of conviction. In other words, whenever Congress adds a new offense to the list of aggravated felonies in the Immigration and Nationality Act (INA), lawfully present noncitizens who have previously been convicted of such crimes become immediately deportable. As a result, any addition to the list of aggravated felonies will automatically apply retroactively to prior convictions.

If your green card is revoked and you are removed from the United States after being convicted of an aggravated felony you are permanently inadmissible – you cannot come back. You are not eligible for waivers. If you do come back, you have committed another crime and could spend 20 years in prison.

Again, you may say – “I don’t commit crimes, aggravated felony or otherwise.” Well think, have you ever let a friend or a family member stay at your house, even though you knew that they did not have legal status in the United States? That falls under the crime of “Alien Smuggling”, and it is an aggravated felony. Alien smuggling is not just helping someone cross the border – it includes “harboring” (letting someone stay with you) and “transporting” (giving someone a ride).



Or what if someone sold you some tools that they “got a really good deal on”? When you are arrested for receiving stolen property, you will know that it is an aggravated felony and it will cost you your green card.

Maybe you have a green card, and you also have an adult child who has committed a crime. Even if you don’t participate in the crime, if you help your child in a way that keeps your child from being arrested, such as let them stay at your house, you can be convicted of obstruction of justice. Obstruction of justice is an aggravated felony and you can have your green card revoked and be deported, just because you tried to help your own child.

The message that you need to understand is that you need to become a naturalized U.S. citizen, so that you can protect yourself from unintentional exposure to the risk that the law will be used against you.

Originally published on: September 23, 2019

## Oil and Gas Case Law Update

by William Clark

The Side Bar editor notes that the Fall issue (i) contains only an oil and gas case law update because that is the area of the law with which the staff is most familiar and (ii) relies largely on the oil and gas and REPTL section reports for guidance; however, for future issues the editors will (and hereby do) solicit recommendations for significant cases in other practice areas to include in the case law update.

### Texas Supreme Court

*Hlavinka v. HSC Pipeline P’ship, LLC*, 650 S.W.3d 483 (Tex. 2022), reh’g denied (Sept. 2, 2022)

HSC successfully argued that a polymer grade propylene pipeline may be entitled to condemnation powers. The Court wrote, “because the Natural Resources Code defines oil as “crude petroleum oil,” and polymer-grade propylene is a product derived from crude oil’s refinement and distillation, we conclude that it qualifies as an “oil product” under Business Organizations Code Section 2.105.” (at 493-494).

The Hlavinkas successfully argued that other pipeline contracts in the same area should be admitted as evidence of the market value of the condemned tract where the condemned tract might instead have been sold to another pipeline at a higher price. The Court wrote, “Evidence of recent fair market sales to secure easements running across the property that precede the taking are admissible to establish the property’s highest and best use, and its market value, at the time of the taking.” (at 499)

*Dyer v. Tex. Comm’n on Env’tl. Quality*, 646 S.W.3d 498, (Tex. 2022)

Appellants Dyer et al. argued, among other theories, that the TCEQ lost its jurisdiction to issue an injection well permit when, after the TCEQ had issued the permit, the RRC rescinded the no-harm letter required for the TCEQ to initiate permit proceedings. The court disagreed, writing, “There is no ‘explicit language’ in the IWA indicating that the Legislature intended the draconian and inefficient consequence of petitioners’ argument—that RRC’s rescission of a no-harm letter six years after it was issued voids a TCEQ order granting a permit application issued in the meantime.” (at 507)

### Eastland Court of Appeals

*Brown v. Underwood*, No. 11-20-00138-CV, 2022 WL 1670693, (Tex. App.—Eastland May 26, 2022, no pet.) (mem. op.)

Deed conveying 1/2 of certain mineral interest was executed silent as to capacity of grantor, who owned 1/2 individually and 1/2 as trustee. Appellant Brown argued unsuccessfully that deed was intended to convey interest owned as trustee, not interest owned individually. Court considered, among other theories, extrinsic evidence as to mutual mistake and an affidavit of clarification as a possible correction instrument, but determined that extrinsic evidence did not demonstrate mutual mistake without additional assumptions and that affidavit was not a valid corrective instrument because not executed by all original parties.

*Haynes v. DOH Oil Co.*, 647 S.W.3d 793 (Tex. App.—Eastland 2022, no pet. h.), reh'g denied (Aug. 11, 2022)

Appellant Haynes argued, among other theories, that claim under quiet title theory that certain tax sale deeds conveyed only limited interest was not time-barred, citing *Ridgefield Permian, LLC v. Diamondback E & P LLC*, 626 S.W.3d 357, 371 (Tex. App.—El Paso 2021, pet. denied). Eastland court held that Haynes's claims were time-barred, writing, "While a claimant may artfully plead claims in an effort to avoid the Tax Code's limitations period, the legislature forestalled such attempts when it settled upon the phrase: 'relating to the title to property.' [ . . . ] Appellant's suit to quiet title, like her trespass to try title action, is 'an action relating to the title to property' and may not be maintained outside of the Tax Code's one year limitations period." (at 803)

*Prather v. Callon Petroleum Operating Co., Inc.*, 648 S.W.3d 618 (Tex. App.—Eastland 2022, no pet.)

Appellants Prather et al. argued that the following devise included heirs of the beneficiaries: "In the event that one of the beneficiaries in this paragraph is not living at the time of my death, then his or her share shall go to the survivor(s) thereof," and cited *White v. Moore*, 760 S.W.2d 242, 244 (Tex. 1988). The court disagreed, following the reasoning in *Gregg v. Jones*, 699 S.W.2d 378, 379 (Tex. App.—San Antonio 1985, writ ref'd n.r.e.) that such clauses are typically used to avoid a lapse into a residuary clause when a class gift member predeceases, rather than to devise an interest to heirs of a predeceasing class gift member.

### San Antonio Court of Appeals

*Yates Energy Corp. v. Broadway Nat'l Bank, Tr. of Mary Frances Evers Tr.*, No. 04-17-00310-CV, 2022 WL 3047107, (Tex. App.—San Antonio Aug. 3, 2022, no pet.) (memo. op.)

Previously at the Texas Supreme Court a correction instrument executed by all parties to the original but not by all such original parties' successor grantees was found to be valid. On remand from the Texas Supreme Court to consider successor grantees' bona-fide purchaser defenses as against new grantees named in valid correction instrument, the San Antonio court found that original parties' successor grantees with no actual notice of the valid correction instrument had a bona-fide purchaser defense as against

the new grantees named in the valid correction instrument because the correction instrument was not in the original parties' successor grantees' chain of title.

### Houston (14th) Court of Appeals

*Bachtell Enterprises, LLC v. Ankor E&P Holdings Corp.*, 651 S.W.3d 514 (Tex. App.—Houston [14th Dist.] 2022, pet. filed)

Operator Ankor sought to use JOA exculpatory clause to impose on non-operators' costs of a construction project contracted for without consent of non-operators, citing *Reeder v. Wood County Energy, LLC*, 395 S.W.3d 789 (Tex. 2012). The court rendered judgment in favor of non-operators, writing, "[The JOA exculpatory clause] is a defense designed to protect one party against risks and losses, but it is not meant for offensive use to impose liabilities knowingly incurred without consent." (*Bachtell* at 522)

*Smith v. Kingdom Investments, Ltd.*, No. 14-20-00447-CV, 2022 WL 3725070, (Tex. App.—Houston [14th Dist.] Aug. 30, 2022, no pet. h.) (mem. op.)

Court considered two issues: (i) whether or not acceptance of a deed irreconcilable with previously granted vested remainder constituted a rejection of such irreconcilable remainder interest (The court concluded it did.) and (ii) whether to interpret a grant to a trust ostensibly limited to community property when there was no community property as instead granting separate property or to void the trust agreement for lack of a grant (The court concluded that to nullify the grant would "lead to an absurd result, which we avoid . . .") (at WL \*8)

### Corpus Christi-Edinburg Court of Appeals

*Myers-Woodward, LLC v. Underground Services Markham, LLC*, No. 13-20-00172-CV, 2022 WL 2163857, (Tex. App.—Corpus Christi-Edinburg June 16, 2022, no pet. h.), reh'g denied (Sept. 6, 2022) (mem. op.)

Mineral owner Underground Services contended that its mineral ownership extended to an underground cavern leached from salt deposits and to be used to store hydrocarbons, citing *Mapco, Inc. v. Carter*, 808 S.W.2d 262, 278 (Tex. App.—Beaumont 1991), rev'd in part, 817 S.W.2d

686 (Tex. 1991). The Corpus Christi court disagreed, writing, "There is no case law that supports a conclusion that a mineral estate owner who does not own the surface estate owns the subsurface of the property and may then use the subsurface for its own monetary gain even after extracting all the minerals." (at WL\*11)



## Emily Brown Joins Diamondback Energy

Emily Brown, formerly an Associate with Cotton Bledsoe, has joined Diamondback Energy as a Corporate Attorney.

## Max Canon Joins Davis, Gerald & Cremer

Max Canon is the newest member of Davis, Gerald & Cremer's Energy Section. Please congratulate him on passing the bar and welcome him to Midland!



## Ryan Kemrite Joins Judge David Counts as Judicial Law Clerk



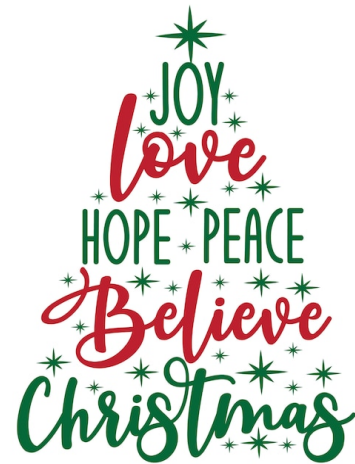
Ryan Kemrite recently joined the federal court as a judicial law clerk for U.S. District Judge David Counts in the Western District of Texas. Ryan is a graduate from SMU Law School and previously worked as a forensic accountant after graduating from Liberty University where he was an all-conference athlete.

## Staff Attorney Robert H. Dawson, Jr. Retiring

Robert H. Dawson, Jr., Staff Attorney for the Midland County District and County Courts, will retire at the end of this year. We wish him the very best on the next exciting chapter of his life!

## Paralegal Lydia McBrayer Retires

Lydia McBrayer, after a storied carrier as a paralegal at Diamondback Energy, retired in September 2022 to serve as a full-time "Grandma"! Congratulations!



## All I Want for Christmas is . . . .

With Christmas right around the corner, we asked the judges of Midland to finish the sentence "All I Want for Christmas is . . . ." and we received the following responses.

All I want for Christmas is for all of us to be grateful for our phenomenal legal community and the tools our great county provides for the administration of justice." — *Judge David W. Lindemood, 318<sup>th</sup> District Court*

All I want for Christmas is for lawyers to confer before filing a motion to compel or a motion for sanctions, more jury trials....and world peace....and a really, really good bbq place to open in Midland! — *Judge Leah G. Robertson, 385<sup>th</sup> District Court*

All I want for Christmas is . . . .  
Personal--healthy happy kids and spouse.  
Business--no more COVID.  
— *Judge Jeff Robnett, 441<sup>st</sup> District Court*



## *Obituaries & Remembrances*



William W. Clifton, Jr.  
November 10, 2022



### *In Remembrance . . .*

With sadness, we report that, after a 45-year career, another member of our local bar, Bill Clifton, passed away on Thursday, November 10th, at the age of 70. Bill was born and raised in Lubbock, Texas, where his father was a veterinarian. He graduated from Lubbock Coronado High School in 1969, Texas A&M in 1973, and Texas Tech Law School in 1977. After a few years with the Midland City Attorney's Office, Bill joined the Midland law firm of what was then Rassmann, Gunter & Boldrick in 1982, where his civil litigation career was launched. Bill spent 26 years with the firm that was later re-established as Boldrick & Clifton (and other later iterations/versions), before moving his practice to Shafer, Davis, O'Leary & Stoker in 2008, where he finished out his career. Bill was both highly regarded and

well liked; a fierce advocate and a collegial professional. He was a mentor to, and sounding board for, many young lawyers. — *Bill Caraway, Vice President and Deputy General Counsel of Diamondback Energy*

Bill was a lawyer with character and integrity. I will give you one example of a story I was told by a District Judge in Odessa. Bill tried a case in Odessa. The jury was out and Bill made the Plaintiff's lawyer a settlement offer. The Plaintiff's lawyer was visiting with the bailiff, and they clearly heard through the door that the jury was going to either pour out the Plaintiff or the damages were low. Bill didn't know this. The Plaintiff's lawyer went into the hall and told Bill they would accept the offer. The Bailiff reported to the Judge what had transpired before anything could be put on the record. The judge reported same in open court to Bill and his client and told them they didn't have to honor the offer. After thinking about it for a minute Bill responded that the jury was out and they made an offer. Although given a chance he didn't withdraw the offer. The case settled. If Bill Clifton gave you his word, it was as good as gold. I hope we can all conduct ourselves accordingly. I'm glad to have known Bill and I'm glad he will not have to answer any more discovery. Thoughts and prayers for his family. — *Jad Davis, Shareholder of Davis, Gerald & Cremer*

**Susan R. Richardson**  
August 24, 2022

Susan received her law degree from the University of Texas and was subsequently admitted to the Texas Bar in 1976. She worked for the Attorney General's office under Attorney General John Hill. She later transferred to Houston and worked for Gulf as an employment law and oil and gas litigator. She joined the law firm of Cotton, Bledsoe, Tighe and Dawson, P.C. in 1985 as an associate and then as a shareholder in 1989 until her retirement in December of 2015. Susan is survived by her husband, Reuben Richardson, her brother Edward Rafferty, and her sisters Nancy and Colleen Rafferty. She will be missed by her many friends, family members, and colleagues.

**Rachel Mary Christine Ambler**  
August 10, 2022

Rachel Ambler received her law degree from St. Mary's University and subsequently was admitted to the Texas Bar in 2013. She was a summer clerk for the Honorable Robert Junell, United States District Court for the Western District of Texas. She later started a successful solo practice. Rachel has authored several magazine articles, legal book reviews, and law journal articles. Rachel is survived by her husband, Frank Hunold; father, Peter Ambler; mother, Christine Ambler; nieces and nephew, Emmanuelle Harrison, Julia Harrison, Abigail Harrison, and Simon Peter Harrison.

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## Upcoming Midland County Bar Meetings

January 26 – Petroleum Club

February 23 – Petroleum Club

March 23 – Petroleum Club

April TBD – Evening with the Judges

May 25 – Petroleum Club