

Stare Decisis

Following the Primerus Ideals

October 2014

A PUBLICATION OF THE PRIMERUS YOUNG LAWYERS SECTION



In This Issue

Words to the Wise

Questioning Your First Witness

Quick Tips - Essentials for Young Lawyers

YLS Member Spotlight

Save the Dates

Introduction

Raymond C. Steadmon

Lane & Lane, LLC

Chicago, Illinois

STARE DECISIS: A MEANING IN A NAME

Stare Decisis is Latin for "to stand by things decided." It originates from the phrasing of the principle in the Latin maxim *Stare decisis et non quieta movere*, which means "to stand by decisions and not disturb the undisturbed." In the legal context, this principle is understood to mean that courts and judges are obliged to respect the precedent established by prior decisions and not disturb settled matters.

Stare Decisis also happens to be the name of this Primerus Young Lawyers Section publication. But how did this publication get its name, and what does this principle mean to the Primerus YLS?

Just over four years ago, the first YLS Executive and Newsletter Committees (which was really just six or so early initiates to the YLS, and well before the Committees were even given their formal names) tossed around several ideas to title this publication. We wanted a title that sounded lawyerly, was consistent with the other Primerus publication titles, and, most importantly, encapsulated what we saw as the vision and purpose of the YLS.

We narrowed down the title to three choices. The first was *Amicus Curiae*, which we were fond of because we thought of ourselves as "young friends" who could share our knowledge, insight and opinions with Primerus and its members through our publication. The second potential title was *Aspire*, which was a nice word correlation with the *Paradigm* publication and connoted our desire carry out and live by the Six Pillars of Primerus. The third option was *Stare Decisis*, which also signified our urge to be guided by the principles in the Six Pillars in all that we do, but with a more legal sound.

And so our publication was named *Stare Decisis: Following the Primerus Ideals*. As young Primerus Lawyers, it is of the utmost importance to stand by, follow and respect the precedent set by the Primerus members who laid the ground work for it. Each and every Primerus member shares a commitment to a set of common values known as the Six Pillars: (1) Integrity, (2) Excellent Work Product, (3) Reasonable Fees, (4) Continuing Education, (5) Civility, and (6) Community Service. If you truly believe in, and live by, these ideals, you will not only be a good lawyer, but you will be an even better person. We as young lawyers (and human beings) should never settle for anything less.

While our *Stare Decisis* publication is a huge undertaking, it is just one of the projects the Primerus YLS undertakes. The YLS also meets regularly and hosts educational webinars focused on assisting all Primerus members in developing their law practice.

The YLS has also become increasingly involved in the annual Primerus Global Conference by sponsoring and hosting the opening cocktail reception and holding its own annual meeting during the conference. This year is no exception, and we strongly encourage you to send your young lawyers to this year's Global Conference October 9 -12 in Monterey, California. Primerus offers YLS members a significantly reduced registration rate of \$725.00. For more details or to register your young lawyer, click here: <https://www.regonline.com/builder/site/default.aspx?EventID=1576234>

Lastly, the YLS will be holding its Fourth Annual YLS Boot Camp March 18-20, 2015 in San Diego, California. This year's topics will focus around rainmaking and business development. While the exact agenda for this event is still being finalized, it promises to be another great success. Be on the lookout for more information coming your way soon.

For more information on the YLS and its future events, please visit the YLS webpage at <http://www.primerus.com/young-lawyers-section.htm>. If you would like to become a member of the Primerus YLS, or if you would like to become more involved, please email me at rsteadmon@lane-lane.com or Chris Dawe at cdawe@primerus.com.

I look forward to seeing you all in Monterey!

Raymond C. Steadmon
Chairperson - Primerus Young Lawyers Section
Advisory Board Member - Primerus Board of Directors

Words to the Wise

Roger J. Brothers, Esq.
Buchman Provine Brothers Smith LLP



This is the next in line of a series of interviews with successful senior lawyers at various Primerus member firms, offering advice to young lawyers on how to succeed and thrive.

Roger J. Brothers is a transactional business attorney and principal at Buchman Provine Brothers Smith LLP in Walnut Creek, California, whose practice includes: general counsel services, including corporate counsel, business and succession planning and debt and equity financing; transactional counsel services, including mergers and acquisitions, entity formation and operation, reorganizations and general commercial transactions; and general counsel to high net worth clients concerning family succession planning including serving clients as "Family Office" CEO.

[Full Article](#)

Quick Links

- [Primerus](#)
- [What are the Primerus Ideals?](#)
- [Primerus Young Lawyers](#)

Questioning Your First Witness

Scott D. Lane, Esq.
Lane & Lane LLC



It's your first trial and the parties have already given their opening statements.; Now, it's time to question your first witness. Depending upon whether you are the prosecutor/plaintiff's attorney or the defense attorney, the questions you will be asking your first witness will be on either direct or cross-examination. Although by no means an exhaustive list, the following points are what I believe to be some of the key points that every attorney, especially an attorney trying her first case, should keep in mind when conducting these examinations. Questioning your first witness is a very exciting experience. It can also be a very nerve wracking experience. Hopefully, these suggestions will make the experience a little easier, successful, and enjoyable.

[Full Article](#)

Regulation D: SEC Provides Clarification on "Accredited Investor" Definition and Verification Rules

Roger J. Brothers, Esq. and Ericka L. Ackeret, Esq.
Buchman Provine Brothers Smith LLP



Under the Securities Act of 1933, any offer to sell securities must either be registered with the Securities and Exchange Commission (the "SEC") or meet certain qualifications that exempt the securities from such registration. Regulation D (or, "Reg D") contains the rules providing exemptions from the registration requirements, thereby allowing some companies to offer and sell their securities without having to register the securities with the SEC.

[Full Article](#)

Hidden Camera Captures Protest that Interrupts U.S. Supreme Court Oral Argument

Abbott Marie Jones, Esq.
Christian & Small LLP



On Wednesday, February 26, 2014, the United States Supreme Court heard oral arguments in two cases involving attorney's fees in patent cases. The most extraordinary news out of the Court, however, was a man named Noah "Kai" Newkirk who interrupted oral arguments to protest the Court's 2010 decision in [Citizens United v. Federal Election Commission](#).

YLS Newsletter Committee

- **Emily Campbell, Chair - Dunlap Codding (Oklahoma City, OK)**
- **Ericka Ackeret - Buchman Provine Brothers Smith (Walnut Creek, CA)**
- **Lisa Okasinski - Demorest Law Firm (Detroit, MI)**
- **Will Medlin - Horack Talley Pharr & Lowndes (Charlotte, NC)**

Submissions

To Submit Articles and News

The Newsletter Committee encourages all YLS members to submit articles, news, and information of interest for subsequent issues. All submissions should be emailed in Word format to Emily Campbell at ecampbell@dunlapcodding.com.

The Court held in *Citizens United* that political spending is a form of protected speech under the First Amendment, and the government may not keep corporations or unions from spending money to support or oppose individual candidates in elections. In October, the Supreme Court heard arguments in [McCutcheon v. Federal Election Commission](#), a case dubbed by some as "[Citizens United 2](#)." McCutcheon, a suit filed by Alabama resident, mining industry executive, and conservative activist Shaun McCutcheon, challenges the federal limits on campaign contributions.

[Full Article](#)

Research Gives New Insight on Non-Compete Agreements in Employment Contracts

Lisa Okasinski, Esq.
Demorest Law Firm, PLLC



Non-compete agreements are used in employment contracts to restrict the ability of employees to work for a competitor after the employment relationship ends. Non-compete agreements protect the employer's legitimate interests in protecting innovative products, confidential information, efficient workforce and critical customer lists, and prevent an employee from sharing that information with a competitor after the employment relationship ends.

[Full Article](#)



National Advertising by Franchisors Does Not Automatically Establish Personal Jurisdiction in All States in Which Commercials Are Aired

Dominic V. Signorotti, Esq. and Roger J. Brothers, Esq.
Buchman Provine Brothers Smith LLP

Hotel franchisors can rest easy knowing that at least for now, national advertising campaigns will not establish personal jurisdiction in every state in which the campaign runs. In *Trei v. AMTX Hotel Corp. (d/b/a Holiday Inn)* (Case No. 33,048 (June 24, 2014)), the New Mexico Court of Appeals reaffirmed that national advertising by a franchisor does not subject that franchisor to personal jurisdiction in every state in which commercials are aired.

[Full Article](#)

Quick Tips - Essentials for Young Lawyers: Four iPhone Apps That Can Boost Productivity and Save Time (Or Atleast Make Life As a Lawyer a Bit Easier)

Lisa Okasinski, Esq.
Demorest Law Firm, PLLC

1) Evernote

Cost: FREE

Evernote is a great app to boost productivity. This app allows you to take bits of information as it comes in and collect it in a single location for later use. One reviewer of the Evernote App made the following analogy: "Think of Evernote as a backpack full of notebooks and every piece of scrap paper you have ever scribbled on. Imagine you could search the content of notes you wrote to yourself months or even years ago? You can . . ."

[Full Article](#)

YLS Member Spotlight:

Lauren V. Reeves, Esq.
Smith Debnam Narron Drake Saintsing & Myers, LLP



Lauren V. Reeves concentrates her practice in the areas of real estate, foreclosures, and creditors' rights. Lauren represents individuals and businesses in real estate matters, not only closing real estate transactions, but also advising her clients through purchasing, leasing, selling, financing and regarding title issues arising in both residential and commercial real estate transactions. She also represents lenders, acting as substitute trustee on behalf of secured parties in foreclosure and providing professional opinions for loan transactions and lien issues.

[Full Article](#)

Save the Dates

- **October 9-12, 2014 Primerus Global Conference**
(Monterey, CA)
- **October 28-31, 2014 Association of Corporate Counsel Annual Meeting**
(New Orleans, LA) (Primerus will be a corporate sponsor)
- **February 18-21, 2015 PCLI Winter Conference**
(Desert Springs, CA)
- **February 19-20, 2015 PDI Transportation Seminar**
(San Diego, CA)
- **March 18-20, 2015 YLS Boot Camp**
(San Diego, CA)
- **April 23-26, 2015 PDI Convocation**
(Amelia Island, FL)
- **Sept. 30-October 4, 2015 Primerus Global Conference**
(Amsterdam, Netherlands)

If you are a young lawyer, or there are young lawyers at your firm interested in joining the Primerus Young Lawyers Section, please contact Chris Dawe at cdawe@primerus.com.

