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The “Official” Texas Court Reports: Birth, Death and Resurrection

By Jim Paulsen and James Hambleton

In many states, as well as in the federal government, high court opinions are found in both official and unofficial versions. At the federal level, for example, United States Supreme Court opinions are generally available in four published formats: United States Supreme Court Reports: Lawyers' Edition (Lawyers' Co-op), Supreme Court Reporter (West Publishing), United States Law Week (BNA) and United States Reports. The first three sources, produced by private publishers, have the respective advantages of annotations, headnotes and timely publication. The last reporter, published by the United States government, has little to recommend it, research-wise. It is, however, the only “official” copy of United States Supreme Court opinions for purposes of citation and resolution of textual discrepancies.

Texas, like a number of other states, has ceased publication of its “official” reporters — Texas Reports on the civil side and Texas Criminal Reports for criminal cases. What, then, is the “official” version of a Texas Supreme Court or Court of Criminal Appeals decision today? The Southwestern Reporter? Southwestern Reporter: Texas Cases? The Texas Supreme Court Journal? Perhaps the original signed typescript on record in the court clerk's office?

The answer, as the reader may have guessed, is “none of the above.” But, as we shall see, a current “official” source for court opinions is, in fact, mandated by the state Legislature. Yet no one today could possibly find or cite this current “official” version of Texas Supreme Court or Court of Criminal Appeals opinions. And therein hangs a tale.

The distinction between “official” and “unofficial” texts of Texas opinions may seem like a particularly obscure trivia question. After all, even the Supreme Court of Texas sometimes trips up and forgets to cite the official Texas Reports for cases decided prior to 1963. See, e.g., Island Recreational Development Corp. v. Republic of Texas Savings Ass’n, 28 Tex. Sup. Ct. J. 534, 535 (July 3, 1985).

On occasion, however, significant differences between the official and unofficial reporters can crop up. For example, in Kennedy v. Hyde, 682 S.W.2d 525 (Tex. 1984), the Texas Supreme Court noted a typographical discrepancy between Texas Reports and the Southwestern Reporter. Id. at 527 n. 1. The typo reversed the meaning of the cited passage. Such examples are (we hope) rare. Nonetheless, they do justify a brief examination of “official” reporters in Texas.

All in all, Texas seems never to have had an easy time with official court reports. The first attempt, in fact, never got off the ground. The Congress of the Republic of Texas authorized appointment of an official court reporter, at a munificent salary of $1,000 per year, to publish the decisions of the Supreme Court of the Republic. See An Act Requiring the Supreme Court to Appoint a Reporter, Jan. 21, 1840, Laws of the Republic of Texas, 4th Cong. 227, 2 H. Gammel, Laws of Texas 401 (1898).

There was a hitch, though — the legislation would not take effect until 400 pages of decisions were ready for printing. Since the Republic expired long before this threshold was met, no “official” copies of the decisions were ever printed. (Dallam's Digest was a private, for-profit venture, published at an initial cost of six dollars per copy.)

The first state Legislature failed to pass legislation specifically mandating an official reporter. The Supreme Court of Texas, however, apparently proceeded on the assumption that the Republic statute, not having been repealed, still had general validity. As a result, preparation of the first volume of Texas Reports was soon underway.

Texas lawmakers belatedly endorsed the project, placing an order for “three hundred copies of the decisions of the Supreme Court of this State, now being prepared for publication by a Reporter appointed by said Court, provided that the cost shall not exceed six dollars per volume.” Joint Resolution of Feb. 18, 1848, 1848, ch. 43, 1848 Tex. Gen. Laws 32, 3 H. Gammel, Laws of Texas 32 (1898).

While the Supreme Court of the State of Texas began issuing opinions in 1846, the presses did not begin to roll until 1848. For this reason, the first text from the first official report was an apology:

"The volume here offered to the public embraces the decisions of the Supreme Court of the State of Texas, during its first and a portion of its second session. Some delay has occurred in its publication which might have been avoided, had we made arrangements to have the work printed and bound at one of the northern or western cities of the Union. The cost, too, would perhaps have been less. But, as paramount to these considerations, we entertained (whether properly or not our fellow citizens must judge) a feeling of state pride, which induced us to have the work done at home." [Tex. Preface (1848) (emphasis definitely in the original)]

Despite this shaky start, publication of the Texas Reports proceeded smoothly enough, with minor exceptions such as the Civil War years. A severe paper shortage caused the suspension of the official reports from 1860 through 1866. Confusion thereafter as to which cases should be printed retroactively resulted in a numbering anomaly — i.e., Texas Reports, Vol. 25 Supplement. The preface to this volume contains a (relatively) fascinating cameo history of the period.

The creation of a Court of Appeals with criminal jurisdiction in 1876 spawned a second official report of Texas cases, the Texas Court of Appeals Reports (later the Texas Criminal Reports). In 1886, private enterprise entered the scene, in the form of West Publishing Company's Southwestern Reporter.

Each version had its advantages. The official reports offered synopses of briefs and reporter's headnotes. The Southwestern Reporter provided access to the West "key number" system, as well as copies of Courts of Civil Appeals decisions. Rising publication costs and increasing case volume, however, proba-
bly forced many attorneys to choose between the "official" and "unofficial" reporters.

Matters came to a head in 1963, with the introduction of Senate Bill 123, which would have given the Texas Supreme Court and the Texas Court of Criminal Appeals the authority "in such manner as they deem advisable" to declare the volumes of their decisions published by "any person, firm or corporation" (such as West's Southwestern Reporter: Texas Cases) to be the official reports. The bill sailed through the state senate without opposition, and was reported favorably by the House Judiciary Committee. It failed to pass to third reading by a non-record vote on the House floor, however, and was not revived.

Undeterred by the fact that the "official reporter" legislation was still on the books, the Texas Legislature simply refused to appropriate any money for the printing of the volumes. The Texas Supreme Court and Court of Criminal Appeals took the hint, and ceased to appoint official reporters to publish decisions. (Given the publishing time lag, the last Texas Reports decisions are dated October 1962.)

An argument could be made that the Southwestern Reporter has since become the "official" reporter by estoppel, ratification, adoption or some other fancy theory. After all, the Texas Supreme Court and Court of Criminal Appeals regularly cite their own post-1962 decisions by reference to that publication. West Publishing Company encourages the fiction by printing copies of Texas court rules in the Southwestern Reporter: Texas Cases, a duty given by statute to the "official" publication. Tex. Gov't Code §22.004(d) (1985). Nonetheless, by legislative fiat, the only "official" version of Texas cases is still the nonexistent Texas Reports or Texas Criminal Reports.

Until recently, this would have been the end of the story, with Texas' "official" reports consigned to the quiet oblivion of that mausoleum of dead-letter laws, Vernon's Texas Revised Civil Statutes. The 1985 Texas Legislature has added a new chapter, however, digging up the bones, clothing them in the flesh of minor textual revision, and once again releasing the official court reports upon the unsuspecting legal community in the form of §§22.008 and 22.104 of the new Texas Government Code.

These two sections mandate publication of the decisions of the two high courts. The reporter is required to be a licensed attorney, who "shall promptly prepare the decisions for publication with appropriate syllabuses and statements, proper index and table of cited cases and reported cases." The volumes are to be "electrotyped." The statute even requires that the criminal reports be styled "Texas Criminal Reports and be numbered in continuation of the existing reports."

This new Government Code is part of Texas' continuing codification program. Under the auspices of the Texas Legislative Council, the program is a worthy effort, having as its goal the gathering together of scattered statutes into a coherent subject-matter code system. In the process, the council is commanded not to "alter the sense, meaning, or effect" of previous statutes. Tex. Gov't Code §323.007(b). Part of the process, however, as pointed out in the beginning of the Texas Government Code itself, is "to make the law...more accessible and understandable, by ... eliminating repealed, duplicative, unconstitutional, expired, executed, and otherwise ineffective provisions." Tex. Gov't Code §1.001(b)(3).

To the uneducated legislative layman, provisions for official court reports which have not been funded for 22 consecutive years might seem to qualify as "ineffective" legislation, ripe for removal as part of the codification process. The Texas Legislative Council, however, carefully rewrote the statutes, rearranging them and updating the language to reflect the fact that the old Board of Control has been replaced by the State Purchasing and General Services Commission.

It is tempting to dismiss the inclusion of these defunct statutes in the new Government Code as a mistake. On the other hand, it is hard to imagine these provisions passing scrutiny by a Legislature containing a fairly liberal sprinkling of attorneys if that body did not mean for those parts of the code to be taken seriously. In addition, as the Texas Code Construction Act reminds us, one must always presume that "the entire statute is intended to be effective" and that "a result feasible of execution is intended." Tex. Gov't Code §311.021(2), (4).

Nonetheless, if the Texas Legislature really did want to resurrect the old Texas Reports and Texas Criminal Reports, would not some money have been appropriated to pay the reporters' salaries and to print the reports? Perhaps our states' lawmakers meant the position of "reporter" for the Texas Supreme Court and Court of Criminal Appeals to be honorary, giving these tribunals authority broadly analogous to the power of the governor to create "admirals" for the mythical Texas Navy.

Whatever the intent of the Texas Legislature, this quaint and curious anomaly in the statutes will remain, at least until the next legislative session rolls around or the courts decide to use their rule-making authority to tidy up the Texas Government Code on their own. Or perhaps, like the Emperor's new clothes, the existence of the official Texas Reports will forever be decreed, but with the volumes themselves visible only to the true believers.

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January 1986 Texas Bar Journal 83
Memorials

T.C. Alderson

Thomas Crittenten Alderson, Jr., 55, of Houston died May 10, 1985.
Alderson, a native of Katy, earned a B.B.A. from Texas A&M University and attended the South Texas School of Law. He was admitted to the Texas Bar in 1962.
Alderson served two years in the U.S. Air Force as a first lieutenant.
A civil lawyer, Alderson practiced with Barkley, Cutcher & Alderson in Taylor, as well as with the Latimer Murphree Law Firm in Houston. Also, he served as advisor for Midcontinent in Memphis, TN.
While a resident of Taylor, Alderson bred cattle and participated in local rodeo roping contests.
He was a member of St. Mark's Methodist Church in Houston.
Alderson is survived by his wife, Darlene Alderson, 518 Early Lane, Houston 77055; a son, Thomas C. Alderson III of Little Rock, AK; a daughter, Dorian Alderson of Fairfield; his mother, Mrs. Sudie Alderson Switzer of Houston; and, two sisters, Mary Sudie Burleson of Pasadena and Carolyn Williams of Houston.

W.W. Guild

A New York, NY native, Guild earned his LL.B. from the University of Texas School of Law. He was admitted to the Texas Bar in 1948.
During World War II, Guild served in the U.S. Air Force as a bomber pilot.
Guild initially practiced law with a title company. He moved to Harlingen where he was a solo practitioner from 1950 to 1953.
Guild served as an assistant attorney general with the Texas Attorney General's office from 1953 to 1956. Guild also worked as a lawyer with the Interstate Commerce Commission.
Moving to Dallas in 1967, Guild worked for the Tax Division, U.S. Department of Justice as the attorney in charge until his death. He received the Attorney General's Special Commendation Award.
He was a member of the Trinity Lutheran Church.
Survivors include his wife, Charlotte Guild, 1918 Ben Hall Court, Fort Worth 76110; a son, William S. Guild of Clay, NY; two daughters, Sharon Guild Province of San Diego, CA, and Colleen Howard of Inverness, IL; and, one grandson.

T.D. Smith

Thomas Day Smith, 52, of Houston died May 10, 1985.
Smith, a native of Winters, earned a B.A. from the University of Texas in 1957 and his J.D. from the University of Houston in 1960. He was admitted to the Texas Bar in 1960.
He founded the law firm of Smith & Lam, P.C., in Houston in 1960 and practiced with the firm until his death. Smith co-chaired Northshore Bancshares, Inc., Northshore Bank, First National Bank of Crosby, LaMarque Bank and Houston Heavy Equipment Inc.
He was a member of the American Bar Association, State Bar of Texas, Houston Bar Association, American Bankers Association, Texas Association of Bank Counsel, Masonic Lodge, Scottish Rite Temple and the Shriners. He was a member of the Memorial Drive United Methodist Church in Houston.
Survivors include his wife, Vickie Smith, 521 Omar, Houston 77009; two sons, T. Scott Smith, and Brett Smith; two daughters, Kelley Smith, and Kimberly Smith; two step-children, Brandi Smith of Houston, and Sean Green; a daughter-in-law, Marcia Smith of Houston; his mother, Idell Smith of Winters; a brother, W.D. Taylor of Houston; and, two grandchildren.

L.G. Horner

Lester George "Bubba" Horner, Jr., 33, of LaMarque died Sept. 4, 1985.
Horner, a native of Galveston, attended Texas A&M University and South Texas School of Law. He was admitted to the Texas Bar in 1976.
Horner was a solo practitioner in Galveston from 1976 to 1977, in Dickinson during 1977, and in LaMarque from 1977 until his death.
Horner was a member of the LaMarque Bar Association, State Bar of Texas, Optimist Club and Knights of Columbus. A lifetime LaMarque resident, he coached the LaMarque girls softball team from 1969 until his death, and was a member of the Queen of Peace Catholic Church.
Survivors include his parents, Les and Rose Ann Horner, 712 Grafton, La Marque 77568; a sister, Consie Javor of Houston; and, two brothers, Chris Horner of Bayour Vista and Tim Horner of Santa Fe, NM.

E.W. Howard

A native of Waco, Howard received a B.B.A. from the University of Texas and his LL.B. from Baylor University. He was admitted to the Texas Bar in 1952.
Howard was reassigned to New Orleans, LA, in 1975 and, in 1976, he became division landman of Exxon's Southeastern Division. He held that position until his death.
Howard was a member of the American Association of Petroleum Landmen, Petroleum's Association of New Orleans and the State Bar of Texas.
Survivors include his wife, Virginia Mabry Howard, P.O. Box 61812, New Orleans, LA, 70161; four sons, Mark Howard, Terry Howard, Scott Howard, and Grant Howard; and, two grandsons.

C. March

A former Baylor University School of Law professor and three-time candidate for governor, Caso March, 74, of Fort Worth died May 13, 1985.

A Saginaw native, March received a B.A., M.A. and his J.B. from Baylor University in 1934. In 1936, he earned his J.L.M. from the American University and in 1937, his S.J.D. from National University while employed with the government legal service in Washington, D.C.

March was admitted to the Texas Bar in 1934. During World War II, March served as a U.S. Army infantry officer for five years. He saw combat in southeast Asia and moved from second lieutenant to captain with two battlefield promotions. During the battle for Okinawa, he was severely wounded by Japanese snipers and was decorated for bravery.

After World War II, March returned to Waco, where he joined the Baylor School of Law faculty.

In 1950, he returned to government legal service as a lawyer for the National Labor Relations Board until his retirement in 1967.

March was a member of the North Fort Worth Baptist Church.

Survivors include his wife, Hattie Mae March, 1701 Brookhollow Dr., Fort Worth 76114; a son, Ben Y. March of Waco; a daughter, Mrs. Gil A. Stricklin of Dallas; and, four grandchildren.

B.C. Nelson


Nelson, a native of Beaumont, attended St. Mary’s University and was admitted to the Texas Bar in 1943.

Following her admittance to the bar, Nelson practiced law briefly in San Antonio. She resumed her practice in El Paso in 1961.

Nelson was a 42-year member of the Texas Bar. She was the consulting attorney for the First American Title Company in El Paso.

A Methodist, Nelson taught Sunday School for three years.

She is survived by her husband, Marshall E. Nelson, 9313 Darlina Dr., El Paso 79925; three daughters, Sharon L. Nelson of Peoria, IL., Marsha Kae Cody of Sahaurita, AZ., and Ann C. Stone of Minneapolis, MN.; a brother, Frank R. Curry of San Antonio; and, two sisters, Eva Gilmore of San Antonio and Mari Self of Bandera.

S.M. Radetsky

Stephen M. Radetsky, 27, of San Antonio died June 8, 1985.

Radetsky, a native of Llano, earned a B.A. from the University of Texas at San Antonio and a J.D. from the Southern Methodist University School of Law. He was admitted to the Texas Bar in 1983.

Radetsky served with the legal department of Datapoint, Inc., from August 1983 to June 1985. He was a member of the American Bar Association, State Bar of Texas, and San Antonio Bar Association. Also, Radetsky was a member of the St. John’s United Methodist Church.

Radetsky is survived by his parents, Vernon and Elizabeth Radetsky, 512 Shadwell, San Antonio 78228; grandparents, Mr. and Mrs. Orville Draper of Llano; and, three sisters, Susan Rath, Sherill Whiteman and Sara Radetsky, all of San Antonio.

M.A. Spears


A Dallas native, Spears received a B.B.A. in accounting from the University of Arkansas in 1975 and his J.D. from the University of Arkansas School of Law in 1978. He was admitted to
Upon graduation in 1978, Spears joined the Wheeler, Graham & Wyrick Law Firm in Texarkana. In 1979, he moved to Ashdown, AK, where he was a private practitioner until 1983.
While in Ashdown, AK, Spears served as city attorney for three years.
In 1983, Spears moved to Dallas and joined the law firm of Earl Luna & Associates. Then, he served as a federal trial lawyer for the Equal Employment Opportunity Commission from 1984 until his death.
Spears was a member of the Phi Gamma Delta Social Fraternity, as well as the Lions Clubs in Texarkana, TX, and Ashdown, AK.
A member of the First Baptist Church in Ashdown, AK, he was a deacon and served on various committees.
Survivors include his parents, Mr. and Mrs. E.A. Spears, P.O. Box 26, Grand Saline 75140; a brother, Matthew A. Spears of Abilene; a son, Mark Alan Spears, Jr. of Ashdown, AK; and, a grandmother, Mrs. A.C. Sloan of Grand Saline.

T.L. Sullivan, Jr.


A Granger native, Sullivan earned his J.D. from the University of Texas in 1942. He was admitted to the Texas Bar in 1942.
Sullivan served in the U.S. Navy as an apprentice seaman during World War II.
Sullivan was a solo practitioner in Granger from 1945 to 1952 and from 1955 to 1958.
Sullivan also served with the legal department of the Veterans Land Board of Texas from 1953 to 1955; worked as a mortgage banker from 1958 to 1961; and was vice president, secretary and general counsel for the Lumbermen's Investment Corporation from 1961 to 1973. He opened an office for the private practice of law in Austin in 1973.
Sullivan was a member of the Williamson County Bar Association, State Bar of Texas, Ben Hur Shrine Temple and Scottish Rite in Austin, and Masonic order in Granger.
Survivors include his wife, Dorothy Gardner Sullivan, 102 Deepwood Dr., Georgetown 78628; a daughter, Patricia Sullivan Doyle of Crowder, OK; and, four grandchildren.

L.C. Procter

Former Travis County District Attorney Leslie "Les" C. Procter Jr., 64, of Austin died April 17, 1985.

A Temple native, Procter earned an undergraduate and LL.B. from the University of Texas. He was admitted to the Texas Bar in 1947.
During World War II and the Korean War, Procter served as an artillery officer with the Marine Corps, later becoming a major in the Marine Corps Reserve.
Procter began his law career as an assistant district attorney for Travis County in 1947. Then, he became county attorney of Travis County in 1950.
In 1954, Procter was elected Travis County district attorney. As Travis County DA, Procter became well-known across the state for his investigations of alleged wrongdoing in the state government. His success won him a citation in 1957 from the Texas Law Enforcement Foundation as one of five outstanding prosecutors in the state.
Procter was a member of the American Bar Association, the State Bar of Texas and the Travis County Bar Association. In 1957, he chaired the newly reorganized State Bar Section on Criminal Law and Procedure.
Also, Procter was a member of the Texas Letterman's Association, Ben Hur Shrine Temple, Austin Kiwanis Club, Austin Jaycees, Southwest Football Officials Association and the United Methodist Church.
Procter is survived by his brother, Dr. Ben H. Procter of Fort Worth; a sister-in-law, Phoebe Procter of Fort Worth; and, a nephew, Ben Procter, Jr.

D.R. Taylor


Taylor received a B.B.A. and J.D. from the University of Texas and was admitted to the Texas Bar in 1940.
In 1940, Taylor became a special agent for the Federal Bureau of Investigation. He was assigned to the training force in Quantico, VA, and served in the Buffalo,
Taylor, in 1952, returned to Center to practice law and manage the D.R. Taylor Abstract Plant. Later, Taylor purchased the plant and founded the Taylor Land Title Company.

He was forerunner in the title insurance industry in Shelby County, and served as an exclusive agent for the Lawyers Title Insurance Company for 30 years. Taylor was a member of the Delta Theta Phi Legal Fraternity, Shelby County Bar Association and State Bar of Texas. He was past president of the Center Rotary Club which recently presented him with the Paul Harris Fellow Rotary Award. Also, he was a past president of the Texas Land Title Association and advisory director of the First National Bank in Center.

Survivors include his wife, Reba Lynn Crocker Taylor, P.O. Box 931, Center 75935; a son, Stephen Duke Taylor of Center; a daughter, Virginia Lynn Taylor Beasley of Kingwood; four brothers, John Fisher Taylor of San Antonio, James Robert Taylor of Greenville, Thomas Julian Taylor of Center, and Joshua William Edgar Taylor, a lawyer in Dallas; and, six grandchildren.

R.R. Till


A native of Appleby, Till earned a B.B.A. and his LL.B. from the University of Houston. He was admitted to the Texas Bar in 1951.

Till served in the U.S. Navy during World War II. A trial lawyer, Till joined the law firm of Fulbright & Jaworski upon graduation from law school and remained there until his death.

Till was a Life Fellow of the Texas Bar Foundation and a Fellow of the American Bar Foundation. He was a past president of the Houston Bar Association and a member of the International Association of Insurance Counsel, American College of Trial Lawyers, American Bar Association, State Bar of Texas and Holland Lodge A.F. & A.M.

He is survived by his wife of 36 years, Allene Ray Till, 11000 Kemwood Dr., Houston 77024; two daughters, Marla Till Hamblen and Marsha Till of Houston; two sons, Allen Royce Till and Bryan Ray Till of Houston; his mother, Audrey Till; and, several aunts, uncles and cousins.

W.M. Taylor

U.S. District Judge William M. "Mac" Taylor, 76, who presided over the Dallas school desegregation case for more than a decade, died June 17, 1985, in Dallas.

Taylor, a native of Denton, attended the University of Texas, Southern Methodist University and the Southern Methodist University School of Law. He earned his LL.B. and was admitted to the Texas Bar in 1932.

Taylor worked as an assistant district attorney for Dallas County. He joined the law firm of Buford, Rayburn, Hincks & Charlton in 1939, and served as an assistant city attorney for Dallas from 1936 to 1939.

During World War II, Taylor joined the U.S. Marine Corps and served as a captain in combat intelligence in Okinawa.

After the war, he joined the law firm of Strasburger, Price, Holland, Kelton & Miller.

The 1949 session of the Texas Legislature created the 134th District court in Dallas County and Gov. Beauford Jester appointed Taylor as its first judge. Taylor resigned in 1953 and returned to private practice with the Strasburger firm.

In 1966, Taylor was appointed by President Lyndon B. Johnson as the U.S. District Judge for the Northern District of Texas.

Taylor was a member of the Dallas and American Bar Associations, State Bar of Texas, American College of Trial Lawyers, Salesmanship Club, and Alpha Tau Omega Social Fraternity. He was a member of the State Bar Committee on Administration of Justice, chairman of the board of directors for the Dallas Bar Association, and chairman of both the Judiciary and Traffic Committees of the State Bar. In addition, he was a member of the International Association of Insurance Counsel and the Texas Association of Defense Counsel.

Survivors include his wife, Elizabeth Peppe Taylor of Dallas; three daughters, Molly Halford of Ruskin, LA, Margaret Ann Edmister, 2801 Lemmon Avenue West, Suite 315, Dallas 75204-2353, and Clair Koriotis of Austin; sister, Mary Margaret Edmondson; and seven grandchildren.

K.W. Vernon


A native of Happy, Vernon attended Texas Tech University and the University of Texas where he earned a B.S. in chemistry in 1959. Upon graduation, Vernon was employed as a chemist with the Hanford Atomic Plant in Richland, WA, for two years.

In 1965, Vernon earned his LL.B. from George Washington University in Washington, D.C., while working at the U.S. Patent Office. He became a patent attorney for the Celanese Chemical Corporation in Corpus Christi following graduation.

Vernon moved to the Weyerhauser Company in 1966 as a patent attorney, and in 1969, he joined the law firm of Seed, Berry, Vernon & Bayham in Seattle, WA, later becoming a partner.

Over the past 14 years Vernon volunteered his legal expertise to the Washington Environmental Council, served as chairman of the King County Chapter of the council and, was appointed to the King County Boundary Review Board.

He was a member of the American Bar Association, the State Bar of Texas, the Washington Bar, the Washington Patent Law Association and the Phi Kappa Psi Fraternity.

A member of the Emmanuel Episcopal Church in Mercer Island, WA, Vernon served in the Vestry and choir as a junior warden, a youth group leader and organist.

Vernon is survived by his wife, Beverly Rae Vernon, 7785 Westwood Lane, Mercer Island, WA, 98040; a son, Keith Randolph Vernon of Mercer Island, WA.; two daughters, Gwendolyn Rochelle Vernon of North Carolina and Pamela Jean Vernon of Mercer Island, WA.; his mother, Naoma Mae Vernon of Plainview; a brother, Ronald Lee Vernon of Corpus Christi; and, a sister, Shirley Gayle Webb of Lubbock.
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BRAZOS EXECUTIVE SUITE — Offers prestige office space designed for the single office user in downtown Austin. Rent includes parking, telephone answering, receptionist services, daily mail delivery and coffee. Secretarial services, photocopying and notary are also available. Rent from $475 to $650 a month. Call 512/472-3355.

Professional office downtown for lease. Close proximity to Travis County Courthouse — 900-3800 square feet available. One-to-three year lease, off street parking, separate restrooms, all bills and janitorial service paid. Available immediately, excellent legal space. Call 512/474-6671.

WESTCHASE AREA (RICHMOND/ GESSNER) — Luxurious office space — professional atmosphere — seven attorneys (includes receptionist, library, conference room, reserved parking, copier, kitchen, possible referrals) 713/783-9900.

MUSEUM AREA LAW OFFICE — located 1108 Austin St., Houston, on semi-residential street. Refurbished architecturally interesting house designed and currently used as law offices with all amenities, central air conditioning, kitchen. Complete state and federal library with lease. Some referrals. Will accommodate three lawyers. Contact 713/928-4949.
OFFICE SPACE

Downtown Dallas—law offices available in historic Katy Building overlooking courthouse square, no lease required. M. Linz 748-3948.

DOWNTOWN DALLAS—Law firm near courthouse has prestigious office space available for one, two or three attorneys; includes luxurious reception area, receptionist, library, two conference rooms, secretarial and word processing services, copier and telephone system; professionally decorated. Call 214/748-5203.

NORTH DALLAS law office has prestigious new office space available for sublease. Use of library, conference room, breakroom, receptionist, and covered parking included in monthly lease payment. Secretarial, word processing, computerized billing, database, and bookkeeping services available. Call 214/991-0991.

Office sharing arrangement available in small AV-rated firm in the Galleria area of Houston. Perfect opportunity for young, aggressive lawyer interested in civil litigation. Furnished office includes library, conference room, secretarial services, word processors, telephone and parking. Type of arrangement negotiable. Call 713/627-7111.

DOWNTOWN AUSTIN—Small AV-rated business law firm has office space for one or two established attorneys of similar practice interests. Prestigious location with library and conference room. Telephone, reception and secretarial services furnished. Contact Box-holder 6666.

DOWNTOWN HOUSTON: Small AV-rated firm in luxurious offices has extra space available. Library, receptionist, coffee bar, copier, conference room, 24-hour security. Tax or bankruptcy practitioners call Greg Sweeney at 713/759-1555.

HOUSTON/GALLERIA AREA—Prestigious office space available with panoramic view of Houston. Includes single executive office or two office suite with separate secretarial/reception area. Luxurious wood paneled reception area and conference room, kitchen, and extensive law library. Minutes from courthouses. Call Charles Brink at 713/622-7465.

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TITLE OPINIONS — DIVISION ORDERS—OIL AND GAS RELATED AGREEMENTS— Leasing and Curative — 12 years’ experience as attorney — Certified Professional Landman — All legal services $50 per hour for licensed attorneys only. Contact: Patrick E. Robertson, InterFirst Bank Tower, 300 W. Davis, Suite 502, Conroe 77301. Call 409/539-5291.


AGRICULTURAL, CHEMICALS, PLANT SCIENCE, ENVIRONMENTAL, Ph.D. with comprehensive expertise in plant science, pesticide and agricultural problems. Certified Professional Agronomist, Certified Professional Crop Scientist. Dr. R. H. Pluenneke, Rt. 7, Box 441E, Fort Worth 76129. Call 817/478-0761.

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Chemical Engineer Consultant: Ph.D., Fellow, AICHE, patents, publications, recognized expert in chemical engineering. Vice president research, vice president and general manager and president of chemical and petro chemical firms. Participated in design construction and start up of 40 plants. Expert witness and consultant in major lawsuits. Harry O'Connell, 163 Litchfield, Houston 77024. Call 713/465-3315.


LEGAL RESEARCH—University of Texas Student Legal Research Board. Base fee of $95 plus $59 per page for legal memoranda. Turnaround: about four weeks. Rush project negotiable. Include facts, numbered issues and $550 deposit with request. Legal Research Board, University of Texas School of Law, 727 E. 26th St., Austin 78705. 512/471-5369.

Medical malpractice consultant, gastroenterology, board certified, outstanding credentials, expert public speaker, Ira Klein M.D., call 713-932-8651.


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January 1986 Texas Bar Journal 89
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NURSE SPECIALIST, INC.: Experienced in studying and evaluating medical records for members of the legal profession. Opinions based on 32 years of nursing experience, which includes medical, surgical, obstetrics, newborn nursery and supervisory positions in operating, recovery and emergency rooms and lead nurse for a state agency monitoring patients' care in nursing homes in a 13-county area. Resume and/or personal interview available upon request. Eva Huga, R.N., 5202 Briarbend, Houston 77035. Call 713/729-8548.

EXPERT WITNESS AND ENGINEERING CONSULTANT — Graduate engineer. 28 years' experience. Qualified as an expert in accident reconstruction, explosion engineering, plastics engineering, medical engineering, valve engineering, engineering specifications and machine design. Frank C. Weedon, P.E., Weed Engineering Corporation, P.O. Box 55156, Houston 77255-5516. Call 713/464-3396 or 713/681-0744.

EXPERT WITNESS — Mechanical Engineer, 32 years in designing, testing, and operating many types of machinery and equipment. Qualified in various fields including drilling, trucks of all types, forklifts, mining, construction, ditching, manufacturing machines, etc. Call or write for specific qualifications. Eight years' litigation experience. G.A. TOMLINSON, 8425 S. 73rd East, Tulsa, OK 74133 or call 918/252-9005.

FINANCIAL ECONOMIST (Ph.D.) — CONSULTANT/EXPERT WITNESS, specializing in financial analysis, valuations of closely-held corporations, mergers, divorces and economic loss determinations (P.I. and others). Attorney references. Finance professor. Dr. S. Hochman, 10860 Fondren N 2405, Houston 77096. Call 713/749-8126.


CONSULTANT — Attorney with engineering education and broad experience in several fields including aviation and marine to assist in all phases of the preparation and conduct of trials. Travel acceptable. Reply to Box-holder 6157.

MISCELLANEOUS


INVESTMENT GROUP — Wanted representatives from 30 Texas law firms to discuss formation of real estate and/or oil and gas investment partnerships over the next five years with minimum commitments of $500,000 per firm per year. Managing Partners: J. David Trotter, B.S. and M.S. in accounting and J.D. with honors at U.T., 1970, nine years private practice, seven years independent oil operator; and Lawrence T. Barnett, CCIM, B.S. in geology at U.T., 1959, 28 years as real estate broker in Austin. Telephone or write if interested. In Trust Properties, Inc., 1160 Mopac Circle, Suite 201, Austin 78746, 512/328-4760.

POSITION WANTED

Oil & Gas Attorney — Eight years' solid E&P experience. Licensed in Texas and Louisiana with extensive experience in both states, onshore and offshore. Broad legal experience with major oil company and with small independent operating in joint ventures. Willing to relocate. Seeking high profile and responsibility. Respond to Box-holder 6169.

Experienced Litigation Attorney — Now practicing out-of-state desires relocation in Austin or San Antonio. Extensive civil and criminal trial experience with high levels of responsibility in state and federal courts. Texas license. Available upon 30 days notice. Resume, interview upon request. Compensation open. Reply to Box-holder 6168.

Civil Trial Specialist — Candidate seeks small to medium quality oriented firm with which to practice. Excellent appellate record. Reply to Box-holder 6173.
POSITION WANTED
Licensed Texas attorney practicing in Midwest desires to return to Texas. Ten years' general practice in family law, probate, real estate, personal injury, trials and appeals. Seeks challenging position with corporation or firm. Would consider associating with sole practitioner planning retirement, with goal of assuming practice. Respond to Box-holder 6163.

Associate General Counsel of recently acquired NYSE oil and gas company seeks senior position with corporation or firm. Eleven years' legal experience in all phases of oil and gas business, including exploration and production, acquisitions, natural gas regulation and transportation, financing, litigation and bankruptcy. Respond to Box-holder 6159.

REGISTERED PROFESSIONAL ENGINEER/ATTORNEY pre-law experience as consulting engineer doing accident reconstruction; previous legal experience with major plaintiffs' litigation firm; recent experience in large multi-party litigation defense. Seeks litigation position in areas of personal injury, products liability, aviation or construction. Can assume trial docket immediately. Box-holder 6165.

ATTORNEY WANTED
Aggressive, downtown Dallas, AV-rated firm specializing in commercial litigation is accepting resumes from attorneys with three to seven years' experience. Candidates must have outstanding personal, professional and academic credentials. This is truly a ground-floor opportunity in a growing firm for those interested in working on a sophisticated, challenging array of matters and in being among the highest paid young attorneys in Dallas. Please send resume in confidence to Hiring Partner, 1800 LTV Center, 2001 Ross Ave., Dallas 75201.

ATTORNEY WANTED
ATTORNEY JOBS — National and Federal Legal Employment Report: A monthly detailed listing of hundreds of attorney and law-related jobs with the U.S. Government and other public/private employers in Washington, D.C., throughout the U.S., and abroad. $30 — three months; $50 — six months; $90 — 12 months. Send check to FEDERAL REPORTS, INC., P.O. Box 3709, Georgetown Station, Washington, D.C. 20007-0209. ATTN: TBJ. Call 202/393-3311. Visa/MC.

ATTORNEY WANTED — Young, aggressive and growing Houston firm engaged solely in personal injury work desires attorney with top academic background to assist in litigation. Position affords unique career opportunity for ambitious individual who desires exciting work. Candidates must have been in upper 20 percent of graduating class. Send resume in confidence to: Jim S. Adler, Adler & O’Conor, 6161 Savoy, Suite 1225, Houston 77036; or, call 713/953-9400.

Small Austin business law firm, AV-rated, seeks business and real estate attorneys of two to four years' experience. Tax background helpful. High academic credentials and superior practice experience required. Excellent compensation and partnership potential available. Forward confidential resume to Box-holder 6175.

PERSONAL INJURY TRIAL LAWYER needed for AV-rated Galleria area personal injury firm in Houston. Five to seven years' experience a must. A great opportunity for the right attorney. Respond in confidence by sending resumes to Box-holder 6089.

Large downtown Dallas law firm seeks attorney with one to four years' experience in commercial litigation. Applicants must be from the top 15 percent of their law school class and have law review or other comparable credentials. All replies are confidential. Send resume to Box-holder 6100.

ATTORNEY WANTED
TAX LAWYER. 27-lawyer firm with substantial business clientele located in downtown Dallas wishes to expand its tax practice by adding an associate with two to four years' tax experience. Outstanding academic credentials and ability to assume responsibility essential. Compensation commensurate with ability and experience. Please send resume and salary history in complete confidence to Box-holder 6170.

Nine member business oriented AV-rated Dallas Galleria law firm seeks: (1) experienced litigator. Desire that person have some existing business, and (2) associate with some practical law firm experience. One year minimum. Reply in confidence to Box-holder 6176.

Established, AV-rated law firm in Bryan-College Station seeks: one aggressive lawyer with one to three years' experience in real estate and banking, with some exposure to bankruptcy and oil and gas preferred and one aggressive lawyer with one to three years' civil trial and appellate experience for responsible civil litigation position. Send resume, including salary history, in confidence to Box-holder 6174.

Rapidly growing subsidiary of Fortune 500 company has created a position for in-house counsel to be a member of an executive team. Applicants should have three to five years' experience. Salary commensurate with experience. Send resume to David W. Townend, Brown, Brown, Chandler & Townend, P.O. Box 472286, Garland 75047.

Austin: Major Dallas law firm with growing Austin office seeks litigation, real estate, and bankruptcy associates. Outstanding academic credentials required. Top compensation package. Excellent opportunity for a high level of responsibility and advancement with a major law firm. Send resume to Box-holder 6175.
ATTORNEY WANTED

LITIGATION MANAGEMENT — Fortune 500 company seeks experienced attorney to manage major corporate and selected litigation at its Texas headquarters. Responsibilities will include developing strategies and detailed programs for cost-effective litigation and managing the paralegal staff. The selected candidate will hold a J.D. degree from a major law school and possess at least seven years’ experience, including complex federal class actions. If qualified, please reply, in confidence, to: Box-holder 6174.

ASSISTANT COUNTY ATTORNEY NEEDED — Midland County Attorney looking for recently licensed Texas attorney. Duties include all aspects of misdemeanor criminal prosecution and various civil responsibilities. Experience not required, but the successful applicant should be self-starter and desirous of trial experience. Competitive salary. Please send resume to Mark H. Dettman, Midland County Attorney, Midland County Courthouse, P.O. Box 2559, Midland 79702.

Expanding Houston (Galleria area) general civil law and personal injury firm seeks attorney with established general practice (two to four years) to share office, expense on percentage or other basis, referrals, etc. Send resume to Joseph A. Porto, 5100 Westheimer, Suite131, Houston 77056.

Growing three-attorney Houston firm needs attorney with two or more years’ experience in bankruptcy, personal injury or family law. Get in on the ground floor. Send resume to 5225 Katy Freeway, Suite 610, Houston 77007 or call Ms. Hanson at 713/868-6267 or 713/864-3333.

ATTORNEY WANTED

ST. MARY’S UNIVERSITY SCHOOL OF LAW invites applications for the position of Director of Clinical Programs. Applicant must possess a J.D. degree and have at least three years’ practice experience. This is a full-time position, involving some classroom teaching as a clinical instructor. This is not a tenure-track position but will afford a successful incumbent position security by annually renewable multi-year contracts. Please apply in writing, enclosing resume. Contact: Chairperson, Faculty Applications Register Committee, School of Law, St. Mary’s University, San Antonio 78284.

Growing three-attorney Houston firm seeks litigation attorney to manage major corporate and selected litigation at its Texas headquarters. Responsibilities will include developing strategies and detailed programs for cost-effective litigation and managing the paralegal staff. The selected candidate will hold a J.D. degree from a major law school and possess at least seven years’ experience, including complex federal class actions. If qualified, please reply, in confidence, to: Box-holder 6174.

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ATTORNEY WANTED
REAL ESTATE ATTORNEY — HOUSTON: Aggressive 12 attorney AV-rated Galleria area firm seeks associate with one to two years' real estate experience. Mortgage lending and/or banking exposure preferred. Excellent potential for motivated self-starter to obtain hands-on experience in broad real estate oriented practice. Send resume in confidence to Reid C. Wilson, Reese, Meyer & Cribbs, P.C., 1700 West Loop South, Suite 1100, Houston 77027.

Houston seven-attorney firm seeks associate with two to five years' experience in business litigation. Send resume to Box-holder 6139.


ATTORNEY WANTED — Immediate openings for bankruptcy, litigation, tax, real estate, corporate. ERISA, bond, patent and corporate in-house. Locations include Houston, Dallas, Austin, Denver, St. Louis, Chicago, Detroit, Philadelphia, New York, Baltimore, Los Angeles, San Francisco, Atlanta, Tampa. Confidentiality respected. Fee paid. NATIONAL LEGAL SEARCH, INC., Box 60276, Houston. Call 713/358-2600.

WANTED: Tax counsel for Houston office of SOLOMON, FOLEY, SWEENEY & MORAN, a Washington, DC based law firm. Candidate must have some existing practice and the ability to attract additional clientele. Call Greg Sweeney at 713/759-1555, or 713/977-2251, evenings.

LITIGATION ATTORNEY — Dallas office of national law firm has immediate opening for a litigation attorney with three or more years of experience. Experience in negligence and product liability areas desirable. Strong academic record, first chair trial experience, demonstrable experience with significant deposition experience and significant deposition experience required. Salary commensurate with experience. Send resume to Box-holder 6136.

ATTORNEYS — Current positions — Houston, Dallas, Austin, Corpus Christi: Partner Tax — $300K, Partner O&G — $100K, partner bankruptcy — $200K, partner banking — $100K. Associates needed: securities $50 — 100K, ERISA — $50-75K, litigation (business) — $50-100K, litigation (PI) $50-100K, litigation (banking) — $60K, banking/commercial lending $50-75K, O&G $50K, trust & estate $50-70K, R/E $50-75K, bankruptcy $60-80K, Sr. Assoc. bankruptcy $80-100K. Associate positions require one year law firm experience, top academic standing, confidentiality respected. Contact Barbara Dixon, Vice president, 713/864-9898, Interview Legal Search, 2525 North Loop West #304, Houston 77028.

ATTORNEY WANTED
LITIGATION ATTORNEY: Rapidly expanding, medium-sized, AV-rated downtown San Antonio firm has immediate opening for litigation associate with two to four years' trial experience. Excellent opportunity for quality lawyer with good trial skills. Compensation commensurate with ability and experience. Send resume in confidence to Box-holder 6130.

Ten-year co-op Houston law firm seeks attorney with experience to participate in its River Oaks offices. Call or write Managing Partner; 2001 Kirby Drive, Suite 506, Houston 77009; 713/524-8401.

Immediate need for litigation associate with two to four years' experience in business litigation. Excellent opportunity for attorney with good trial skills. Compensation commensurate with ability and experience. Send resume in confidence to Box-holder 6130.

ATTORNEY WANTED
Medium-sized, four-city litigation/business firm seeking, three to five-year attorney for immediate responsibility in sophisticated transactions. Excellent potential for motivated self-starter with LL.M. in Taxation seeking other attorney who wants above partner level income this year without the politics, stress and headaches. SERIOUS INQUIRIES ONLY call Mr. Teague at 817/792-3972.

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These basic texts from Petroleum Extension Service, The University of Texas at Austin (PETEX), are concise introductions to oilwell drilling, oil and gas production, pipeline construction, offshore operations, and coal mining. The books are clearly written and lavishly illustrated in full color. All have been reviewed and endorsed by industry experts.

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The University of Texas at Austin, BRC-2,
10100 Burnet Rd., Austin, TX 78758.

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ATTORNEY WANTED

LITIGATION ASSOCIATE — Small downtown Austin firm. AV-rated needs experienced litigation associate to assume immediate client and case load responsibility. Applicants must have Texas license, good academic background and a minimum of three years' litigation experience. Excellent salary and career opportunity for aggressive attorney with good trial skills. Health benefits and parking provided. Submit resume, salary expectations and references to Sharp & Morse, 715 Littlefield Bldg., Austin 78701. Replies confidential.

PERSONAL INJURY TRIAL LAWYER needed for AV-rated plaintiff's firm in large East Texas city. One to four years' plaintiff or defense experience desired. High academic ranking or outstanding achievements required. Send resume in confidence to Box-holder 6152.

Expanding 60-attorney, AV-rated Dallas law firm seeks attorneys with zero to five years' experience in one of the following areas: corporate/securities, litigation, banking, tax and real estate. Excellent academic and/or work history required. Reply in confidence to Box-holder 6151.

ATTORNEY WANTED

Rapidly growing, AV-rated, Galleria area law firm seeks two (2) litigation attorneys, one with three to six years' commercial litigation experience (bankruptcy preferably) and one with zero to two years' experience. Also seeking a real estate/banking/corporate attorney with two to four years' experience. Salary competitive, excellent benefits. Send resume to: Hiring Partner, P.O. Box 35714, Houston 77255.

OFFICE SHARING/ASSOCIATION WANTED — Well-established immigration practitioner since 1969 seeks one to three established attorneys to relocate to well appointed, 3,000 square feet office within walking distance of court house. Separate entrance and reception area. Primarily seeking experienced attorney to take over civil practice and sharing expense secondary. William Y. Sim, 810 World Trade Bldg., 1520 Texas Ave., Houston 77002 or call 713/237-1357.

Attorney with two to five years' experience in personal injury and/or criminal practice. Salary negotiable. Send resume to James B. Manley, Manley, Kuhlmann & Alter, P.C., P.O. Box 2046, Liberty 77575.

ATTORNEY WANTED

Dallas seeks one attorney with one to three years' experience in business litigation and one attorney with one to three years' experience in commercial real estate. Excellent academic credentials required. Send resumes and salary requirements to Box-holder 6154.

CORPORATE/SECURITIES ATTORNEY — HOUSTON: Established AV-rated Houston law firm (between 10-15 attorneys) seeks experienced attorney in the corporate and securities area. Portable client base necessary. Partnership opportunity for the right individual. Strong experience in private placements and taxation desirable. Excellent growth potential for young motivated attorney. Send resume in confidence to Box-holder 6153.
ATTORNEY WANTED
TAX ATTORNEY WANTED. Major downtown San Antonio law firm seeks tax attorney with in excess of five years' experience to practice in areas of business tax, including corporate reorganizations, syndications and private placements. Compensation based upon qualifications and experience. All inquiries confidential. Send resume to Box-holder 6164.

TAX ATTORNEY: Medium-sized, expanding downtown San Antonio law firm seeks a tax attorney with five to seven years' experience. Practice in areas of corporate, partnership, real estate and estate taxation. Excellent opportunity for an experienced attorney wishing to relocate. Compensation commensurate with ability and experience. Send resume in confidence to Box-holder 6162.


Experienced Attorney desires to return to Texas. Private and corporate experience in Texas, Oklahoma and West Virginia. Litigation, commercial, oil and gas, real estate and general practice. Top 15 percent of class, law review, compensation negotiable. Call 405/359-1038 or Reply to 613 Holly Dr., Edmond, OK 73034.

AV-rated business litigation firm in Austin needs two trial attorneys. One position requires at least two years' business litigation experience. The second position requires at least one year of litigation experience. The firm prefers applicants who have not been licensed for more than five years. The firm requires a strong commitment to quality, high ethics, and a satisfactory academic record. The positions provide substantial client contact, strong staff support, opportunity for professional development, a voice in management, and a pleasant work environment. The clientele is primarily small to mid-sized businesses and businesspeople. All replies confidential. Respond to Box-holder 6161.

ATTORNEY WANTED
Young Louisiana attorney with knowledge of mineral rights and products liability seeks position with dynamic and progressive Dallas area firm. Willing to work in whatever section and learn whatever is necessary to best benefit the firm. For resume and/or additional information please reply to Richard Noel Adams, 4539 Alvin Dark "I" Baton Rouge, LA 70808, Tel. 504/769-8776 (H), 504/342-6930 (W).

PARTNERS: Section head openings in several practice areas; compensation can be $200,000, depending on portable business and years of practice. AUSTIN: Austin office of young, expanding, high quality firm desires a partner with portable business in either banking, communications, high tech, insurance or international trade. Opportunity for independence, association with a well regarded firm, and increased compensation. ENERGY: Energy companies with excellent in-house staff need an E&P attorney (5+ years); chemicals and feedstock acquisition attorney (4+ years); natural gas attorney and crude oil sales attorney (both for four to six years). Good compensation packages with growing companies. We are also interviewing for immediate needs in most other areas of practice for leading law firms and corporations in Houston, Dallas, Austin, and San Antonio. Several are exclusive listings. All openings require top academics from nationally recognized law schools plus current employment with a top caliber law firm or law department. Our clients will not consider attorneys who do not meet these criteria. Contact Larry Prescott, Nina Gray, Lauren Eaton, or Steve Mims at Prescott Legal Search, 801 Weslayan Tower, 24 Greenway Plaza, Houston 77046. Call 713/439-0911.

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Dignitas,
Semper Dignitas

By Jerry Buchmeyer

There are strange things done 'neath the noon-time sun by lawyers who toil for gold in Anchorage — as evidenced by The Alaska Bar Rag. This irreverent, often sardonic, and marvelously humorous publication of the Alaska Bar Association is the creation of Bar Rag Editor Harry Branson. It is published sporadically — one edition was the "June, July, August Summer Catch-Up Issue," another was the "Suddenly It's Spring February-March-April Edition" — but it always reflects Harry's belief "that the Bar and Bench can occasionally afford a kidding, especially when its members are taking themselves too seriously."

"Helping" to maintain the Bar Rag's credo — Dignitas, Semper Dignitas — is a column written by Gail Roy Fraties (more about Fraties later). For example, consider his all-too-truthful column about legal fictions and insurance companies:

The Swivel Case

Court watchers have awaited with interest the Supreme Court's opinion in Swivel v. Fulano DeTal, Inc., in which popular Anchorage trial attorney Ben Walters had attempted an innovative approach to jury argument. In the words of Mr. Chief Justice Rabinowitz:

"In this case, Plaintiff's attorney — in closing argument — stated to the jury, 'Some of you no doubt have wondered why I questioned you extensively in my voir dire of the jury panel concerning whether or not you believed in the tooth fairy, the Easter bunny, and Santa Claus. You will have noted that those of you who replied in the negative were assiduously challenged by defense counsel, whereas I kept as many of you as I could. I think that it is appropriate to say that I sought a jury which was in the proper frame of mind to evaluate his Honor's forthcoming instruction that an insurance company is not a party to this case.'"

Trial Judge Victor Carlson thereupon did a brief but spirited in-court imitation of a brown bear with its foot in a trap, and granted a mistrial and a dismissal of the plaintiff's case, with prejudice. From that decision, plaintiff appeals. "It has been a time-honored custom in the courts of Alaska, as throughout the civilized world, to honor certain legal fictions [citations omitted] and it is not for this court, which even in its more rational moments contends that the rulings of the Supreme Court of the United States form but a threshold for our decisions [State v. Ravin, et al.] to avoid the decision which faces it now. The fictions of which I speak, number among them, but are not limited to, the suppositions that:

1. The defendant in a criminal case is presumed innocent.
2. Any witness is presumed to tell the truth.
3. The jury will not discuss the case among themselves (much less with their families and neighbors) before the evidence is in.
4. They will pay no attention to what the judge or counsel have done in their presence, merely because they are instructed not to do so.
5. They will forget testimony, once heard, because the judge later rules that it is inadmissible.
6. There is not an insurance company lurking somewhere behind every effective defense of a civil case.

"The Alaskan people, however pragmatic and simplistic, are highly intelligent individually or in a group. It is inconceivable that such persons can sit through a two-month trial, involving — as they usually do — witnesses flown in from the Persian Gulf and eating their heads off in the lap of luxury while awaiting the vagaries of a 'trailing calendar' — and remain convinced that all of this is being financed by the defendant/motorist. "It is obvious, even to the untutored eye, that either the federal government or some insurance company is on the job, and has deep pockets, it appears that they have about equal rank. As a practical matter, it is almost impossible to avoid the subject of insurance, once counsel have determined to raise the subject. It does not seem to us that plaintiff's counsel should be forced to demean themselves by the usual ruses — some of which are as follows:

1. Question: 'Do you own controlling interest in any insurance company?' (directed to average middle class jurors).
2. Instructions to one's own witnesses: 'Now, don't mention any word beginning with 'T' — but did you report this accident to anyone other than the police?'
3. The time-honored 'blurt-out' by the plaintiff: 'He said his insurance would pay for it.' All of us, as former trial practitioners, are aware of many similar examples.

"I'm sure the Alaska Bar is well aware that I could go on for 50 more pages but I like to be unpredictable. Suffice it to say this court finds plaintiff's argument not only harmless, but refresh-
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1. Bar Rag Editor Harry Branson defends this publication schedule: "In the interests of justice we have abandoned the Gregorian Calendar and adopted the Court Calendar System in which real time is a matter of indifference."

2. The Bar Rag's Poetry Contest — Instant Fame! Dignified Judges! Glittering Prizes! — was explained: "I heard a pithy saying once to the effect that all attorneys must be either poets or bookkeepers. We are planning a bookkeeping contest for sometime in the future. Right now we would like to see how many poets we have."

3. "Dignity, Always Dignity." (Everyone knew this but you!)

4. Other "legal fictions" suggested after this Fraties column included "you are to consider the defendant's multiple convictions (for buggery on minors) only as they reflect upon his credibility." And a Leavenworth inmate (commenting on Fraties’ unsuccessful appeal of his conviction): "If the error was so damn harmless, why am I doing 45 years?"

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