

# FULKERSON LOTZ *Update*



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*(Photo Above Right)*  
**Children in the West Nile Region of Africa gather for story time led by a volunteer from the Good Steward Global Initiative.**



*Map of Uganda*

## GOOD STEWARD GLOBAL INITIATIVE PROGRAM



For most Houstonians finding something to read is as simple as checking out a book from the local library. But attorney Mark Cotham knows that simple act is impossible in many parts of the world, because there are no libraries and, more importantly, no books.

So, for the last six years, Cotham has been trying to make a simple library visit a reality for the residents of the West Nile region of Africa.

Through the non-profit Good Steward program, which he heads, almost 500,000 donated books have been distributed to over 200 school and community libraries, mostly in Africa, that were built by the organization.

Cotham, who has practiced law in the Houston area for nearly 35 years, is quick to point out that the effort would not have been possible without the support of the Houston community. One of the many firms supporting him has been Fulkerson Lotz under the auspices of Tom Fulkerson, who has been a friend since college.

“Tom and Gina Fulkerson were some of my earliest book donors and have likewise been very generous supporters since we first began work,” he says

“Tom Fulkerson and I go way back — to being on the same debate squad at Northwestern,” where both Tom and Mark were national debate champions. “We know more about each other than it may be smart to share,” Cotham says.

The drive to bring books and libraries to the West Nile area began, surprisingly enough, with solar cooking stoves. Cotham pointed out that he was sent to Northwest Uganda (the West Nile area) in 2008 by a firm trying to market the devices.

Cotham says simply, “I absolutely fell in love with the people.”

As part of a later project, Cotham was asked to assess the needs of the area through community meetings. “Every single village told us that education was their top priority. On a very fundamental level, they understood that literacy was important to their future.”

When he returned to the United States, he helped organize a church effort to collect and send books as a “proof of concept” project. When that was successful, Good Steward was formed and they have been loading 40-foot cargo containers ever since.

(Cont.)

## GOOD STEWARD GLOBAL INITIATIVE PROGRAM (CONT.)



*Members of the Fulkerson Lotz LLP law firm attended the recent Good Steward Global Initiative luncheon to show their support for the organization, which distributes donated books to residents of the West Nile region of Africa.*

The toughest part, Cotham says, is fundraising. “People here in the United States often do not think that they have any responsibility for people abroad. An average American just has no concept of what rural Africa is like — that there is a book famine and that the average household has not a single book.”

Cotham, who is looking forward to his 14th trip to the area this June, points out that many children in that part of the world, have never seen a book, never mind a library.

He adds, “People of faith have been some of our strongest supporters because all the great faiths teach that the people we help are our brothers and sisters and that people with resources have an obligation to help those without.”

Cotham says that he encourages volunteers to travel abroad with him in hopes that they will see what a difference the books make. “People come back with a world understanding that is infinitely greater than when they left.” And, he adds, “The people in Africa are so extremely grateful. Every single trip, on a daily basis, that gratitude is expressed in so many ways.”

The program can only work in areas where people speak English but they are planning to expand to Kenya and Northern Malawi – home to William Kamkwamba who recently spoke to the group’s annual fund-raising luncheon.

Kamkwamba’s story, of a young boy who essentially educated himself as an engineer to build a windmill in his small village, was a local phenomenon until word of his work filtered outside the country. He eventually earned a degree at Dartmouth College and has spoken all over the world about the importance of books, libraries and the needs of his native country.

Cotham says the organization takes most any book which is “wholesome and in good condition,” although he adds,

“We also need children’s books because we especially emphasize the acquisition of the habit of reading for fun.”

Sandy Torres, Fulkerson Lotz’s manager and her husband Romeo volunteered to sort the last batch of 50,000 books being loaded for shipment to the West Nile area. She said the work was beyond her expectations, “It gave us such great joy to know that we were making a difference in the lives of young children in Africa who need books to learn to read.”

Cotham, who has done his fair share of traveling, says, “I have been to the Great Wall in China, the Great Barrier Reef, Great Britain and a lot of other ‘great’ places, but they all pale in terms of just the sheer fun involved in what we do.”

“Everyone owes it to themselves to wake up in Africa - often in pretty humble surroundings - and work with people to establish a library that will benefit thousands of people for years to come,” he says.



*Volunteers from the Good Steward Global Initiative get books ready for shipment to Africa.*

# FULKERSON LOTZ SUPPORTS ADOPT AN ANGEL

Fulkerson Lotz joined 70 other Houston Area law firms over the Christmas holiday to support the Houston Young Lawyer's Association's annual Adopt An Angel program. The organization coordinates donations for distribution to over 2200 children in the Houston Area. This year two Fulkerson Lotz employees, Sandy Torres and Michelle Esparza, served as Angel liaisons to sort, bag and distribute gifts. The organization even enlists Santa and his elves to hand out the gifts to the appreciative children. This is Sandy's third year with the program and Michelle's first. Sandy is shown (at right) with Karen Taylor (at left) administrative assistant at the Peterson Elementary School where gifts donated by Fulkerson Lotz families and friends were distributed. The effort has been adopted by the firm for annual participation and welcomes year round contributions from anyone in the community.



## TEACH TEXAS



When Fulkerson Lotz attorney Gavin Uttecht saw a Houston Bar Association email asking for volunteers to teach in area schools, he says it immediately piqued his interest.

"I had been a swim coach for 10 years, teaching all ages from 5 to 18 and I thought it would be a good chance to get back in touch with young people,"

he says. The 2012 graduate of the St. Mary's School of Law now says he had a great time teaching the two classes he was assigned and looks forward to assisting the program in the future.

HBA's Teach Texas is based on a project organized by the Texas Supreme Court Historical Society and the State Bar of Texas Law-Related Education Department, teaching the book, *Taming Texas: How Law and Order Came to the Lone Star State* by James L. Haley.

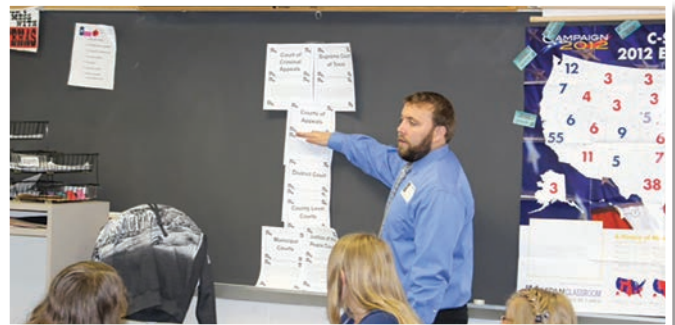
The project focuses on 7th grade Texas history classes, where judges and attorneys have the opportunity to teach students the history of the Texas court system, how it fits into the history of the state, and how the court system today fits together with the federal court system.

Uttecht, who taught classes at League City Intermediate School, Space Center Intermediate School and Creekside Intermediate, says he wanted to make sure the students first introduction to the law was not through the criminal court system or divorce court.

He says he got good reviews from the teachers. One told him, "this is something the students would definitely want to do again." Another teacher offered she could not believe, "not only how much information the children were able to learn, but how much they retained and were able to apply."

The young attorney already has plans for more classroom work and says he would like to work with the HBA on the curriculum for the program. He would like to get away from the standard Powerpoint presentations that many attorneys use and have a more interactive session with more student involvement.

"I think the students really liked answering questions, especially if you make a competitive game out of it," he says. "And I was very surprised that they remembered so much of what I had said."



*Fulkerson Lotz attorney Gavin Uttecht talks to students at the Space Center Intermediate School, as part of the Teach Texas program sponsored by the Houston Bar Association.*

Uttecht says he tried to bring the law to life by using questions they could relate to, such as "What will happen if I let out the bats at the zoo?" and giving examples using social media such as Facebook.

Uttecht admits it was a fantastic opportunity to use his passion for teaching to give back to the community on behalf of Fulkerson Lotz LLP.

The teachers appreciated having a young enthusiastic attorney in the class who was able to make a dull topic, like the court structure, an interesting and interactive class.

# FULKERSON LOTZ WINS CASES



## **FULKERSON LOTZ WINS DISMISSAL OF EMPLOYMENT DISCRIMINATION CASE:**

Fulkerson Lotz successfully defended NetIQ, a Houston based information technology infrastructure company, in an employment discrimination suit brought by a former employee. Gavin

Uttecht, on behalf of Fulkerson Lotz, succeeded in winning a dismissal of the case brought by Shannon N. Goodie, who claimed she had been terminated wrongfully, denied promotion and subjected to retaliation.

Uttecht said that “NetIQ is a group you feel good representing, they handle their business well.” After conducting his investigation, Uttecht was confident that Goodie’s claims against NetIQ were baseless.

His analysis of the case proved correct, as his motion to dismiss Goodie’s case was granted by Judge Lee Rosenthal despite multiple opportunities given to Goodie to state her claim.



## **FULKERSON LOTZ WINS INJUNCTION TO END SPREAD OF FALSE RUMORS:**

Fulkerson Lotz attorneys Jerry Mitchell and Ethan Gibson successfully obtained a temporary restraining order and then a

temporary injunction on behalf of their client, Majestic Oil, to prevent its Houston-area competitors from continuing to spread false rumors about the company and its products.

The 334th Texas State District Court issued both emergency and interim relief to prevent local dealers of Majestic’s main competitor in the diesel engine oil industry from continuing their verbal and written marketing effort of using false information to dissuade customers from using Majestic’s diesel engine oil, which was selling at a price well below the competitor’s products. The court ruled that Mitchell and Gibson made a sufficient showing that the defendants, USA Truck Parts, Unique Truck Parts, & Chrome World had made defamatory statements about the origin of Majestic’s oil and had even displayed signs warning customers not to use Majestic’s product.

To achieve this result, Mitchell and Gibson obtained evidence, including video and tape recordings, which showed the defendants openly and groundlessly disparaging Majestic’s product. Thanks to the temporary injunction, Majestic Oil was able to resolve the matter without the need for further proceedings.



## **CASE ESTABLISHES NEW PRECEDENT FOR BANKRUPTCY REVIEW:**

Ethan Gibson, of Fulkerson Lotz LLP, recently won a bankruptcy appeal which established clear legal precedent for the reviewability

of remand orders from a bankruptcy court, in Texas. While it has long been the law that most District Court remand decisions are not subject to review, this recent decision makes clear that limitation doesn’t apply in the bankruptcy context.

Working with Tom Fulkerson, Gibson convinced Sim Lake, District Judge from the Southern District of Texas, that the bankruptcy court’s remand decision, even if it was based on an alleged lack of subject matter jurisdiction, was subject to both reconsideration by the bankruptcy court and appellate review by the district court. In doing so, Gibson was able to reverse the bankruptcy court’s remand order, allowing the case to remain in federal court. Gibson noted, “I couldn’t be happier to have been involved with this case, and to have come out on the right side of the law.”

The case, Marty McVey, et al v. Johnson et al., is an adversary case that relates to the bankruptcy filing of the Spring Branch Medical Center.



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