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Jim Paulsen

James Hambleton

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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 tries 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, 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 "electrotyp'd." 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 statues 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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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 77059; two sons, T. Scott Smith, and Brett Smith; two daughters, Kenya 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 LL.B. from Baylor University in 1934. In 1936, he earned his LL.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.

W.S. Pope

Walter S. Pope, Jr., 74, of Abilene died July 8, 1985.

Pope, a native of Anson, attended the University of Texas and was admitted to the Texas Bar in 1934. From 1934 to 1941, he practiced law in Anson.

During World War II, Pope served for five years as special agent for the Federal Bureau of Investigation. After the war, he practiced law with his father in Abilene for seven years.

In 1954, Pope joined the law firm of Smith, Eplin & Bickley. He then formed the firm of Pope, Glandon, Dickenson, Batjer & Baker. Pope taught economics and business at Hardin-Simmons University, as well as oil and gas legislation, banking, and transactions at the Oil Institute of McMurry College's School of Business Administration.

Pope was a past president of the Abilene Bar Association and a member of the State Bar of Texas, American Bar Association, Delta Tau Delta Social Fraternity, Phi Delta Phi International Legal Fraternity, and Abilene Lions Club. He served as Taylor County judge for three years and as director of the First National Bank of Anson.

A member of the Episcopal Church of the Heavenly Rest in Abilene, he was a vestryman for three years.

Pope is survived by his wife, Ida Vickery Pope, 909 Albany St., Abilene 79605; a son, Walter Alan Pope of Chicago, IL.; a daughter, Stephanie Marie Pope of Virginia Beach, VA.; and, a brother, John B. Pope, also a longtime Abilene attorney.

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 & Wyrrick 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,
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.

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 Kenwood 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.

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 & Baynham 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, Gwen- dolyn Rochelle Vernon of North Carolina and Pamela Jean Vernon of Mercer Island, WA.; his mother, Naomi Mae Vernon of Plainview; a brother, Ronald Lee Vernon of Corpus Christi; and, a sister, Shirley Gayle Webb of Lubbock.
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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.

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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., 106 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. Seek high profile and responsibility. Respond to Box-holder 6619.

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90 Texas Bar Journal January 1986
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.

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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 6176.

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 6167.

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 6169.

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.

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.

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January 1986 Texas Bar Journal 91
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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 674.

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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, Suite 131, 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.

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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 teaching as a clinical instructor. This is a career-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.

ST. MARY'S UNIVERSITY SCHOOL OF LAW invites applications for a tenures-track position primarily teaching Texas Civil Procedure. Appointment may be as assistant or associate professor depending on academic qualifications and practice experience. Applicant must possess a J.D. degree, LL.M. degree or candidate preferred; possess excellent academic credentials, show promise as legal scholar and have several years of practice. Please apply in writing, enclosing resume. Contact: Chairperson, Faculty Applications Register Committee, School of Law, St. Mary's University, San Antonio 78284.

ATTORNEYS: Excellent opportunities with top Dallas firms in litigation, bankruptcy, banking, real estate and ERISA. Our clients require top 10 percent law school academics and law firm experience. Send resumes in confidence to: Caldwell & Associates, 2929 InterFirst II, 1201 Elm St., Dallas 75270. Or, call 214/698-9991.

Large, progressive downtown Dallas law firm seeks litigation and bankruptcy attorneys with one to five years' experience. Excellent academic credentials required. Send resume in confidence to Box-holder 6157.

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KLEBERG, DYER, REDFORD & WEIL of CORPUS CHRISTI seeks two attorneys with four to seven years' litigation experience for Tort and Insurance Defense Section. Compensation based upon qualifications and experience. Send resume and references to James L. Anthony, 1200 MBank Center North, 500 N. Water St., Corpus Christi 78471.

ALBUQUERQUE — TAX ATTORNEY — The law firm of Rodey, Dickason, Sloan, Akin & Robb, P.A. in Albuquerque, NM, a general practice firm with 58 attorneys, is seeking an attorney with two or more years' tax practice experience. Salary commensurate with qualifications and experience. Please send resume to Peggy Hayden, Personnel Manager; Rody, Dickason, Sloan, Akin & Robb, P.A.; Box 1888; Albuquerque, NM 87103.

LITIGATION ATTORNEY — 10-attorney AV-rated Houston law firm with a general civil practice specializing in real estate, banking and general business seeks an attorney with three to five years' of litigation experience and good academic counsel and ability to supervise new associates. Salary commensurate with experience. Excellent opportunity for self-motivated attorney desiring substantial responsibility and opportunity for rapid advancement. All replies kept in strictest confidence. Please send resume including description of litigation experience to Box-holder 6158.

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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.

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


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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. Work will primarily be in negligence and product liability areas. Strong academic record, first chair trial experience and significant deposition experience required. Salary commensurate with experience. Send resume to Box-holder 6136.

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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.

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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 77235.

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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.

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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.

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

Merger possibility with small downtown Dallas trial firm with real estate and tax capabilities. Attorneys with excellent credentials and capabilities wish to complement their firm's capabilities with office practitioners or other trial attorneys. Quality office space and location with unlimited expansion. Aggressive compensation structure. Replies confidential. Reply to Box-holder 6155.
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.

FORT WORTH LITIGATION — Opening for associate with partnership potential. Minimum three years' experience with strong litigation background. Competitive salary with inducements and benefits. Please send resumes and direct inquiries to STEVES, LEONARD & JONES, Attention W.W. Leonard, 524 Fort Worth Club Building, Fort Worth 76102. Call 817/335-6538.

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 6160.

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 "1, Baton Rouge, LA 70808. Tel. 504/769-9776 (H), 504/324-6930 (W).

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Small AV-rated Houston law firm, seeks two highly qualified associates; one with two to four years' experience in bankruptcy and one with two to four years' experience in the corporate/securities area. Respond to Box-holder 6161.

Small North Dallas business and commercial oriented AV-rated law firm has opening for litigation associate with zero to three years' experience. Applicants must have top 30 percent law school ranking. First chair jury trial experience in state and/or federal court is desired. Send resume to Box-holder 6177.

Small, expansion oriented Dallas firm seeks associates to assist with substantial and growing business litigation practice. Ideal applicants will have excellent academic credentials, two to three years' experience in litigation section of a recognized firm and ability to accept immediate responsibility. Reply in confidence to Bird & Reneker, 6500 Greenville Avenue, Suite 490, Dallas 75206.

Pleasant, aggressive AV-rated Dallas law firm seeks: (1) merger or quality association in litigation, real estate, or corporate and (2) full-time associate or partner to staff firm's U.S. Virgin Islands office located in St. Thomas, U.S.V.I. Large firm experience preferred. Excellent academic record important. Liberal entrepreneurial compensation. Please provide your resume in confidence to Samuel L. Boyd, 2001 Bryan Tower, Suite 2700, Dallas 75201.

ATTORNEY WANTED

MAXWELL, BENNETT, THOMAS & FELDMAN, a seven-lawyer North Dallas law firm seeks highly motivated, one to two-year attorney with experience in and desire for litigation. Good opportunity for advancement with competitive salary. Good academic credentials and a commitment to high quality work required. Please submit resume, with professional references, in confidence to Dianne Dalton, 900 Glen Lakes Tower, 9400 North Central Expressway, Dallas 75231.

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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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