

From: Law Office of Steven K. Hayes <shayes@stevehayeslaw.com>
Sent: Saturday, February 1, 2020 8:49 PM
To: shayes@stevehayeslaw.com
Subject: Second Court Newsletter, Street Law Symposium on Legal Ethics

February 2, 2020

Dear Friends:

My alma mater, Austin College, will host its **Annual Kenneth L. Street Law Symposium** on **Friday, February 28, 2020**, at the **Austin College campus in Sherman, Texas**. Entitled ***Legal Ethics and Client Advocacy in Civil and Criminal Litigation***, the Symposium will provide a collection of state-wide speakers on panels covering **developments in Texas Ant-SLAPP Litigation, ethics in both criminal and civil litigation, a judicial panel on ethics in civil and criminal litigation, and a keynote luncheon speech by U.S. District Judge Amos Mazant**. A **reception** at the President's Home follows the Symposium. What appears to be roughly 4.0 hours of both CLE and Ethics credit, plus lunch, for \$50. This is a great deal, and you really shouldn't miss it. [Here](#) is the link for more information about the Symposium. See you there!

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Recent Opinions Issued by the Court in Other Civil Cases Not Covered in the Last Newsletter involved:

Boundary Dispute (Restrictive Easement): *Schwendeman*, No. 02-19-00007-CV-the Court affirmed the trial court's judgment in favor of Appellee property owner in a boundary line dispute involving an encroaching area, fence and Boundary Line Agreement (BLA). The Court held that: (1)The BLA is a restrictive covenant running with the land; (2) There is legally and factually sufficient evidence to support that an implied easement by estoppel exists and that Appellee property owner has the responsibility to maintain, repair, and/or replace the fence; (3) There is legally and factually sufficient evidence to support the injunction against Appellant property owner removing the existing fence and placing it on the property line; (4) There is legally and factually sufficient

evidence to support the award of damages; and (5) There is legally and factually sufficient evidence to support the award of attorney's fees.

Healthcare Liability (Expert Report): *Hancock*, No. 02-19-00126-CV-in a wrongful death medical malpractice case involving a post-surgical bleed, the Court affirmed the trial court's denial of Appellants' motion to dismiss, which was based on objections to the expert's report of Appellees. The Court held that the trial court did not abuse its discretion: (1) by determining the expert was qualified to reliably opine, "because of his board certification in the same practice area and his active practice in rendering medical care services 'relevant to the claim;'" (2) because the expert's report identified the conduct called into question as violating the standard of care; and (3) "by concluding that Dr. Hanna's report represented an objective, good-faith effort to comply with the definition of an expert report on the issue of causation."

All for now. Y'all have a good week.

Best regards.

Yours,

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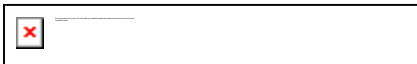


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