

EXHIBIT
"CAN-SPAM-SORRELS"

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 - **Boies Schiller Flexner LLP**
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Laws In Texas Sorrels Law Violates Email CAN-SPAM Act. Secondly, Did Abraham Watkins Approve Use of Their Client List?

A former client of Abraham Watkins forwarded a copy of an 'email blast' which they received from Randy Sorrels and Alexandra L. Farias-Sorrels. They say it's SPAM email.

By **justicefortexas**

Posted on March 4, 2021

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LIT COMMENTARY

A former client of Abraham Watkins forwarded a copy of an 'email blast' which they received from Randy Sorrels and Alexandra L. Farias-Sorrels announcing their new firm Sorrels law and then immediately pitching their services and a zoom webinar. The former client claims that this was unsolicited and the only logical reason they could pinpoint as to why they received this SPAM email is because Randy Sorrels worked as a partner at Abraham Waktins and Alex Farias-Sorrels was 'of Counsel'. However, the client never met Sorrels or dealt with Sorrels at Abraham Watkins and was very distressed at receiving this SPAM email.

Now anyone in the email or marketing arena knows that when you setup a new company, with or without your old law firms' blessing, you cannot send an email blast – in this case using the vendor Constant Contact – without opting in to receive the mail. Relying on the "unsubscribe" link at the bottom of the email fails in law. You need to revalidate your email list first, known as 'opt-in' before you even consider sending an email. There is no acceptable excuse here because it's a new entity, a new law firm and you cannot rely on any prior opt-ins from Abraham Watkins, even if you are a former partner.

Secondly, you could have actually gained more respect and inquiries if you had followed the rules first and not just arrived unannounced into people's personal mailbox with the sole purpose of selling a zoom meeting to try and get new business leads. It's a very tacky approach and it's legally SPAM email.

Third, we're literally gobsmacked at the lack of legalese in the email and on the Sorrels Law website which looks like it's been hurriedly launched without any consideration for legal disclaimer pages like "privacy", "terms" and general legal disclosures and compliance requirements associated with digital e.g. a website promoting a law firm in Texas or an email blast which complies with Texas Bar marketing guidelines.

All this from a Texas Lawyer who is also plugging his ole State Bar of Texas like he still is the President.

It's brazen and it's wrong on every level, whether your looking at purely the digital marketing approach, the violations of the statute(s) or the legal ethics issues with this law firm – co-owned by a lawyer with "30+ years" experience.

THIS IS THE LINK FROM THE "UPDATE PROFILE" located at the FOOTER of the EMAIL from Sorrels. IT'S ALSO LEGALLY DEFICIENT as THE MEMBER WAS **NEVER** A MEMBER OF **NEW LAW FIRM** SORRELS LAW (AS THE EMAIL STATES, EST. JAN 1, 2021).

Update Your Sorrels Law Profile

You are seeing this message for one of the following reasons:

1. You are a current member of the mailing list for Sorrels Law and would like to update your profile.

or

1. You are a previous member of the mailing list for Sorrels Law and would like to

re-subscribe to this list – Welcome back!

Your email address: ****

Please click the **Submit** button and instructions will be emailed to you.

It's a Risky Marketing Tactic and Could Turn into a Very Costly Choice by Sorrels Law Indeed, at LIT we recently saw the huge financial penalties of SPAM marketing **in our Buccaneers article**.

Buccaneers Limited Partnership ("the Buccaneers") does business as the Tampa Bay Buccaneers. Well before it signed Tom Brady and Rob Gronkowski to play in the 2020 football season, it was sued in at least five class action complaints.

Each one alleged that the Buccaneers sent telefax advertisements in violation of the Telephone Consumer Protection Act ("TCPA"). 47 U.S.C. § 227. The TCPA allows recovery of actual monetary loss or statutory damages of \$500 per telefax, whichever is greater. 47 U.S.C. § 227(b)(3)(B).

With approximately 343,000 faxes at issue, Buccaneers' total estimated potential exposure was \$170,000,000.

TCPA versus CAN-SPAM

In the U.S., the most relevant law when launching a digital marketing campaign is CAN-SPAM. This law sets the rules that all companies need to follow when sending marketing messages via email.

The Telephone Consumer Protection Act of 1991 (TCPA) covers SMS messages and phone calls (including faxes as shown in the Buccaneers case above).

If you are wondering why businesses should be paying attention to these regulations, take note:

According to the FTC, each separate email in violation of the CAN-SPAM Act is subject to penalties of up to \$43,280.

What Kinds of Emails are Regulated?

Under CAN-SPAM, the rules only apply to commercial emails. These are messages sent with the purpose of advertising or promoting a product or service. When evaluating the overall purpose of an email, it is important to look at the content of the message, hyperlinks and even contact information. In general, ask if the message:

- Includes offers to purchase, sell, barter or lease a product, goods or a service
- Includes offers to provide a business or investment opportunity
- **Promotes a person who can do any of the above things**

If the email contains both commercial sales promotion and transactional information (a receipt, a confirmation, notifications about an existing subscription or service, etc.), then the email is regulated if the recipient would regard the primary purpose of the

email to be commercial in nature.

LIT's provided the email blast from Sorrels Law below. In our personal opinion, it's patently obvious it would qualify as commercial email under the act.

The Unsolicited Sorrels Law Email Blast
From: Sorrels Law <****>
Date: Thu, Mar 4, 2021 at 9:07 AM

Subject: Announcing Sorrels Law
Established January 1, 2021 – And what a start it has been!
As my year as President of the State Bar of Texas came to a close, I felt a call to a new adventure — one that allowed me to continue providing and expanding on first-class client representation and public service. My wife (and now law partner) encouraged me to pursue that dream. She told me that change every 30 years is a good thing. And has she been right! In our first month at our new firm, Alex and I secured one of the largest personal injury jury verdicts in the nation over the last year. In fact, we will be discussing the Clemens v. Concrete Cowboy trial to a national audience at the Trial Lawyer University this Monday. The information on the program is below. More on our growing firm later. Call us or text us anytime.
713-582-8005, Sorrels Law.

Clemens vs. Concrete Cowboy \$3,240,000 Verdict Premises Liability

RANDY SORRELS

ALEXANDRA FARIAS

Case Analysis Presents Randy Sorrels and Alex Farias-Sorrels on their recent verdict in the high profile of Clemens vs. Concrete Cowboy.

Kacy Clemens and Conner Capel were awarded \$3.24 million by a Houston jury as a result of the January 1, 2019 assault attack at the Concrete Cowboy Bar on Washington Avenue in Houston, Texas. Clemens and Capel, both sons of former Major League Baseball pitchers Roger Clemens and Mike Capel, were cleared of any wrongdoing in the attack, while bar owner Daniel J. Wierck and 34th S & S d/b/a Concrete Cowboy were found fully at fault.

Kacy Clemens was a minor league baseball player in the Toronto Blue Jays organization and Conner Capel was a minor league baseball player for the St. Louis Cardinals organization at the time of the incident. Clemens and Capel had joined some friends for a New Year's Eve celebration on December 31, 2018, at the Concrete Cowboy. Shortly after midnight, Conner Capel was standing near the bar when an aggressive bouncer ordered Conner to move back. Apparently, the bouncer was not satisfied with Conner's movement when he was grabbed and put in a chokehold. He was then picked up and was being carried out by four bouncers when he witnessed a Concrete Cowboy employee or the owner, strike him on the head with a flashlight. He suffered a skull fracture above his left eye requiring internal and external wound repair.

Kacy Clemens, Conner's life-long friend, was standing near-by and attempted to diffuse the situation. Kacy was grabbed around the neck and put in a chokehold. He was picked up also and carried out, with someone else striking him several times in the ribs. Once outside, Kacy was thrown to the ground landing on his right elbow,

which is his throwing elbow. His elbow swelled up immediately and limited Kacy's training regimen.

Lessons learned:

How to present damages without presenting medical bills.
Pay attention to criminal history
Pain and suffering damages
Publicity in cases/handling the high-profile case

Details:

Date: March 8, 2021
Time: 12:30 PM – 3:30 PM cst

Randy Sorrels | Sorrels Law

President, State Bar of Texas, 2019-2020

800 Commerce | Houston, TX 77002
713-226-5152 (D) | 713-582-8005 (C)

 | Profile

Board Certified — Personal Injury Trial Law/Civil Trial Law
Texas Board of Legal Specialization

HCA Healthcare and Serpe Andrews: Court 189 Lawsuit by Sorrels Law Assigned to New Judge Craft (2023)

Tamika Craft aka Tami Craft-Demming is a judge of the Texas 189th District Court. She assumed office on January 1, 2023.

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It's pro se lawyer Lloyd Kelley versus pro se lawyer Randy Sorrels in Houston. And one of them is the former President of Texas State Bar.

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