

# WOMEN AND THE LAW NEWSLETTER

JANUARY 2026



## TRENDING THIS ISSUE:

- Message From The Chair
- Attorney Spotlight of Kirby Drake
- Family Law in Rural Texas: "When there are only two attorneys in a county- access to justice becomes a question of geography"
- The ABC's of buying legal malpractice insurance
- SAVE THE DATE: Fourth Annual International Women's Day CLE & Celebration



## MESSAGE FROM THE CHAIR

The Women and the Law Section (WAL) is made up of professional women who strive to further the legal community, and I am very proud to be the section's current Chair. I have been a member since 2021 and have had the opportunity to serve as a Council member for the past couple of years. Being a part of WAL has taught me the importance of being involved in your community and meeting like-minded individuals. I have practiced across the State of Texas, literally from Edinburg, TX to now El Paso, TX and knowing that I already have a network of support in a new city is very comforting and helpful. I would not have had that if not for being involved in WAL.

I have had the privilege of seeing how WAL has grown and expanded over the years. We have maintained our status as a large section that is continuously working on our outreach to members. This is demonstrated, not only by our monthly CLEs, but by the events we have. One that I am really looking forward to is our fourth annual International Women's Day event where professionals will gather statewide across thirteen cities. It is a time where you can really feel the camaraderie with others in the legal professions.

# WOMEN AND THE LAW NEWSLETTER

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## TRENDING THIS ISSUE CONT'D:

- SAVE THE DATE:  
Women and the Law  
second annual  
symposium &  
wellness retreat at  
Texican Court
- SAVE THE DATE:  
Women and the Law  
Annual CLE  
meeting/awards
- Award Qualifications
- 2025-2026 Council  
Members
- Welcome new  
members!
- WRITE FOR: Texas Bar  
Journal
- WRITE FOR: WAL

## MESSAGE FROM THE CHAIR CONT'D

This year we are currently planning our second annual Law Symposium and Retreat, which is another example of how our Section continues to empower our members by focusing on overall health as well as legal knowledge. To know the incredible women who are behind these events and this Section is such an honor.

My intention for my time as Chair is to encourage the newly licensed lawyers and law students to be involved. Whether it is by viewing a CLE or attending an event, I hope you take the opportunity to learn from others in our profession and then in return share that wisdom with others. Thank you to all our Section members who continue to be involved, and I hope we have another successful year together.

# December Spotlight- Kirby Drake



**THIS HOLIDAY SEASON, WE  
CELEBRATE OUR COUNCIL  
MEMBER ACHIEVEMENTS!**

**WOMEN AND THE LAW ARE  
PROUD SPOTLIGHT DALLAS  
INTELLECTUAL ATTORNEY,  
KIRBY DRAKE.**

SBOT Women and the Law Section Council Member and Dallas intellectual property attorney, Kirby Drake, has been named 1 of 36 members of the American Chemical Society (ACS) Fellows for 2025. ACS Fellows are ACS members who have shown outstanding achievements in and contributions to science, the chemistry profession, and the society. Ms. Drake and the other 2025 ACS Fellows were celebrated at a ceremony held during Fall 2025 in Washington, DC.



Kirby Drake is the founder of Kirby Drake Law PLLC in Dallas, Texas. Since 2002, Ms. Drake has focused her efforts on helping clients successfully navigate their intellectual property (IP) challenges, whether those challenges relate to patents, trademarks, trade secrets, or copyrights. She has a special focus on the patent process, as she is a registered patent attorney. Ms. Drake is a former chair of the State Bar of Texas Intellectual Property (IP) Section as well as the Women and the Law (WAL) Section.



# Family Law in Rural Texas

*"WHEN THERE ARE ONLY TWO ATTORNEYS IN A COUNTY-  
ACCESS BECOMES A QUESTION OF GEOGRAPHY"*

*By: Rosalind V.O. Perez*



# Legal Spotlight- Professional Isolation and Ethical Pressure

When statewide conversations about access to justice happen, they often overlook the reality that much of Texas is not urban. Family law in rural areas looks very different from family law in major metros – not because the family code changes, but because everything around it does.

Practicing law in a small community means you see your clients at the grocery store, your opposing party at the gym, and your judge at rotary lunch. It demands constant vigilance in maintaining confidentiality, professionalism, and boundaries.

Ethical conflicts are a daily reality. When there are only a few family lawyers in a region, declining a case for conflict can mean a litigant will have no representation at all. In a region with few lawyers, the “conflict” game played by litigants can have very real consequences. When there are only five attorneys in the area, a party can easily consult with each attorney and leave the other parent without accessible representation. Worse still, in areas with only a handful of attorneys, the usual forces of competition that drive innovation and diligence can weaken. Without that constant professional pressure, the incentive to refine one’s practice or stay current on developments in the law may diminish.

The shortage of rural lawyers is not new, but it is worsening. Young attorneys gravitate toward urban centers where salaries may be higher, mentorship is accessible, and professional networks are dense. The economics of small-town practice – long drives, limited support staff, and unpredictable volume – make recruitment difficult. And that’s all before selling a young person on a rural town over living in Austin, Dallas, or Houston.

Without structural incentives, there is little to draw new lawyers to rural and smaller communities. Over time, this creates “legal deserts,” where families have no practical way to obtain counsel for divorce, custody, or protective orders – even when they can pay for it.



# Legal Spotlight—Why It Matters?

Family law affects fundamental human needs: safety, stability, and the welfare of children. When there aren't enough lawyers to handle those cases, families are forced into self-representation in complex matters they don't understand. Judges are left to manage unprepared litigants, and outcomes become less consistent.

Access to justice isn't only about funding legal aid or modernizing court systems; it's about ensuring that every Texan — regardless of ZIP code — can reach a qualified lawyer. That won't happen without deliberate investment: loan-repayment programs for rural practitioners, and incentives for newly licensed attorneys to establish local offices.

Rural family lawyers see the consequences of these gaps every day. We don't need think-tank studies to tell us what happens when the system doesn't scale — we live it. And yet, there's a resilience in these communities and the lawyers who serve them. With the right attention and support, access to justice in rural Texas can become more than an aspiration. It can become achievable.

One meaningful way to address the shortage is through rural legal-clinic participation. The Texas Legal Services Center (TLSC) operates virtual and in-person clinics designed specifically for rural residents who otherwise lack access to family-law representation. Attorneys can volunteer remotely, often for just a few hours a month, to provide advice or limited-scope assistance in counties with few or no practicing family lawyers. These clinics don't just help clients—they also connect isolated practitioners, expand professional networks across regions, and remind us that meaningful impact doesn't always require a new office, only a little time and willingness to serve.



Rosalind V.O. Perez is an attorney/owner of Perez Law that primary practices family & child welfare Law.



# THE ABC'S OF BUYING LEGAL MALPRACTICE INSURANCE A TWO PART SERIES

By: Carrie Johnson, VP Loss Prevention, Texas Lawyers' Insurance Exchange



Purchasing legal malpractice insurance does not have to be intimidating. Whether you are newly licensed and hanging out your own shingle, or whether you have been practicing for a while but this is your first foray into purchasing insurance, TLIE can help. The main thing to take away from this article is that because of the unique aspects of professional liability insurance that are distinct from insurance like auto or homeowners, it is important to obtain coverage from your first day of practice and then continuously maintain it without gaps throughout your entire practice. Waiting until you think you can “afford” it will actually cost you more in the long run and will put your personal assets at risk. Having insurance in place at all times protects you, your firm and your clients.

## Why it is important to **acquire** legal malpractice?

If you are just starting out and opening your own firm, it may be tempting to put off buying malpractice insurance due to the expense. A newly minted attorney may think he or she cannot afford the cost of insurance premiums. Many lawyers also do not prioritize malpractice insurance because they believe they will never face a claim - that they are the exception to the rule that every lawyer will face a claim or grievance at least once during their career. Yet, no attorney is immune from claims. Some clients will sue you or file a grievance even if you did nothing wrong because they are perpetual victims and never happy no matter the result. Further, mistakes do happen - even to the best and most diligent attorney. And when they do, it is the responsible and ethical choice to maintain insurance coverage to remedy those mistakes for your clients, and also a wise decision to protect your personal and firm assets.

It is a fallacy to think clients will refrain from suing if you are uninsured. Clients do not make the decision to file suit based on whether the attorney has insurance. In reality, clients often do not know whether you have insurance at the time they assert a claim, and clients with relatively small matters are not deterred by the fact of no insurance. Having insurance does not make you a target, it just exposes your personal assets.

Going bare will not save you money, increase your bottom line, or save you time. The universal truth is that the cost of defending a claim – even if frivolous or without merit – will likely exceed the cost of your annual premium. Few if any attorneys can self-insure against the expense of a claim, which typically costs \$25,000 (if disposed of very early)– \$150,000 (if litigated for 12-18 months) just for defense costs and before any indemnity payment.



## Being insured from day one is important.

Now that we established why you need malpractice insurance, it is important to explain why you need to have it continuously in place from the first day you practice law until the day you retire.

Because mistakes by a lawyer are often not discovered until years later, legal malpractice policies are uniquely “**claims made**” policies, meaning coverage exists for claims made and reported to the carrier during the policy period in effect. This is different from an auto or homeowner’s policy which is “occurrence-based.” The easiest way to explain what that means is through an example:

**“CLAIMS-MADE” EXAMPLE:** Libby Lawyer purchases a malpractice insurance policy for the term January 1, 2020-January 1, 2021. She renews her policy a second time for the term January 1, 2021 – January 1, 2022. On December 10, 2021, Libby is served with a malpractice lawsuit filed by Connie Client alleging she missed a deadline in February 2020. Libby timely reports the claim to her carrier on December 15, 2021. As such, the policy that covers this claim is the second policy with a term from January 1, 2021 to January 1, 2022 because that is when the claim was made and reported – even though the error occurred in 2020.

Had the policy been occurrence-based, the policy that would have covered the claim would have been the first policy with the term of January 1, 2020 to January 1, 2021, because the error “occurred” during that policy term.

The next wrinkle is that for there to be coverage under a “claims-made” legal malpractice policy, not only must the claim be made and reported during the policy period, but there must have been an effective policy in place at the time of the error. That is why it is important to understand what a “retroactive date” is and how that applies to you.



A retroactive date is the first date the insured obtained and maintained continuous coverage. It is usually the policy inception date of the first policy purchased and only acts/omissions after that date are covered. If an attorney is covered by liability insurance from the first day of practice, and never goes without, then the retroactive date will be all the way back to the first day of that lawyer's first insurance policy. Again, a few examples will effectively explain how this works:

**“RETROACTIVE DATE” EXAMPLE 1:** Libby Lawyer graduates from law school and purchases her first malpractice insurance policy with a term January 1, 2010-January 1, 2011. She then renews her policy continuously through January 1, 2015. Because she has had continuous coverage since her first policy, Libby's retroactive date is January 1, 2010. On December 10, 2014, Libby is served with a malpractice lawsuit filed by Connie Client alleging Libby made an error in estate planning done years earlier in December 2010 but only recently discovered. Libby timely reports the claim to her carrier on December 15, 2014. As such, Libby is covered under the policy in effect on December 15, 2014, even though the alleged error occurred in 2010, because her retroactive date is January 1, 2010 and the error occurred after that date.

**“RETROACTIVE DATE” EXAMPLE 2:** Libby Lawyer graduates from law school and starts her own firm on January 1, 2010, but does not believe she can afford insurance. A few years later, she feels like she is making enough money to buy insurance and she gets her first policy with a term of January 1, 2012-January 2013. She then renews her policy continuously through January 1, 2015. Libby's retroactive date is January 1, 2012 because that is the date she first became insured. On December 10, 2014, Libby is served with a malpractice lawsuit filed by Connie Client alleging Libby made an error in estate planning done years earlier in December 2010 but only recently discovered. Libby timely reports the claim to her carrier on December 15, 2014. However, because the error occurred in December 2010, before the retroactive date of January 1, 2012, Libby does not have coverage for this claim – even though the claim was made and reported during a time she had a policy in effect.

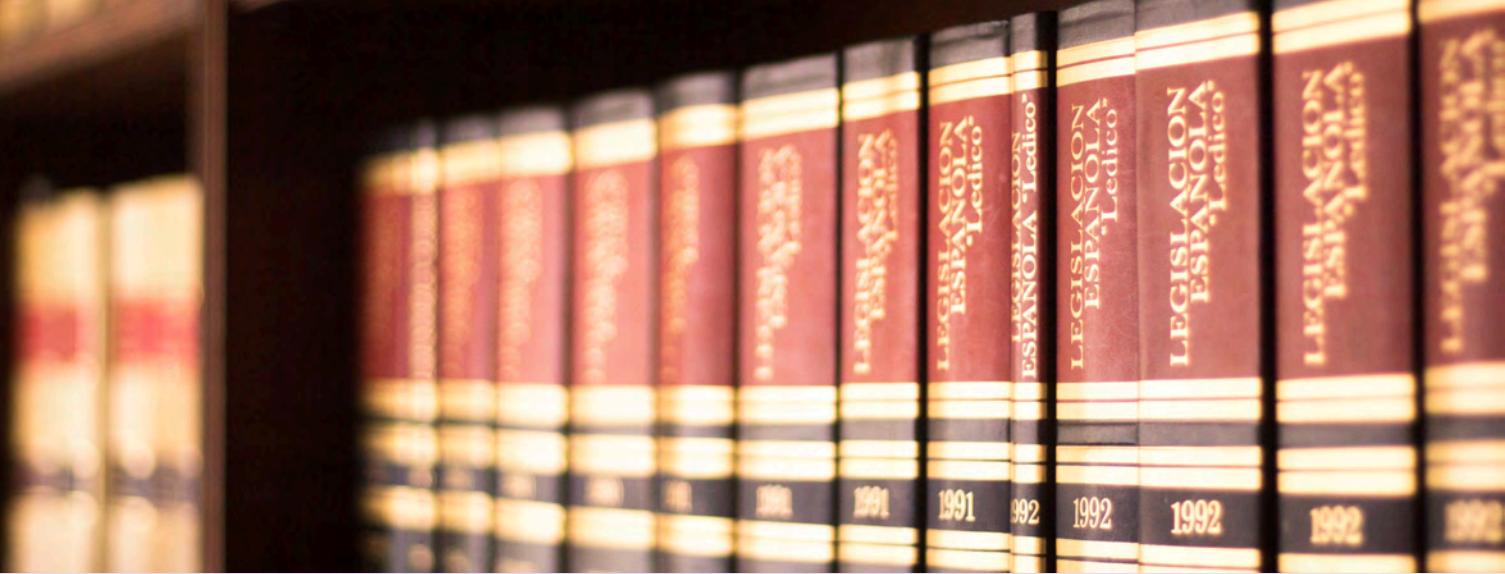


This is why it is important to obtain coverage from day one, and not to go “bare” until you think you can afford it. That said, if you’ve already begun practice but have not yet purchased insurance coverage, it is not too late. You can often purchase coverage even if you have gone bare for a while, but recognize that the policy will not cover any acts, errors or omissions (prior acts) that occurred before the inception date of your first and continuously renewed policy.

Still, the best situation is for the attorney to have a retroactive date that extends back to when they first started practicing as an attorney. For that to be true, the attorney must have been insured from day one with no “gaps.” A gap is a period of time for which there is no claims-made policy in force. If you have a “gap” in coverage, then your retroactive date starts over and resets to the first date of the new policy ending the gap period. An event that occurs during a gap will not be covered even if you have coverage when the claim is later made and reported. By that same token, having insurance at the time the error is made is useless if there is no policy in force when the claim is later made. Again, an example illustrates this point:

**“GAP” EXAMPLE :** Libby Lawyer graduates from law school and purchases her first malpractice insurance policy for the term January 1, 2010-January 1, 2011. She then renews her policy continuously through January 1, 2015. However, Libby decides not to renew her policy for the term January 1, 2015-January 1, 2016 because she thinks she cannot afford the premium that year. Libby feels better as 2016 comes to an end and so she obtains a policy for January 1, 2017- January 1, 2018. On December 10, 2017, Libby is served with

a malpractice lawsuit filed by Connie Client alleging Libby made an error in December 2015 but Connie only recently discovered it. Libby timely reports the claim to her carrier on December 15, 2017. However, because the error occurred in December 2015 when there was no policy in force, Libby does not have coverage for this claim – even though the claim was made and reported during a time she had a policy in effect. Also, important to note, Libby’s new retroactive date is January 1, 2017. So, any error prior to that date will not be covered, even if she had a policy in force at the time the error was made.



In today's market, lateral movement is more prevalent than it was a decade or two ago. But lawyers who move firms are also at risk of having gaps in coverage and may not even realize it. For the most part, if you leave a firm that has insurance, you will continue to be insured under that firm's policy as a former attorney. But if that firm dissolves, or decides to discontinue its policy, then you will not have any coverage for acts/omissions that occurred at the time you were with that firm. As demonstrated above, this is a problem if you have a claim made against you in 2017 when your former firm no longer has a policy for conduct that occurred in 2015 when you were with the firm. In these cases, you will want to ask your new firm about your retroactive date on their policy to see if it covers your conduct back to your initial date of coverage and/or see if you can purchase **extended reporting coverage or “tail” coverage** from the carrier insuring your former firm.

Extended reporting or tail coverage is an agreement with the carrier to extend the period of time that you can report a claim after a policy expires. It mitigates the risk related to claims that arise from past conduct after a policy terminates. It is usually an endorsement to an existing policy which does not change the other terms of the policy. Firms can purchase tail coverage in the event of dissolution, merger or other key events where members cease to practice. Individuals can purchase upon retirement, death, or otherwise leaving the practice of law. An example of how this works follows:



**"TAIL" EXAMPLE:** Libby Lawyer graduates from law school and purchases her first malpractice insurance policy with a term January 1, 2010-January 1, 2011. She then renews her policy continuously through January 1, 2015. Because she has had continuous coverage since her first policy, Libby's retroactive date is January 1, 2010. Libby decides to close her firm on January 1, 2015. She buys a 2-year tail policy that extends the time she can report a claim to January 1, 2017. On December 10, 2016, Libby is served with a malpractice lawsuit filed by Connie Client alleging Libby made an error in December 2014. Because Libby had a policy in place in December 2014, and because she purchased an extended reporting or tail endorsement until January 1, 2017, she can report the claim in December 2016 and it will be covered, even though her last policy term ended January 1, 2015 when she closed her practice. In short, there are four conditions that must exist for there to be coverage under your professional liability policy:

1. A policy must be in effect at the time the claim is made against you;
2. A policy must be in effect at the time the claim is reported to the carrier;
3. There must have been an effective policy in place at the time of the act, error or omission giving rise to the claim; and
4. There must have been continuous coverage – without a gap – from the time of the act, error or omission to the time the claim was made and reported.

As the above examples demonstrate, it is very important to understand how legal malpractice policies work when you are purchasing a policy, so you understand what exactly you are purchasing and what exactly is covered.



**WOMEN AND THE LAW**  
STATE BAR OF TEXAS

***SAVE THE DATE!***

Fourth Annual  
International  
**WOMEN'S**  
**DAY** CLE and  
Celebration

Date: March 5<sup>th</sup>, 2026

\*Specific times & locations to be announced\*

**Join us in 13 cities!**

Dallas  
Houston  
San Antonio  
Austin  
Tyler  
Waco  
Edinburg/McAllen  
Corpus Christi  
Lubbock  
El Paso  
Midland/Odessa  
Laredo  
Brownsville





# The Women and the Law Second Annual Law Symposium and Wellness Retreat at Texican Court- Irving, Texas



Save the  
date!!  
3/26-3/28

More details TBA



**If you want to sponsor or  
spearhead the event or be a speaker,  
contact  
[ecantu@ramonworthington.com](mailto:ecantu@ramonworthington.com)**



# WOMEN AND THE LAW

STATE BAR OF TEXAS

SAVE THE DATE!!!

Join us for the  
**Women and the Law**  
Annual Meeting CLE



Marriot Marquis, Houston TX

June 11-12, 2026

Award Presentation for the:

Sarah T. Hughes Women & the Law Achievement Award

Louise B. Raggio and Ma'at Justice Award

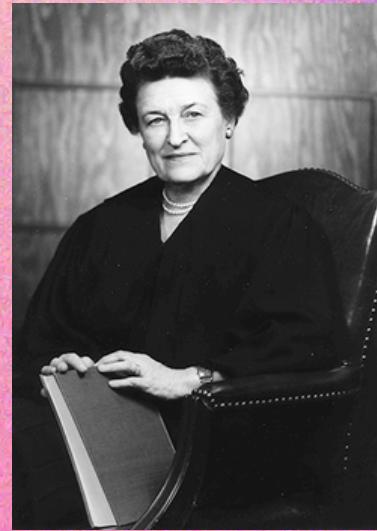
Judy L. Ney Serviam Award

Barbara Culver Clack Award

**NOMINATE SOMEONE TODAY!!**

## Sarah T. Hughes Women & the Law Achievement Award

This lifetime achievement award, established in memory of Judge Sarah T. Hughes in 1992, honors the accomplishments those who have supported women facing barriers in the practice of law.



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The section aims to select a candidate who satisfies one or more of the following criteria:

### **Sarah T. Hughes Women & the Law Achievement Award**

- a. has achieved excellence in their field,
  - b. has influenced women to pursue legal careers,
  - c. has opened doors for women attorneys in a variety of job settings that historically have been closed to women,
  - d. has advanced opportunities for women within one or more practice areas or segments of the legal profession, and
  - e. has otherwise served their industry or community in a manner that has benefited the legal profession.
-



## Lousie B. Raggio and Ma'at Justice Award

Louise Raggio's trailblazing achievements included the following: (1) overseeing the creation of the Texas Family Code, (2) serving as the first female assistant district attorney in her area; and (3) serving as the first emeritus member of the section's council.



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This award was established in 1995 to recognize and celebrate attorneys and associations of attorneys who further justice in our society. It traditionally has been given to an attorney who actively addresses the needs and issues affecting women in the legal profession and in the community.

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## Judy L. Ney Serviam Award

Named in honor of Judge Judy L. Ney, the Serviam award acknowledges service in the Women and the Law Section to the improvement of, and access to, legal services, mentorship, volunteerism to professional and legal organizations and the continuing effort to address barriers affecting female attorneys in Texas.



### Award Qualifications:

1. Has served at least on the council for at least 7 years;
2. Has served on at least 3 officer positions;
3. Has advanced the purpose and objective of the WAL Section in a substantial manner;
4. Advocates for the improvement of legal services to women in the law in Texas;
5. Exemplifies the spirit of and serves as mentor, champion and leader for female attorneys in Texas.
6. Award to be determined by the Chair.



**WOMEN AND THE LAW**  
STATE BAR OF TEXAS

<b>NAME</b>	<b>POSITION</b>
Gabriella Guerena	Chair
Reagan Boyce	Chair Elect
Carmen Jo Rejda-Ponce	Secretary
Sarah Nicolas	Treasurer
Natasha Martinez	Immediate Past Chair
Sylvia Borunda Firth	Vice-Chair of Membership
Rebecca Martinez	Chronologist
Denise Paul	Website Committee Chair
Amber Morgan	Vice-Chair of Newsletter
Cindy Tisdale	Council Member
Kirby Drake	Council Member
Liz Cantu	Council Member
Robin Thorner	Council Member
Rosalind Perez	Council Member
Laura Kugler	Council Member
Jessenia Ruiz	Council Member
Rebecca Walker	Council Member
Stephanie Ibarra	Council Member
Deborah Cordova	Emeritus
Leigh Goodson	Emeritus
Judy Ney	Emeritus
Deborah Race	Emeritus



# **WOMEN AND THE LAW**

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STATE BAR OF TEXAS

**Welcome to all our new members!!**



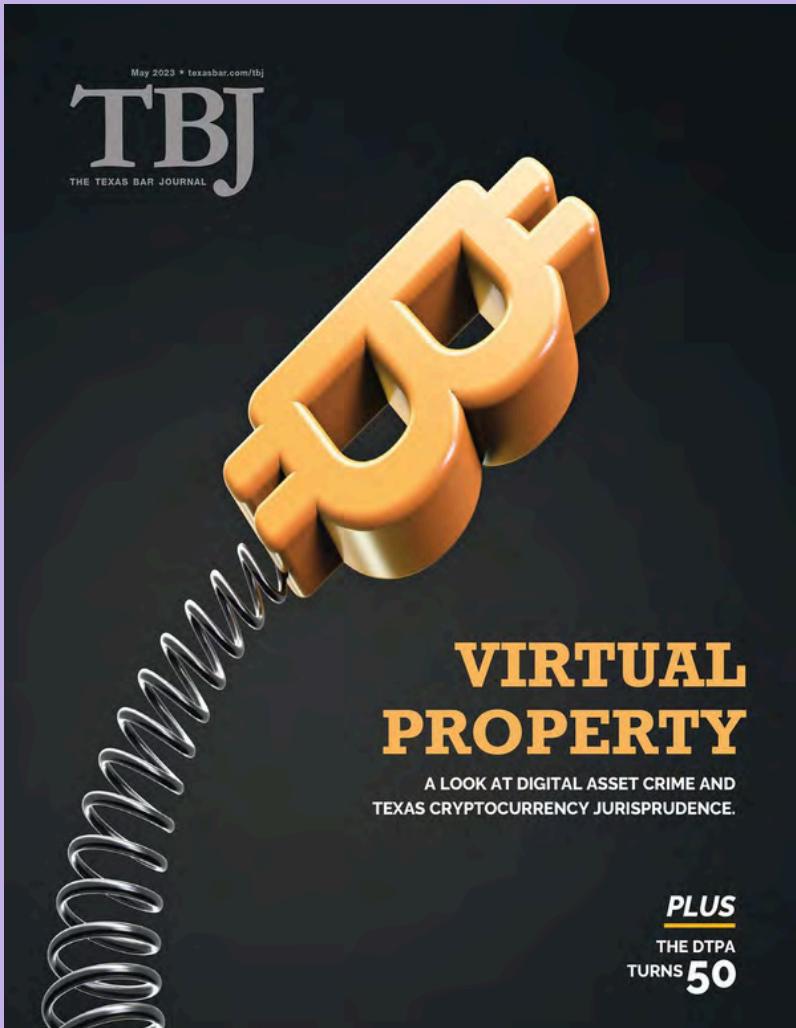
**Check us out on Instagram!!**

Member CLE Password is: justice

Send questions to [ecantu@ramonworthington.com](mailto:ecantu@ramonworthington.com)

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## QUESTIONS?

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# Just Write

**Have a great idea for  
a law article?**

*Want to write for the Women and the  
Law newsletter?*

Send articles to [ecantu@ramonworthington.com](mailto:ecantu@ramonworthington.com)

