

1990

A Pocket Part of Posey's: A Daring Expose of Posey's Unreported Cases

Jim Paulsen

James Hambleton

Follow this and additional works at: <http://scholarship.law.tamu.edu/facscholar>

 Part of the [Law Commons](#)

Recommended Citation

Jim Paulsen & James Hambleton, *A Pocket Part of Posey's: A Daring Expose of Posey's Unreported Cases*, 53 Tex. B.J. 806 (1990).
Available at: <http://scholarship.law.tamu.edu/facscholar/29>

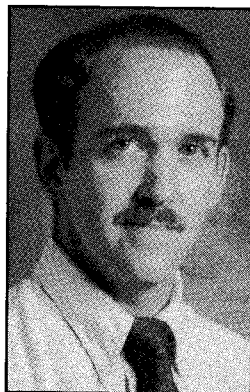
This Article is brought to you for free and open access by Texas A&M Law Scholarship. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Texas A&M Law Scholarship. For more information, please contact sphillips64@law.tamu.edu.

A POCKET PART OF POSEY'S: A DARING EXPOSE OF POSEY'S UNREPORTED CASES

By Jim Paulsen and James Hambleton



Jim Paulsen



James Hambleton

So you have never heard of *Posey's Unreported Cases*? Or maybe you have, but you have recurring nightmares in which a judge fixes you with a steely glare and growls: "Well, counsel, it looks like Ms. so-and-so's citation to *Posey's* is directly on point. What do you say about that?" Fear no more! In this column, you will find what is undoubtedly the most in-depth scholarly investigation ever attempted of *Posey's Unreported Cases*.

On the surface, the nature of the beast is easily described: *Posey's Unreported Cases* is a two-volume collection of "consent cases" decided by the old Commission of Appeals between 1879 and 1884. Like many legal explanations, however, this raises more questions than it answers: What is a consent case? What was the old Commission of Appeals, anyway? And, since a published case is "reported," by definition, why is *Posey's* two-volume book titled *Texas Unreported Cases*? After all, once *Posey* reported the cases, they are not unreported any more . . . or are they?

To answer these burning questions, one must begin in July 1879. Reconstruction was over, most of the carpetbaggers had been chased out, and Texans were just beginning to get some experience with how the Constitution of 1876 was working. As far as Texas appellate courts were concerned, the answer was "not very well." In the 40 years since the Texas Revolution, the population had increased many-fold. The volume of judicial business had more than quintupled, judging by the reported cases. Yet the Constitution of 1876 provided for an appellate court system little different from the earliest days of statehood. The Supreme Court was still comprised of only three members and true intermediate appellate courts were unknown. The sole concession made to changing times was a new "Court of Appeals," nowadays referred to as the "old" court of appeals. This court handled all criminal appeals and civil appeals from county courts. While criminal decisions of the Court of Appeals were printed in the *Court of Appeals Reports*, the Legislature, perhaps believing county court cases to be of only marginal interest, never provided for publication of the civil opinions. Two of the Court of Appeals judges, however, printed some of the court's civil opinions in abridged form. This four-volume report, *White and Willson*, bears the judges' names.

Even this two-court system quickly proved unable to keep pace with the burgeoning appellate workload and, in 1891, the Texas Constitution was amended to create the basic system of appellate courts Texas has today: a supreme court with civil jurisdiction only, a court of criminal appeals with appellate jurisdiction over all

criminal cases, and intermediate courts of appeals that have expanded in numbers and jurisdiction over the years.

Between the 1876 constitution and the 1891 judiciary amendments that set out the modern appellate court framework of Texas, however, the state Legislature experimented with an additional stop-gap response to the problem of appellate backlog: the Commission of Appeals. The three-member commission, created in 1879, was described in the enabling legislation as a "commission of arbitration and award." This description, as we will see in a moment, is very important.

Initially, the Commission of Appeals heard only civil cases transferred from the Texas Supreme Court by agreement of the parties, called "consent cases." In 1881, the Legislature expanded the statute to provide that both the Supreme Court and the Court of Appeals could transfer their oldest cases to the Commission of Appeals, whether the parties consented or not. The commissioners would write an opinion and recommend a judgment; as a practical matter, the referring court would then usually go along with the commissioners' recommendation.

From all appearances, neither litigants, the Legislature, nor the Texas Supreme Court were altogether happy with the Commission of Appeals as a solution to the problem of appellate delay. After all, if sufficient numbers of litigants had agreed to have their cases heard by the Commission of Appeals in the first place, the Legislature would not have been forced to amend the statute in 1881 to provide for mandatory transfer of cases.

The fact that the Legislature was not enamored with the Commission of Appeals as a permanent solution to appellate backlog is demonstrated in the legislation creating the commission. The Commission of Appeals was only authorized for a two-year lifespan in 1879, with successive two-year extensions at subsequent sessions. Each legislative enactment authorizing the continued life of the commission contained a proviso to the effect that the commission would cease to operate immediately if Texas voters approved a constitutional amendment increasing the number of Supreme Court judges.

The Texas Supreme Court had particular difficulty in accepting the Commission of Appeals as part of the judicial hierarchy. In *Henderson v. Beaton*, 52 Tex. 19 (1879), the court dealt with its first request to transfer a case to the newly-created commission. Although Chief Justice Moore specifically requested that the parties appear and argue the motion (evidently because the chief justice felt the whole idea was unconstitutional), neither party showed up for the oral argument.

Jim Paulsen is an associate with the law firm of Liddell, Sapp, Zivley, Hill & La-Boon in Houston.

James Hambleton, the manager of legal information for the Dallas law firm of Haynes and Boone, is a former director of the State Law Library in Austin.

Nor, noted the majority opinion, did any member of the Bar in attendance at court that day dare to touch the subject with a 10-foot pole. Nonetheless, the Texas Supreme Court forged ahead, issuing a splintered opinion that narrowly confirmed the constitutionality of the Commission of Appeals.

The problem centered on Article V, section 1 of the Texas Constitution, which at that time provided: "The judicial power of this State shall be vested in *one Supreme Court, in a Court of Appeals*, in District Courts, in County Courts, in Commissioners' Courts, in Courts of Justices of the Peace, and in such other courts as may be established by law." Since the Commission of Appeals was deciding cases constitutionally entrusted to the Supreme Court and the Court of Appeals, and since the Constitution provided only for *one* Supreme Court and *one* Court of Appeals, each with exclusive jurisdiction over certain classes of appeals, the commission was arguably an extra appellate court not authorized by the Texas Constitution.

Chief Justice Moore certainly thought the whole idea was unconstitutional and contrary to the scheme of Texas courts:

Under this act the parties have no voice in selecting the commissioners. They are public officers appointed by the Governor, confirmed by the Senate, and commissioned by the State. . . . The only volition that parties have in the matter is, that . . . they have the privilege of having their suit decided by the Commissioners of Appeals, or by the Court of Appeals, if the case is pending in it, or the Supreme Court, if it is pending here; or, in other words, of saying whether it shall be decided by three judges elected by the people, or by three others appointed by the Governor.

The other two members of the Supreme Court disagreed with the chief justice and confirmed the constitutionality of the Commission of Appeals. The reasoning employed, however, did little to enhance the image of the Commission of Appeals.

In our opinion, *the commission is not a court*, because it acts only by consent of both parties, and even then is without jurisdiction to render or power to enforce a judgment. It has no jurisdiction, for consent cannot give jurisdiction. *It is but a convenient and suitable board of referees or arbitrators*, provided to facilitate the adjustment of litigated cases pending in the courts of last resort, available only where both parties agree that the case be so referred. It is not a tribunal before which any litigant can be forced to come with his appeal.

The conclusion of the majority of the Texas Supreme Court, that the Commission of Appeals was not really a court at all, is reinforced by the legislation creating the Commission of Appeals in 1879. The commission was required to report its con-

clusions to the Supreme Court or Court of Appeals, as appropriate; "and the conclusions or award . . . *shall be and become* the judgment of the Supreme Court or the Court of Appeals . . ." While the conclusions of the commission became the judgment of the Supreme Court or Court of Appeals, with all the binding effect that accompanies such a designation, the *opinions* of the commission were consigned to oblivion. As provided in the original act creating the commission:

The opinions of said commission shall not be published in the reports of the decisions of the Supreme Court or the Court of Appeals, nor shall same have any other or further effect than to determine the particular cause wherein rendered, *and shall have no force, or effect, or authority as precedent in other causes.*

Later legislative sessions modified this prohibition to a limited extent. Since very few parties agreed to have their cases submitted to the Commission of Appeals for an arbitral decision, the Legislature amended the statute in 1881 to require that a certain number of cases be transferred to the commission. The same legislation provided that, if the Supreme Court so desired, opinions of the Commission of Appeals could be adopted and printed as decisions of the Supreme Court.

All of this historical background can really be summarized in very simple terms: The Commission of Appeals was not a court, the state printers could not publish its opinions, and only those opinions subsequently adopted and printed by the Supreme Court could have any precedential effect. The only decisions that were officially printed were decisions adopted by another court and, therefore, had the full authority of that court.

If this was the end of the story, the whole subject would hardly justify a footnote in history. Nor would it have any interest to students of legal research. Decisions of the commission that were in print would be authoritative; unprinted decisions would never be referred to or cited in any event.

Fortunately for the authors of this column, at this point, Mr. Posey and his *Texas Unreported Cases* came on the scene and confused everything. Sidney Allen Posey, an Austin attorney, evidently saw a chance to make a little money by publishing the "consent cases" the state printers were prohibited from touching. If Posey was also motivated by hope of literary immortality, however, he failed. As one Texas scholar has observed, "[t]here is a singular lack of information on this compiler."

Posey's *Texas Unreported Cases* is a two-volume work, containing opinions in cases referred to the Commission of Appeals by consent between 1879 and 1884. When the first volume was published, in 1886, Posey already has a second volume in the works. Something happened, how-

ever, since Volume Two did not appear for five years. When it did see print, it was with a different Posey (J. W. Posey, probably S. A. Posey's brother) and a different publisher.

Posey's preface to the first volume claimed that *Texas Unreported Cases* contained "some of the more interesting cases ever arising in Texas" and modestly predicted that "no single volume of reports ever issued in Texas can be of more permanent value to the practicing lawyer." However, no mention is made of the most interesting question: What good is a volume of cases that, by statute, cannot be used as precedent?

In truth, Posey's *Texas Unreported Cases* has not been cited by many courts over the years. And, when cases are cited, it is usually as part of a string of other, more authoritative, decisions standing for the same legal propositions. Nevertheless, there has been some discussion, and some significant differences of opinion, regarding the weight to be given a Commission of Appeals "consent" case.

For example, in *City of Wichita Falls v. Mauldin*, 39 S.W.2d 859 (Tex. Comm'n App. 1931, judgm't aff'd) the "new" Commission of Appeals rejected a conflicting decision from Posey's, stating: "We do not find it necessary to discuss the opinion in that case, for the reason that the opinion[s] in Posey's Unreported Cases are not regarded as authority by the Supreme Court of this state." Likewise, in *Gutta Percha & Rubber Mfg. Co. v. City of Cleburne*, 102 Tex. 36, 112 S.W. 1047 (1908), the Texas Supreme Court referred to decisions in Posey's *Texas Unreported Cases* as "not binding authority."

On the other hand, even if not authoritative, decisions from Posey's have occasionally been given some weight. In *Sprague v. Haines*, 68 Tex. 215, 4 S.W. 371 (1887), a decision issued by the Texas Supreme Court only one year after Posey's *Unreported Cases* was published the court referred to a case reported in Posey's as "a well-considered opinion."

Decisions in Posey's have later been cited without comment by the Texas Supreme Court and courts of appeals, the high courts of other states and even the United States Supreme Court. In all likelihood, most of these citations occurred without conscious consideration of the precedential value—or lack of value—of cases "reported" in Posey's *Texas Unreported Cases*.

All in all, Posey's *Unreported Cases* deserve no more than a footnote in legal history. Posey himself seems to have disappeared without a biographical trace. The closest thing to an epitaph that the authors of this column could find was a notation in an Austin newspaper that Posey had "left this town last Thursday, and has not been heard from since." Posey's *Unreported Cases* are likewise disappearing into the mists of legal history. And perhaps that is just as well.



OUT OF STATE

Walter E. Steimel, Jr. has become an associate with the firm of Bell, Boyd & Lloyd, 1615 L Street, N.W., Washington, DC 20036-5601.

R. Joseph D'Avignon, formerly division counsel, has been appointed assistant general counsel to Raytheon Company, 141 Spring St., Lexington, MA 02173.

Glenn H. Schlabs, formerly staff judge advocate at Peterson Air Force Base, Colorado, has become associated with the firm of Sherman & Howard, 102 South Tejon, Suite 500, Colorado Springs, CO 80903.

David Lopez, formerly a staff attorney with the San Antonio Community Law Center, has become an associate with Gibson, Dunn & Crutcher, 333 S. Grand Ave., Los Angeles, CA 90071-3197.

Harvey A. Ford, formerly with the firm of Greene & Mastry, P.A., has become a partner in the firm of Higgins, Cohrs & McQueen, P.A., Second Ave. South, Suite 380, St. Petersburg, FL 33701.

Christopher S. Heroux, formerly associated with Baker & Botts in Houston, has joined the firm of Holliman, Langholz, Runnels & Dorwart, Suite 700 Holarud Building, Ten East Third St., Tulsa, OK 74103.

C. Andrew Waters, formerly of the firm of Roystan, Razor, Victory & Williams in Houston and Corpus Christi, has become associated with the firm of Keesal, Young & Logan, Catalina Landing, 310 Golden Shore, P.O. Box 1730, Long Beach, CA 90801-1730.

Bradley G. Hart, formerly a partner in the law firm of Urban & Coolidge in Houston, has become associated with the firm of Bradley & Riley, P.C., 100 First St., S.W., P.O. Box 2804, Cedar Rapids, IA 52406-2804.

George P. Slover, formerly counsel to the subcommittee on Commerce, Consumer Protection & Competitiveness of the

U. S. House committee on Energy & Commerce, has become counsel to the subcommittee on Economic & Commercial Law of the U. S. House Committee on the Judiciary.

S. Gail Robertson, formerly an associate with the law firm of Dinman, Nakamura, Elisha & Nakatani, has joined the office of Consumer Protection for the state of Hawaii, 828 Fort Street Mall, Suite 600B, Honolulu, HI 96813.

Thad Grundy, Jr., formerly a partner of the firm of Hutcheson & Grundy, has been appointed deputy assistant secretary for International Affairs U. S. Department of Energy, Washington, DC.

Timothy P. Alexander, formerly assistant district attorney in Harris County, has been appointed circuit court judge for Washington County, Oregon.

Colonel **Michael D. Wims** has become director of legal information services for the United States Air Force in Washington, DC.

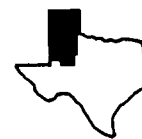
Kent S. Foster has been appointed trade ombudsman with the U. S. Customs Service, Department of Treasury, 1301 Constitution Ave., N.W., Room 3133, Washington, DC 20229.

Douglas Lashley, formerly a partner in the firm of Frank, Bernstein, Conaway & Goldman of Baltimore, MD, has become of counsel to the firm of Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Ave., N.W., Suite 400, Washington, DC. 20036.

Gerald A. "Jeb" Jeutter, Jr., formerly associated with Vial, Hamilton, Koch & Knox in Dallas, has joined the firm of LeBoeuf, Lamb, Leiby & MacRae, Cross-Pointe Plaza, 2840 Plaza Place, P.O. Box 31507, Raleigh, NC 27622-1507.

Harry H. Kelso, formerly a trial attorney in the Environment and Natural Resources Division of the U. S. Department of Justice in Washington, D.C., has become counsel to the assistant attorney general for the Environment and Natural Resources Division, U. S. Department of Justice, Washington, DC 20530.

Scott C. Shelton has become manager, gas acquisitions, Mid-Continent Region with Williams Gas Marketing Group, P.O. Box 3102, Tulsa, OK 74101.



PANHANDLE

Ann Manning, Max R. Tarbox, Robin M. Green, Joseph F. Postnikoff, and **Larry McEachern** have become partners in the firm of McWhorter, Cobb and Johnson, 1722 Broadway, P.O. Box 2547, Lubbock 79408.



NORTH TEXAS

William D. Harris, Jr., formerly with the firm of Richards, Harris, Medlock & Andrews, has become a partner in the firm of Hubbard, Thurman, Turner, Tucker & Harris, formerly Hubbard, Thurman, Turner & Tucker, One Galleria Tower, 13355 Noel Road, Suite 2100, Dallas 75240-6604. **J. Richard Konneker** and **William D. Jackson** have become partners in the firm, and **John E. Vick, George R. Schultz,** and **Michael P. Adams** have become associates in the firm.

J. Daniel McElroy has become a partner in the firm of Hutcheson & Grundy, 901 Main St., Suite 6200, Dallas 75202-3714.

Fred L. Miller has become a shareholder and director of the firm of Holmes & Millard, 2200 Renaissance Tower, 1201 Elm St., Dallas 75270-2299, and **M. Bradley Begin** has become associated with the firm.

Michael E. Mears has become a partner in the firm of Arter & Hadden, 1717 Main St., Suite 4100, Dallas 75201.

Beverly B. Carter, Keith C. Zagar, Christopher Lee Milner, Dan Hartsfield, and **T. Mark Edwards**, formerly trial associates, have become partners in the firm of Gardere & Wynne, 717 North Harwood St., Suite 1500, Dallas 75201, and **Stephen D. Good, Lonnie W. Fugit,** and **Charles Mersky** have become partners in the firm.

Larry Hance, formerly master of the 301st District Court, has opened offices for the practice of law at One McKinney Plaza, 3232 McKinney Ave., Suite 900, Dallas 75204.

Jerry W. Mills, formerly administrative director of the patent section of Baker, Mills & Glast, has joined the firm of Baker & Botts to form a patent section. Offices are located at 500 Trammell Crow Center, 2001 Ross Ave., Dallas 75201.

Cecil A. Ray, Jr. and Charles F. Plenge, both formerly with Hughes & Luce, have joined Haynes and Boone in the tax section at 901 Main St., Suite 3100, Dallas 75202-3714. **Laurence K. Gustafson**, formerly a partner with Shank, Irwin, Conant, Lipshy & Casterline, has joined the firm as a partner in the litigation area.

Patrick McLaughlin, formerly with Locke Purnell Rain Harrell, and **Carolyn D. Wiggins**, formerly with Denton & Guinan, have become associates with the firm of Godwin, Carlton & Maxwell, 3300 NCNB Plaza, 901 Main St., Dallas 75202-3714.

S. Camille Milner and Gary A. Walters have formed the law office of Milner & Walters, P.C., 207 W. Hickory, Suite 207, Denton 76201.

Lee F. Christie, formerly an associate with Law, Snakard & Gambill, has become an associate with the firm of Pope, Hardwicke, Christie, Harrell & Kelly, 901 Fort Worth Club Building, Fort Worth 76102.

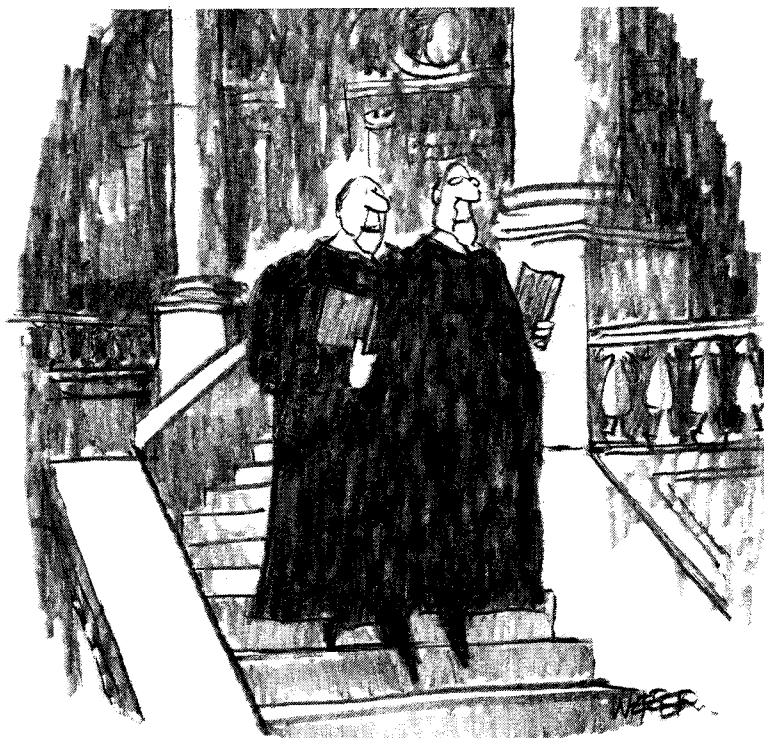
Lewis A. Lefko, formerly associate counsel of Hermann Hospital in Houston, has become senior legal counsel with EPIC Healthcare Group, 433 E. Las Colinas Blvd., Suite 500 Waterway Tower, Irving 75039.

Gregory S. Davis, formerly a shareholder in Kelley, Davis & Bates, P.C., has opened a general litigation practice at 12900 Preston Road, Suite 500, Dallas 75230.

Lynn Ross, Jr., formerly a partner in the firm of Shannon, Gracey, Ratliff & Miller, and **James D. Matthews** have opened offices for the practice of law at 1010 Oil & Gas Building, 309 West Seventh St., Fort Worth 76102. **Hariett L. Haag** and **Charles T. Levins** have become associated with the firm.

Robert F. Middleton has become a name partner of the firm of Baker, Mills & Glast changing the name of the firm to Baker, Glast & Middleton, P.C., 500 Trammell Crow Center, 2001 Ross Ave., Dallas 75201-2916.

Brent L. Reichert, formerly an associate of Robins, Kaplan, Miller & Ciresi in Min-



"I once had a case where the prosecution and the defense each filed their briefs on Crane's. I found in favor of them both."

FOR YOUR COMPLIMENTARY COPY OF CRANE'S "CARTOONS FOR THE LEGAL PROFESSION," PLEASE WRITE ON YOUR FIRM'S LETTERHEAD TO MR. RW. KERANS, CRANE & CO., 30 SOUTH ST., DALTON, MASS. 01226.

neapolis, has become a partner of the firm in the Dallas office, 9330 LBJ Freeway, Suite 1400, 75243.

David B. Gluck, formerly associated with the law firm of Shank, Irwin, Conant, Lipshy & Casterline, has become general counsel for Prime Network/Home Sports Entertainment, 600 East Las Colinas Blvd., Suite 2200, Irving 75039.

Dan C. Dargene, formerly a labor and employment partner in an El Paso firm, has become of counsel to the firm of Akin, Gump, Strauss, Hauer & Feld, 4100 First City Center, 1700 Pacific Ave., Dallas 75201-4618.

Herbert G. Gleitz, formerly vice president and chief legal counsel for the Harris Methodist Health System, has joined the law firm of Shannon, Gracey, Ratliff & Miller, 201 Main St., Suite 2200, Fort Worth 76102.

Peter A. Franklin III and Robert N. Rule, Jr. have joined Locke Purnell Rain Harrell, 2200 Ross Ave., Suite 2200, Dallas 75201-6776.

Charles W. McGarry, formerly with Akin & McMullen, has opened an office for the practice of law at 714 Jackson St., Suite 200, Dallas 75202.

O. Paul Dunagan, formerly with Cowles & Thompson in Dallas, has joined Mark S. Stewart & Associates, 1300 Summit Ave., Fort Worth 76102.

Corley Andrew Williams, formerly assistant city attorney for the City of Fort Worth, has become a municipal court judge for the City of Fort Worth, Municipal Court, 1000 Throckmorton, Fort Worth 76102.

Michael D. Mitchell, formerly a sole practitioner, has been appointed judge of Tarrant County Criminal Court No. 2, Criminal Courts Building, 300 W. Belknap, Fort Worth 76196-0237.

A. Gene Calvert, Jr., C. Scott Sessions, and John R. Lawson have become associates in the firm of Touchstone, Bernays, Johnston, Beall & Smith, 4700 Renaissance Tower, 1201 Elm St., Dallas 75270-2196.

J. Michael Alexander, formerly a shareholder in Hightower, Alexander & Cook, P.C., and **J. Michael Weston** have formed Alexander & Weston, P.C., 3100 Monticello, Suite 805, LB 17, Dallas 75205. **David F. Vedral** has become an associate of the firm, and **James W. Hightower** has become of counsel to the firm.

Loren Joseph Weinstein has become a shareholder of Ungerman Hill, P.C., 4400 Renaissance Tower, 1201 Elm St., Dallas 75270, and **F. Michael Seay** and **Michael D. Schnitzer** have become associates with the firm. **Charles E. Parrish** has become of counsel to the firm.

Anthony W. Hall, Jr. has become a partner in the public law section of the law firm of Jackson & Walker, 901 Main St., Suite 6000, Dallas 75202.

Peter T. Martin, formerly a partner with the law firm of Cowles & Thompson, **Michael A. Miller** and **James W. Grau**, formerly associates with the law firm of Cowles & Thompson, and **Herbert R. Farr** have formed the law firm of Martin, Farr, Miller & Grau, P.C., Two Turtle Creek Village, Suite 1700, Dallas 75219.



WEST TEXAS

David P. Zavoda has become first assistant district attorney of the 143rd Judicial District, 310 S. Allen, Monahans 79756.



CENTRAL TEXAS

Kathy Keegan-Davis, formerly with Ballet Austin and Austin Lawyers Care, was chosen executive director of the Austin Lawyers and Accountants for the Arts.

Michael G. Burk and **Edward P. Watt**, formerly of Liddell, Sapp, Zivley, Hill & LaBoon, have formed the law firm of Burk & Watt, P.C., 1102 West Sixth St., Austin 78703.

Susan Kelley has been named general counsel of the Texas Workers' Compensation Commission, 200 E. Riverside Dr., Austin 78704-1287.

Albert A. Carrion, Jr., formerly with the firm of Martin & Drought, Inc., has become associated with the law firm of Hilgers & Watkins, P.C., 98 San Jacinto Blvd., Suite 1300, Austin 78701.

David R. Hanna, formerly associated with Pope, Hardwicke, Christie, Harrell & Kelly, **Richard B. Geiger**, formerly associated with Davis, Welch, Ewbank, Otto

& Wilkerson, **Jeffrey J. Thorne**, **J. Michael Marshall**, and **Eric S. Houglund** have joined the legal staff of the Texas Legislative Council, P.O. Box 12128, Capitol Station, Austin 78711.

Charles F. Denman, formerly with Jenkins & Gilchrist, has become a partner with the firm of Hays & Anson, 2700 One American Center, 600 Congress Ave., Austin 78701.

Patty L. Akers, formerly assistant Dallas City attorney employed as airport counsel at DFW International Airport, has joined the legal staff of the Lower Colorado River Authority, 3700 Lake Austin Blvd., P.O. Box 220, Austin 78767.

Monte Akers, formerly with Destec Ventures, Inc. in Fairfield, has joined the law firm of Hooper & Haag, 8100 Shoal Creek Blvd., Suite 200, Austin 78758.

Denise P. Tomlinson has become a shareholder of the firm of Ledbetter & Benjamin changing the firm name to Ledbetter, Benjamin & Tomlinson, P.C., 5929 Balcones Dr., Suite 300, Austin 78731-4280.

Lester J. Ducote, **Mark A. Herndon**, and **J. David Trotter** have formed Trotter & Herndon, P.C., 3101 Bee Caves Road, Suite 302, Austin 78746.

Russell E. Rains and **Jennifer D. Soldano** have formed the law firm of Rains & Soldano, Greystone Plaza, Suite 365, 7200 Mo Pac North, Austin 78731.

J. Mark Holbrook, formerly Texas assistant attorney general in the tort litigation section, has become associated with the firm of Davis, Welch, Ewbank, Otto & Wilkerson, P.C., 1680 One American Center, 600 Congress Ave., Austin 78701.

Randall C. Doubrava, formerly an associate with the firm of Akin, Gump, Strauss, Hauer & Feld in Dallas, has become an associate with the firm of Hilgers & Watkins, 98 San Jacinto Blvd., Suite 1300, San Jacinto Center, Austin 78701.

Kurt Sauer has become associated with the firm of Long, Burner, Parks & Sealy, P.C., 100 Congress Ave., Suite 1600, Austin 78701.



EAST TEXAS

Steven M. Kean, formerly of Waco, has become assistant city attorney for the City of Tyler, P.O. Box 2039, Tyler 75710.



SOUTH CENTRAL

Norman L. Nevins has been named president of Groce, Locke & Hebdon, P.C., 2000 Frost Bank Tower, San Antonio 78205-1497. **Sharon E. Callaway**, **Larry J. Goldman**, **Jeffrey S. Hawkins**, **Gerry A. Lozano**, **Mark G. Sessions**, **Ron A. Sprague**, and **Linda Zimmerman** have become shareholders of the firm.

William M. Rork has become a shareholder of the firm of McCamish, Martin, Brown & Loeffler, 1200 Republic of Texas Plaza, 175 East Houston, San Antonio 78205, and **Charles L. Lacallade** has become an officer of the firm.

W. Thad Harkins and **James C. Woo** have become shareholders with the law firm of Green & McReynolds, P.C., 2000 Commerce Plaza, 111 Soledad, San Antonio 78205.

Thomas M. Jackson, formerly associated with the firm of Schmidt & Davis, P.C., has opened offices for the practice of law at 1807 La Sombra, No. D, San Antonio 78209.

John Wilson Rowland, formerly associated with Barron, Orendain, Malany, and Flanagan in McAllen, has become associated with the law firm of Demetrio Duarte, Jr. and Associates, P.C., 401 Jack White, San Antonio 78205.



SOUTH TEXAS

Les Cassidy, formerly with Kleberg & Head, and **Robert W. Woolsey** have formed Woolsey & Cassidy, 1000 MBank Center North, 500 North Water St., Corpus Christi 78471. A Houston office has also been opened at 800 Wilcrest Dr., Suite 106, Houston 77042.

Sandra Sterba-Boatwright and **Roberta J. Hegland** have become members of the firm of Meredith, Donnell & Abernethy, One Shoreline Plaza, Suite 1500, North Tower, Corpus Christi 78403-2624. **Allan K. Jamison**, **Caroline L. Bertuzzi**, **Susan J. Alexander**, and **Patrick R. Kasperitis** have become associated with the firm and **Colin K. Kaufman** has become of counsel to the firm.

Daniel D. Pipitone, G. Don Schauer, and **Ronald A. Simank** have formed the law firm of Pipitone, Schauer & Simank, P.C., 1200 Wilson Plaza East, 545 North Upper Broadway, Corpus Christi 78476.

Miguel A. Saldana, formerly with Robertson & Nunez, has become associated with the Law Offices of Ernesto Gamez, Jr., 915 E. 11th St., Brownsville 78520.



GULF COAST

Ronald W. Biela, formerly a partner of Farley, Klaus, Smith & Biela, has become a member of Freedman, Hull, Mathews, Hanlon & Price P.C., 3200 Southwest Freeway, Suite 1200, Houston 77027-7523.

Pat Faulkner Allison, formerly a senior attorney with Union Texas Petroleum Corporation, has become general counsel and corporate secretary of Greenhill Petroleum Corporation, 16010 Barker's Point Lane, Suite 325, Houston 77079.

Michael A. Johnson, formerly with Anderson, Smith, Mull & Stofer in Victoria, and **Sheri Soltes**, formerly with the First Court of Appeals, have become associates with the law firm of Shannon, Tyler, Beller & Pearson, 5000 One Shell Plaza, Houston 77002.

Marion Sanford, Jr. and **P. John Kuhl**, formerly partners in the law firm of Kennedy, Sanford, Kuhl & Hackney, and **Arthur Val Perkins**, formerly a partner in the law firm of Brown Maroney & Oaks Hartline, have formed the law firm of Sanford, Kuhl & Perkins, 1180 Galleria Financial Center, 5075 Westheimer, Houston 77056.

David K. Boyer, formerly in private practice in Beaumont, has joined the law firm of Robert A. Meroney, P.C., 2901 Turtle Creek Drive, Suite 406, Port Arthur 77642.

R. Brent Clifton, Brad B. Hawley, David L. Herbert, Gene G. Lewis, Gerald J. Pels, Craig L. Weinstock and **Donald E. Wood**, all formerly associated with the firm, have become partners in the law firm of Liddell, Sapp, Zivley, Hill & LaBoon, Texas Commerce Tower, Houston 77002. **Paul L. Alpern, Catherine C. Barr, James M. Bettis, Jr., Robert B. Boemer, Laura G. Edrington, Karen L. Fannin, Thomas W. Hamrick, Hilton H. Howell, Jr., W. Lee Keeling, Suzanne E. LeCocke, Marcy McNutt, Richard C. Roberts, Jerry L. Stovall, Jr., David F. Taylor, Christie S.**

Wise, and Valerie Eiben Strauss have become associated with the firm.

Andrew Gass, formerly resident attorney of Liberty Mutual Insurance Co., has formed offices for the private practice of law at 7007 Gulf Freeway, Suite 107, Houston 77087. **Silvstre P. Silvas** has become associated with the firm.

Howard M. Reiner has opened offices for the practice of law at 708 Main St., Suite 725, Houston 77002.

Marcia L. Edgar has become an associate with the firm of McGettigan, Morse & Gill, 1220 First City National Bank Building, Houston 77002.

N. Terry Adams, Jr., formerly with the firm of Deaton & Briggs, has become an associate with the law firm of Gilpin, Paxson & Bersch, 2300 First Interstate Tower, 1300 Post Oak Blvd, Houston 77056-3010.

Carlos E. Kepke has become a partner in the law firm of Margraves & Schueler, P.C., 2200 Dresser Tower, 601 Jefferson Ave., Houston 77002-7910.

Keith S. Donati, formerly of Dishongh & Thompson, has joined the firm of Griffin & Matthews, 1155 Dairy Ashford, Suite 300, Houston 77079.

Laurie B. Easter, Linda O. Headley, and **Lisa J. Mellencamp** have become partners in the law firm of Hutcheson & Grundy, 1200 Smith St., Suite 3300, Houston 77002-4579. **J.O. Terrell Couch** has become of counsel to the firm, and **Quentin D. Brogdon, Richard L. Coffman, Christopher A. Ferazzi, Douglas S. Griffith, J. Jonathan Hlavinka, Steven C. Meisgeier, Eric E. Sigsbey, and Doyle R. Simons** have become associates of the firm.

Jacks C. Nickens, formerly a partner with Miller Bristow & Brown, has opened offices for the practice of law at 925 First City Tower, 1001 Fannin, Houston 77002, and **Susan K. Pavlica**, formerly an associate with Beirne, Maynard & Parsons, has become an associate with the firm.

Gary A. Nemec, formerly primary attorney for the Manufactured Housing Program at the Department of Housing and Urban Development in Washington, D.C., has become an associate with the firm of Bailey, Crowder & O'Neil, 2211 Norfolk, Suite 400, Houston 77098.

Jo Ann Johnston has become an associate with the law firm of Watkins & Watkins, Mellie Esperson Building, 815 Walker, Suite 1040, Houston 77002.

Casey W. Doherty has become a member of the law firm of Looper, Reed, Ewing & McGraw, Nine Greenway plaza, Suite 1717, Houston 77046.

Randall O. Sorrels, formerly associated with Fulbright & Jaworski, has become an associate with the law firm of Abraham, Watkins, Nichols, Ballard, Onstad & Friend, 800 Commerce, Houston 77002.

James H. Riley II and **Rita M. Irani** have become shareholders in the firm of Pravel, Gambrell, Hewitt, Kimball & Krieger, 1177 West Loop South, Tenth Floor, Houston 77027. **Mark M. Friedman** and **Horacio A. Farach** have become associates of the firm.

Jose Contreras, formerly assistant district attorney in Hidalgo County, has become an assistant criminal district attorney in the office of Travis J. Koehn, Austin County Criminal District Attorney, One East Main, Bellville 77418.

James Foster Andrews and **Robert L. Rolnick** have formed the law firm of Andrews & Rolnick, The Bienville Building, 3401 Louisiana, Suite 480, Houston 77002.

John F. Hunt has been appointed chief attorney of Technology for Basic Chemicals of Exxon Chemical Company, P.O. Box 5200, Baytown 77522.

Judicial Poll Results

As part of its public education program, the State Bar of Texas recently conducted the 1990 Judicial Poll.

The purpose of the 1990 Judicial Poll was to give citizens an opportunity to see how attorneys evaluated the candidates who appeared on the ballot for the March 13 primary. The results of that poll appeared in our March 1990 issue on page 249.

Subsequent to that poll, the death of Court of Criminal Appeals Judge Rusty Duncan led to a contested race for Place 5. The following results are from the poll conducted for that race.

Since it is an impartial poll, the results are not intended as an endorsement of any candidate or candidates by either the State Bar of Texas, the committee, or any affiliated organization.

THE COURT OF CRIMINAL APPEALS, Justice, Place 5, Unexpired Term

Morris L. Overstreet,	
Amarillo	2,551
Louis E. Sturns,	
Fort Worth	2,358