



"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 3:27

## Greetings from Lane Farley

So let's just go ahead and admit the obvious. I have been writing these newsletter introductions for years, and literally, the only one that any of you ever admitted to reading was my last one, the one where I just lazily quoted a bunch of humorous tweets, poking fun at our pandemic-centric lives. From this, I conclude that either 1) all my prior newsletter introductions were boring, or 2) we are all just in need of some humor ... or, perhaps both. Regardless, I am going to stick with what works.



If you think Twitter is a storehouse of wit and wisdom on the world, you need to spend some time outside of El Arroyo. Yes, El Arroyo, the world famous Tex-Mex restaurant in Austin, Texas. For as long as I can remember, El Arroyo has bestowed their own brand of daily wisdom on the sign board in their parking lot. So, better than Twitter, I leave you with some of the choice wisdom that El Arroyo has had on our recent lives amidst COVID-19, the Texas Snowpocalypse, murder hornets, home schooling, etc. And seeing how I am shamelessly co-opting their messages, I will give them some free advertisement. Go eat at El Arroyo <https://elarroyo.com/>.

### **On the Texas weather.**

"MOTHER NATURE: YOU CAN'T HAVE ALL THE SEASONS IN 1 WEEK; TEXAS: HOLD MY BEER"

### **On the Texas weather – the frozen kind.**

"GO HOME TEXAS WEATHER, YOU'RE DRUNK"

### **On all the pipes frozen by the Texas weather.**

"OK SO YOU'RE TELLING ME THIS TIME WE ALL

## Congratulations to Jeff Smith on his Selection to the 2021 Texas Rising Stars List



We are proud to announce the selection of [Jeff Smith](#) to the 2021 Texas Rising Stars list ... for the sixth year in a row!

Each year, no more than 2.5 percent of the lawyers in Texas are selected by the research team at Super Lawyers to receive this honor.

## Community Events

**Balint Cup:  
JPII Golf Tournament**

HAVE TOILET PAPER BUT NO TOILET WATER”

**On the murder hornets.**

“DID WE SKIP THE MURDER HORNET? IT FEELS LIKE WE SKIPPED THE MURDER HORNETS”

**On 2021.**

“ALRIGHT 2020 TAKE OFF THE WIG WE KNOW IT’S YOU”

**On Billy Joel.**

“I’D LIKE TO LIVE THROUGH A WHOLE WEEK THAT’S NOT A VERSE FROM ‘WE DIDN’T START THE FIRE’

**On hope for our future.**

“2022 GONNA BE MY YEAR FOR SURE”

**And more on hope for the future.**

“I’M GONNA CARPE SOOOOO MANY DIEMS WHEN THIS IS ALL OVER”

**On COVID-19 TP hoarding.**

“STILL CAN’T BELIEVE SOME PPL’S SURVIVAL INSTINCTS TOLD THEM TO GRAB TOILET PAPER”

**On hand sanitization.**

“YOU SMELL GREAT WHAT HAND SANITIZER ARE YOU WEARING?”

**On rapid testing.**

“JUST HAD MY PATIENCE TESTED! I’M NEGATIVE”

**On scary clowns.**

“AT THIS POINT, IF A CLOWN INVITED ME INTO THE WOODS I’D JUST GO”

**On home schooling.**

“THE TEACHERS THAT SAID MY CHILD WAS A JOY TO TEACH LIED”

**A glass half full perspective.**

“JUST REMEMBER...SOMEONE OUT THERE IS QUARANTINED WITH YOUR EX”

**On truth.**

“SOMEONE’S THERAPIST KNOWS ABOUT YOU”

**And more on truth.**

“WHEN THIS VIRUS IS OVER, I STILL WANT SOME OF YA’LL TO STAY AWAY FROM ME”

**And yet, even more truth.**

“IN 20 YEARS OUR COUNTRY WILL BE RUN BY PEOPLE HOMESCHOOLED BY DAY DRINKERS”

Here is to hoping that we can gather together again soon ... over margaritas at El Arroyo.

We were proud to be a sponsor at the Balint Cup: John Paul II High School (JP II) Golf Tournament that was held on March 29th.

[Fred Arias](#) and [Steve Springer](#) (pictured below) participated in the annual golf tournament where 100% of the proceeds go towards tuition assistance at the school. To read more about the event, [click here](#).



**Welcome  
Seth Boettcher**



We welcome [Seth Boettcher](#) to the firms' Dallas office. He will focus his practice on commercial litigation and transportation.

## Online Mediation Security - What to Consider

Even though we are hoping to see a light at the end of the tunnel, we have all adapted to Zoom, Microsoft Teams and other programs to assist with our mediations as well as other virtual meetings. Of course, virtual mediation keeps us all safe in regard to Covid-19 and social distancing, but what about information safety?

When we first started using the Zoom platform, about a year ago, many of our clients weren't on board. We heard about "Zoom bombing" where unwanted participants had joined meetings by getting links through forwarded emails or those who posted the link on social media. Of course, all the virtual platforms have evolved in different ways to keep unwanted parties from joining confidential meetings. Other than the security of the platform, what other concerns should you be focusing on besides the best resolution to your issues?

Your mediator should be able to run the technology of the platform. They should be able to provide information on which platform is the best and be able to operate the technology to competently to keep information confidential. Alternatively, they may employ another party to run the meeting but that would be at the cost of the parties of course. And, the mediator could turn the session over to one of the law firms to run which would give that firm the control over the platform. Law firms are up to speed with internal protocols on information that should be disclosed but with new ever evolving technology that can be recorded, where you can chat or screen share, you should exercise caution. Especially if the law firm running the platform is the opponent.

The way we work since the pandemic has changed and brought along challenges. The mediation process is no different. With this in mind, please remember to ask a few questions like who is running the technology and what are the security settings. You want to make sure that information remains confidential and the mediation remains unbiased.

## Conflicts Resolved

### Fletcher Farley Obtains Summary Judgment

After hearing arguments from [Fred Arias](#) and [Meredith Livermore](#), a Dallas County judge dismissed all claims against one of the Firm's client's, a rental car company. Plaintiff argued that the rental car company was vicariously liable for the acts of its driver. Plaintiff further argued that the rental car company had acted negligently when entrusting the vehicle to the Plaintiff. Fred and Meredith argued that since the renter was not an employee or agent of the rental car company

HAPPY WORKIVERSARY

[Joanna Salinas](#), pictured below, celebrates 25 years with the firm this month! Wow, that is great!



## Behind the Scenes

### Happy Birthday

[Fred Arias](#) celebrated his birthday and his team had a great time decorating and helping him celebrate.



Fred poses with his cane and new glasses in front of his cake.

the *Graves Amendment* precluded the Plaintiff from any recovery under theories of vicarious liability. Fred and Meredith also established that Plaintiff failed to meet his burden of proof in showing that the rental care company knew or should have known of the renter's competency and driving history, prerequisites for a negligent entrustment claim.

## Fletcher Farley Obtains Summary Judgment in Two Statute of Limitations Cases

[Karen Kennedy](#) and [Richard Harwell](#) obtained a summary judgment and dismissal of food poisoning claims filed in Hays County, Texas. The plaintiff claimed she suffered food poisoning after eating undercooked food at our client's franchised restaurant. The plaintiff filed suit against the franchisor just before the statute of limitations expired, and sued and served the franchisee after expiration of limitations. Plaintiff argued that her suit against the franchisee should relate back to the original filing date against the franchisor. Plaintiff additionally argued that service on the franchisor was sufficient to put the franchisee on notice of the claim. We prevailed on the summary judgment by showing that the franchisee was not served until after the expiration of the statute of limitations and thus Plaintiff could not prove that the franchisee had notice of the claim before the expiration of limitations expired.

[Karen Kennedy](#) and [Richard Harwell](#) obtained a summary judgment and dismissal of a negligence claim arising out of a motor vehicle accident. The defendant was approaching an intersection in the rain and was unable to stop before hitting the plaintiff's vehicle, and then causing the plaintiff's vehicle to hit the vehicle in front of her. Plaintiff allegedly suffered personal injuries in the accident. The plaintiff filed the lawsuit timely, but then failed to serve the defendant for almost a year. We filed an answer and prompt motion for summary judgment. The summary judgment was based on the fact that the plaintiff failed to show diligence in serving the defendant. The court agreed; summary judgment was granted; and the case was dismissed.



His team went all out with the decorations in his office.

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