1985

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Legal Research

Writ Writing Revisited: The ‘‘Auto-Cite’’ Approach

By James Hambleton, Director, State Law Library, and Jim Paulsen, Briefing Attorney, Texas Supreme Court

The November 1984 issue of the Texas Bar Journal contains an article discussing Texas writs of error and writ history ("Does West Write the Right Writs?"). The article examines the two most commonly used sources for Texas writ history: the West Writs of Error and Discretionary Review Tables, and Shepard’s Texas Citations. The conclusion was that both contain a number of significant error and omissions.

Actually, there is a third and generally more accurate source for recent Texas writ history. Marketed by Lawyers’ Cooperative, the same folks who publish A.L.R. and the Lawyer’s Edition of the U.S. Reports, Auto-Cite is a computer-based citation verification and research system which includes writ histories for Texas cases.

After becoming aware of the problems with histories as published in both the West tables and the Shepard’s citation, the editors at Lawyers’ Co-op decided to upgrade the accuracy of the Auto-Cite database by comparing the information it already contained against the back issue of the Texas Supreme Court Journal.

Starting with volume one of the Texas Supreme Court Journal (October 1957), the editors are verifying Auto-Cite writ history information, assuring the accuracy of the database. While the Journal is not an "official" source of writ action (in fact, the front page of each issue disclaims any "warranties of merchantability, express or implied"), a quick comparison of the information in the Journal to the Supreme Court orders for about a dozen randomly selected issues reveals no errors.

One advantage of Auto-Cite for writ histories is timeliness. There is an average delay of anywhere from three weeks to three months before Texas Supreme Court action on a writ is reported in West’s advance sheets, and a comparable delay for writ history to find its way into Shepard’s Texas Citations. In contrast, a random sampling indicates that the basic writ information appears in Auto-Cite within a week to 10 days of court action.

The authors did, however, discover a major flaw in Auto-Cite’s writ histories. The court’s orders, as published in the Supreme Court Journal, will often indicate disposition of an appeals court opinion that is “not yet reported.” When these opinions are later reported in the advance sheets, Auto-Cite has not been back-tracking to connect up these cases, now with citations, with their earlier-issued writ designations. Thus, if a case is granted or “n.r.e.’d” before it is printed in the Southwestern Reporter, Auto-Cite might show the correct case name for the citation, but omit the “grant” or “n.r.e.” information.

This defect affects the accuracy of the writ history in a large number of cases, particularly in recent volumes, since the Texas Supreme Court has been disposing of many applications more quickly than West Publishing has been printing the appeals court opinions. Nonetheless, this problem is comparatively easy to correct, and the authors have been assured by representatives of Lawyers Co-op this “hole” in the system is being plugged.

Incidentally, not all of the errors in the database are attributable to Auto-Cite’s failure to pick up the “not yet reported” cases as they enter the reporter system. The annotations accompanying the orders in the Texas Supreme Court Journal (although not the orders themselves) are sometimes in error. For example, cases several volumes old are occasionally listed as “not yet reported,” reported cases are sometimes indicated as “Rule 452 not to be published,” and cases are sometimes tagged with incorrect citations.

In addition to relatively accurate
writ histories, Auto-Cite now includes citations to the Texas Supreme Court Journal starting with volume 27. On any case for which writ of error is granted, Auto-Cite refers the reader to the Journal pages showing the summary of the points of error on which a writ has been granted, and those which contain the full text of an opinion of the Supreme Court of Texas. If a writ is refused n.r.e., then, there is no reference to the page of the Journal on which that refusal was listed (not, for that matter, that there really needs to be.)

Once a Southwestern Reporter citation is available for a full opinion, the Texas Supreme Court Journal citation in Auto-Cite is deleted. If a researcher comes across a reference to an opinion with a Texas Supreme Court Journal citation, however, the researcher may still search by that citation to retrieve later treatment and history.

The citation to the page of the Journal on which a writ granted case is summarized is a very helpful bit of research information. The West tables and the Texas citations will indicate only that the writ is granted. The Journal in its "Granted Writs of Error" section not only summarizes the facts of the case and the trial and appeals court holdings, but it also lists the points of error on which writ was granted. While the Supreme Court of Texas is not bound by the points on which an application is granted, and may write on all aspects of the case, knowing the points often gives a clear indication of what aspect of the case is most troubling the court.

Another research advantage in using Auto-Cite is that the system is not dependent upon an opinion's publication in the Southwestern Reporter advance sheets. If an attorney were checking a court of appeals citation in Shepard's and the Supreme Court of Texas had issued an opinion that was still pending on a motion for rehearing, the Shepard's citator would indicate only that the writ of error had been granted. West's writs tables would further indicate whether the lower court decision was affirmed or reversed, but would give no citation.

By contrast, if the attorney typed that appeals court citation into Auto-Cite, the screen would display a Texas Supreme Court Journal citation to the full text of the decision. The user should be cautioned, though, that Auto-Cite will display the Journal citation even while rehearing may be pending, and it is possible that the decision released

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In an earlier article, the authors engaged in a daring expose of numerous errors in the Texas writ history tables. (47 Tex. Bar J. 1260 (1984)). Unfortunately, despite double-checking procedures, verging on paranoia, that article itself contains an error in writ history. On page 1261, in the middle of the first column, 640 S.W.2d 702 is listed as a "no writ" case in the West tables, but as an "n.r.e." in Shepard's. West is indeed correct. As a result, only six, not seven, "n.r.e.'s" are omitted by West in volume 640. Fortunately, both authors are judgment-proof.
may later be withdrawn and modified (an important item to remember, in recent days). A further notation is added to the citation in Auto-Cite once rehearing has been denied and the decision is final.

Auto-Cite has other more valuable uses than merely double-checking writ histories. The Auto-Cite system was initially developed as a citation verification system. The database covers almost 4 million published opinions from approximately 270 different series of reports. Texas coverage includes not only the Southwestern Reporter and Texas Supreme Court Journal, but all of the volumes of the Texas Reports, Texas Appeals Reports, White & Willson Texas Appeals Reports (Civil Cases), Texas Criminal Reports and Posey's Unreported Cases.

When the user types in a citation to any case in any one of these reporters, Auto-Cite responds with the name of the case that begins on that page. If the citation is incorrect, Auto-Cite informs the user that no case begins on the page requested, but that the requested page is located within another opinion, which Auto-Cite then names. This function alone is handy for checking the accuracy of the citations typed in briefs or other court filings and avoiding the embarrassment of mis-citing authority, or far worse, citing recently overruled "authority" to an appellate court. The speed of Auto-Cite makes it possible to verify citations in an average appellate brief in half an hour or so, and the system is simple enough to be used by office staff.

Auto-Cite provides a very powerful legal research capability in addition to citation verification. Displayed after the style of the case is direct history, that is, the same case being appealed to the same or a higher court. In addition to direct history, "treatment history" is also included. Treatment history indicates how the cited decision has been regarded by later decisions. For example, a totally separate case influencing the legal authority of the cited opinion might be listed, as might another case which mentions that the cited opinion has been overruled by statute.

Direct history sometimes contains information not easily found elsewhere. For example, in the procedurally infamous case of Jensen v. Jensen, the Supreme Court of Texas issued an initial opinion, substituted a second opinion on rehearing, and on further rehearing substituted a third opinion. If the court of appeals citation is checked in Shepard's, only the last reported opinion is cited.

Auto-Cite, on the other hand, indicates that the lower court opinion in Jensen was reversed in 1983 by the Supreme Court at 27 Tex. Sup. Ct. J. 68, but then that that opinion was replaced by one issued in 1984 and reported at 665 S.W.2d 107. (Auto-Cite does not list Jensen I, though, since that decision was issued in Volume 26 of the Texas Supreme Court Journal, before Auto-Cite's coverage of the Journal began.)

To demonstrate how direct and treatment history are listed, assume the researcher has typed into Auto-Cite the court of appeals citation to Texas Industries v. Lucas. The direct history indicates that this lower court opinion was affirmed in part and reversed in part by a Texas Supreme Court opinion at 27 Tex. Sup. Ct. J. 491. The fact that this decision was issued in Volume 26 of the Texas Supreme Court Journal, before Auto-Cite's coverage of the Journal began.)

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key to unlocking the annotations contained in the A.L.R. series of reports. After the history of the requested case has been listed, Auto-Cite displays the titles of all annotations that cite the principal case or any case listed in the treatment and history section. These references to A.L.R. annotations provide one of the most effective ways to get into the A.L.R. research system. This is important because, while A.L.R. annotations are rich veins of research information, their companion indices are anemic.

In \textit{Jensen}, for example, Auto-Cite indicates the court of appeals decision has been cited in the annotation "Divorce and separation: appreciation in value of separate property during marriage without contribution by either spouse as separate or community property," 24 A.L.R. 4th 453. By putting this annotation citation through the Auto-Cite system, collateral annotations may also be retrieved.

In the \textit{Jensen} example, nine annotations cite 24 A.L.R.4th 453, among them annotations that discuss the proper date for valuation of property being distributed pursuant to a divorce, pension or retirement benefits as subject to award or division by a court in settlement of property rights between spouses, and the power of a divorce court to deal with real property located in another state. In the \textit{Lucas} case discussed above, several annotations discussing various aspects of products liability are cited.

One of the most endearing aspects of Auto-Cite is its price. Each citation checked is $1.20, which provides two minutes of scan time. (Additional scan time is 50 cents per minute.) This flat fee covers all charges: database access and communications to the host computer (located in Rochester, NY.) After an initial "installation" fee, a minimum monthly charge of $36 includes the first 30 citations checked that month. For those who would like some inexpensive computer-based legal research help, Auto-Cite provides an attractive alternative to the more familiar higher priced services. For more information on Auto-Cite, contact your local Bancroft-Whitney/Lawyers Co-operative representative.

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**Good News for Writ History Buffs**

The authors have it on good authority that West Publishing Company has become aware of the problems in the accuracy of the works of error tables and that internal procedures are being changed to avoid the repetition of these mistakes in the future. The editors at Shepard's are also reviewing editorial policies concerning writ histories to determine if any changes are necessary.
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IV
Garson Jackson Retires as Clerk, Mary Wakefield Appointed as Replacement

Garson Jackson retired from the position of Texas Supreme Court Clerk after 28 years' service, effective Jan. 1, 1985.

Jackson was appointed deputy clerk in 1957. At the time, he was an assistant manager of a men's retail store in Lockhart. Jackson and his family moved to Austin in 1967 when he was appointed clerk. The Texas Supreme Court clerk is required by law to live in Austin.

Jackson served under four chief justices and 31 associate justices. He was only the fifth clerk to serve the court since it was seated in Austin in 1892. The position is provided for in the Texas Constitution and the duties are prescribed by statute.

Jackson, who will be 65 on July 7, is planning on spending more time with his family and friends and doing some hunting or fishing and travelling with his wife. Since his appointment as clerk, Jackson took very few vacations and had accumulated 400 hours of unused vacation time.

Jackson is proud of the clerk's office and its ability to keep up with the increased number of attorneys and caseload. When Jackson was appointed deputy clerk there were 13,000 attorneys in the state. There are now about 44,000.

On Feb. 7, Mary M. Wakefield of Austin was appointed to replace Jackson.

A native of Greenwich, CT, Wakefield received an A.A. in liberal arts from San Antonio College and attended the business college at the University of Texas.

In 1968 she began working for the State Library and Archives Commission. She was appointed a deputy under Jackson in 1974 and served as chief deputy from 1977 until her appointment as clerk.

As a member of the National Conference of Appellate Court Clerks, Wakefield has served on various membership and program committees.

Wakefield has two sons, Steven of Austin and Scott of Arlington.
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You Say You Gave At the Office?

When I receive phone solicitations for charitable purposes at home, I often am able to reply that I gave at the office. Soon each of us will be receiving requests to participate in the IOLTA (Interest on Lawyers’ Trust Accounts) program to be administered by the newly-created Texas Equal Access to Justice Foundation.

This program was promulgated by the Supreme Court in May 1984. Since that time, the foundation has been incorporated, the exemption from the IRS has been applied for, and the campaign is underway to get volunteer attorneys to join. The impetus for the IOLTA program is, of course, to create funding for legal services to aid those persons who could not otherwise afford to hire a lawyer. The funds deposited with the foundation will be distributed in the form of grants to organizations that will use the money exclusively to provide legal services to the indigent in civil matters. The recipient organizations will include private bar sponsored programs. Excluded from funding consideration will be class action suits, lobbying and lawsuits against governmental entities except for securing individual benefits such as social security or Aid to Families with Dependent Children.

This program is entirely voluntary — both by the lawyers and participating banks. All that is needed to participate is for the attorney to set up a separate interest-bearing insured depository account at a participating financial institution and deposit in such account client funds that are nominal in amount or are reasonably anticipated to be held for a short period of time and which could not reasonably be expected to earn interest for the client or the interest is so nominal as to not offset the cost of investing the funds for the client. Interest earned on the account will be paid to the foundation for its use in granting funds for legal services to the indigent. Once you establish such an account you need to notify the foundation of its existence within 30 days of establishment. If you later decide to withdraw, you need only notify the foundation within 30 days of closing your account. Once you have established the account, you instruct the depository to remit the interest to the foundation.

In the case of IOLTA, it is so simple to “give at the office.” When you receive your request to sign up, I hope you will seriously consider doing so. With little or no effort on your part, you can make a contribution to pro bono legal services in Texas, and help fulfill part of your professional obligation and duty in that respect.
Texas Rule of Civil Procedure 3a gives each district court authority to make and amend rules governing practice in that court so long as such local rules are not inconsistent with the Texas Rules of Civil Procedure. Lawyers who practice in more than one county quickly discover that there are almost as many different local court rules as there are courts. "Getting hometowned" takes on real meaning when a lawyer learns that an important motion will not be heard or a trial setting is lost because of some unique local rule.

Pursuant to Rule 3a, all local rules that are made or amended must be furnished to the Texas Supreme Court for approval before promulgation. The authority to make a local rule previously was found in Rule of Civil Procedure 817. However, the Rule of Procedure was renumbered and amended effective April 1, 1984 “to emphasize the superiority of the general rules over local rules of procedure” and to require Supreme Court approval of local rules so as to achieve uniformity among them.

This rule change is part of an ongoing effort to reform the local rules of procedure. In fact, the diversity of local rules and the accompanying pitfalls have drawn sharp criticism and a committee has been organized by the Texas Supreme Court to study the local rules and recommend changes.

This article will generally address the local rules of three of five large counties: Bexar, Tarrant and Travis. A later article will discuss Dallas and Harris counties. This article is meant to be a practical guide to the general civil litigation rules of the various localities. The rules have been divided into categories so the practitioner may generally review the rule applicable to a specific need. However, many of the categories naturally overlap. Some aspect of the local rules may not be addressed and the rules themselves should be consulted.

I. Dockets and Settings

A. Bexar County — The local rules of Bexar County were adopted and became effective on May 1, 1972. They are very general and subject to years of local practice and interpretation.

Bexar County utilizes a presiding judge who maintains both a jury and a non-jury civil trial calendar. Non-contested matters are generally heard by the presiding judge, although they may also be heard by any other judge. These matters may be heard without a formal setting, but only at times designated by the presiding judge.

All contested matters must be set for hearing by fiat or order. A separate and independent motion is required for a setting, together with a form fiat or order, which is presented to the presiding judge for setting. Without this formality, the matter will not be set. No settings are made by telephone. The fiat or order setting the matter may be signed by any judge, but it must be returned to the presiding judge. The presiding judge then will hear the matter or assign it to another judge.
A useful mechanism for satisfying this rule is to utilize the following form on all motions in Bexar County:

CASE STYLE

FIAT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES , plaintiff/defendant in the above-styled and numbered cause and requests that a hearing be held on , at , m. on (plaintiff's/defendant's) Motion for . Said hearing shall be held in the Judicial District Court which is the presiding court on that date.

JUDGE PRESIDING

This form may be placed after the certificate of service of the primary motion.

A case is placed on the non-jury trial calendar in one of three ways. First, it may be placed on the calendar upon the court's own motion. Second, any interested party may request placement on the calendar after notice to all other parties. Notice must be by certified mail and served 20 days prior to the trial setting. Opposing parties may object to the setting until 10 days prior to trial. The final way a case may be set on the non-jury calendar is by written request of all parties. The number of cases set for any given day is left to the discretion of the presiding judge.

Cases in Bexar County are set on the jury trial calendar in basically the same three ways as cases are set on the non-jury calendar. The only differences relate to notice. If the court sets the case on its own motion, there must be notice to all interested parties. When a case is set on the jury trial calendar upon motion of a party, a copy of the notice to all interested parties must be filed with the Bexar County assignment clerk. A party objecting to such a jury trial setting has 10 days from the receipt of the notice to file a written objection.

Jury trials are set by month. The presiding judge determines what cases may go to trial during the month by assigning cases to a weekly trial calendar. The cases may be assigned to any available district court.

B. Tarrant County — The local rules of Tarrant County became effective on Nov. 1, 1979. The rules are presently being revised. The district judges control their individual dockets and settings. A prerequisite to setting a hearing on any motion or special exception is a conference with opposing counsel. If the motion will be opposed, the moving party must include special language in the motion. The clerk will not set any opposed motion or special exception for hearing unless the motion states at the beginning, A conference was held on (date) with (name), attorney for opposing party, on the merits of this motion, or special exception. An agreement could not be reached; therefore, it is presented to the Court for determination.

This statement may also be stated in a letter to the clerk.

To obtain a jury trial setting in Tarrant County, a written request must be made. This request must be received by the clerk of the court in which the case is pending by the twentieth day of the second month prior to the month in which the case is to be set. To illustrate, a request for a trial setting in July must be received by May 20. A copy of any request must be served on all parties at or before the time the request is made.

The request for a jury trial setting in Tarrant County must be in writing and requires special language. Failure to include all necessary language or the inclusion of incorrect information will result in the loss of a setting upon the motion of opposing counsel or upon the court's own motion. The request must state the jury week desired. It must also state that it is made with the intention that the case will be ready for trial and that all pleadings will be in order at least seven days prior to trial. In addition, the request must contain a statement as to the status of any special exceptions or other pre-trial matters. Finally, the request must certify that all necessary ad litem appointments have been made, if applicable. It is also suggested that a request for jury trial setting include a general statement of what contested issues are to be tried.

A case that is set for either a jury or non-jury trial on a current docket will not be removed from that current trial setting. All jury cases are set for trial in the order in which they were filed with the district clerk. The only exception is for cases involving a preferential setting required by law.

Special or preferential settings that are not required by law are generally not granted. The only exception is if a case has been on file at least 12 months and it is shown that manifest hardship will result. Under these circumstances, a preferential setting may be granted.

Non-jury cases in Tarrant County may be requested in the same way as jury cases. However, a non-jury case also may be set by giving 10 days written notice of the week of such setting to the opposing party. Non-jury cases may be set and tried each month in both non-jury and jury weeks. In fact, attorneys are encouraged to set non-jury cases for jury weeks to allow the courts to dispose of non-jury cases when the jury docket breaks down.

A non-jury case set during either a jury or non-jury week by giving 10 days notice is set on the docket after non-jury cases previously set for that week. The cases will be tried in the order filed when reached that week.

C. Travis County — Travis County's local rules became effective Oct. 1, 1984. In Travis County, the district judges elect a presiding judge who has general responsibilities over administration of the docket. The presiding judge oversees a central settings docket from which motions or trials are assigned to a particular judge. Thus, cases are not required to be filed in a particular court, and matters are not necessarily assigned to the judge of the court in which the case is filed or pending.

As a practical matter, many of the administrative responsibilities are handled by the court administrator. The court administrator designates each week as a jury or non-jury week and a schedule of jury and non-jury weeks
may be obtained from the district clerk or court administrator.

All non-jury settings, whether they are hearings on motions or non-jury trials, are set the same way. Each request for a non-jury setting should include an estimate of the time required for the hearing. Generally, motions and non-jury trials should be set for non-jury weeks. If the motion or trial will require more than three hours, it will be set for 9 a.m. on the Monday of a non-jury week and will be subject to trial or hearing at anytime before noon on Thursday. If three hours or less is required, the matter may be set for either 9 a.m. or 2 p.m. on any day during the non-jury week except Friday. In Travis County, Fridays are generally reserved for appeals from administrative agencies and family law matters. Any other contested or uncontested matter that will require 15 minutes or less may also be set on Friday morning of a non-jury week.

Frequently, a busy lawyer’s schedule demands that a matter be heard during a jury week. In order to accommodate this need, Travis County sets aside Thursday of jury weeks for hearings that require 30 minutes or less. In addition, hearings may be set on Thursdays of jury weeks if they involve a matter that must be determined within a fixed time period that would expire without the hearing.

Two daily sessions are available, for uncontested matters or matters that are normally handled on an ex parte basis. From 8 to 8:50 every morning and 1 to 1:50 every afternoon a judge is available to sign orders or handle other similar matters.

Jury cases are set for 9 a.m. Mondays of jury weeks and are subject to trial during that week only. Settings for jury cases are made on a “first come — first serve” basis and the party setting the case for trial simply receives a “line number.” The request for a jury may be either written or oral. Attorneys should keep in mind when setting jury cases in Travis County that any case is capable under the current system of being reached on the date set.

Preferential settings are generally frowned upon in Travis County. Indeed, no preferential settings are available for jury cases. Preferential settings may be obtained in non-jury cases, but only upon notice and hearing and if “justified by the exigencies of the circumstances or the law.” The request and hearing for a preferential setting should be made as early as possible because no more than two non-jury preferential settings will be granted for any morning or afternoon docket. The request and the hearing must take place before the Thursday preceding the week the setting is requested.

Preferential settings should be distinguished from the assignment of all or part of a case to a particular judge. A preferential setting simply ensures that a matter will be reached and heard by a judge. A preferential setting is not a setting before the judge who granted it or any particular judge unless a specific request is made. A setting in front of a particular judge may be obtained in one of two ways: (1) upon suggestion of any judge; or (2) after conference with the attorneys for all the parties. This practice is frequently utilized when a judge has heard one or more motions in a complex case.

Several types of settings in Travis County require a formal request and hearing. A hearing is required to set a case in three types of situations in Travis County:

1. A setting for a trial on the merits if the request for the setting is made prior to the appearance day of any defendant named by the plaintiff’s pleading;
2. A setting for a jury trial if a non-jury trial setting of the same case has been obtained after appearance day and before a jury fee is paid; or
3. More than one setting of any matter.
II. General Pre-Trial Practice

A. Bexar County — Bexar County's local rules regarding pre-trial practice are extremely general. Whenever the presiding judge considers it to be feasible, the judge will reserve Friday afternoons, starting at 2 p.m., for a pre-trial conference on any jury case set on that month's trial calendar or set for trial the following week. However, upon being assigned a case for trial, the judge of a specific court shall hold a pre-trial hearing if one has not been held previously.

The local rules state that the pre-trial hearing is to be held in accordance with Texas Rules of Civil Procedure 166 through 175. Some of these Rules of Civil Procedure have been amended as many as four times since the Bexar County local rules were adopted in 1972 and, in some instances, provisions have been moved in and out of the confines of these rules. Consequently, a lawyer should look to any Rule of Civil Procedure that addresses activity normally part of trial preparation and ensure its consideration at a pre-trial hearing. The Bexar County pre-trial hearing should also address any questions concerning additional parties as set out in Rule of Civil Procedure 37, trial amendments as contemplated by rule 63, or other matters as generally stated in rule 248.

Subsequent to a pre-trial hearing, the case shall be tried, otherwise disposed of, or returned to the presiding judge for assignment for trial later or other disposition. All exceptions, motions and dilatory pleas must be presented to the court no less than seven days prior to the week a case is set for trial or they are waived. All motions for continuance must be presented to the presiding judge.

B. Tarrant County — Tarrant County's local rules make no express provision for a pre-trial conference. Arguably, there should be no need for such a conference if the local rules have been followed. This is because the attorney requesting a trial setting will have set out the status of all exceptions and pre-trial matters almost two months in advance of the trial setting. Likewise, any announcement of ready by letter must have set out that all pre-trial matters were resolved or that a hearing on any unresolved matters was set more than 14 days before the trial date. Presumably, all such matters will have been resolved by the time of trial.

Additionally, the party filing any special exception, motions or dilatory pleas has an obligation under the local rules to present these matters to the court for ruling not less than seven days prior to the Thursday preceding the weekly trial calendar. In other words, it is contemplated by the local rule that all special exceptions, motions or dilatory matters will have been resolved by announcement day.
Every ground for continuance that is not raised when the case is called on Thursday is waived. The only express exception to this rule is the grounds will be considered if they arise after docket call or they could not have been foreseen by the use of reasonable diligence at the time of docket call.

C. Travis County — Travis County has no express provision for a pre-trial conference. It is not uncommon, however, for judges to require pre-trial conferences in cases with more than two parties.

All special exceptions, motions or dilatory pleas should be presented and heard before docket call on Thursday preceding trial. If these pre-trial matters are not heard before docket call, the rules provide that they will be deemed waived except upon a "showing of good cause for failure to comply." The only exceptions to this rule are motions in limine and motions for continuance based on new circumstances. Obviously, as a practical matter, some matters will have to be heard after docket call, such as as amended or supplemental pleadings filed within seven days of the date of trial.

Motions in limine, pursuant to Rule 4.2, must be served before Thursday docket call announcements. Motions in limine normally are not heard until Monday morning.

The local rules make it clear that Rule 21a of the Texas Rules of Civil Procedure, which requires three days notice of any hearing, will be strictly enforced. Therefore, unless a motion for continuance is based on new circumstances, it should be served on the opposing party on Monday, one week before trial.

B. Tarrant County — The Tarrant County rules make no provision for announcing ready on motions. The setting of the motion in accordance with the local rules is the equivalent of an announcement of ready.

Thursdays at 2 p.m. is the time for announcing ready for both jury and non-jury cases set for the following week. The immediately preceding court day is the day for announcing ready if Thursday is a legal holiday. The cases to be tried the following week are called by the respective judges that will try each case. The local rules state that the attorney answering the docket call and making any announcement will be the attorney who will try the case.

A lawyer can announce ready or not ready in one of two ways: (1) by personal appearance at docket call, or (2) by letter. As a general rule, no announcement will be accepted before or after the Thursday docket call except in cases of actual emergency or if a party announces ready by letter.

An "announcement letter" should be delivered to the clerk of the court in which the case is pending. It must be in the clerk’s hands at least 14 days before the week of trial. The letter must also provide certain information. It must state that all reasonable efforts to settle have been made and that a bona fide offer to settle has been made and rejected. It also should state that all pre-trial matters have been resolved or that a hearing on unresolved matters has been set more than 14 days before the trial date. If the announcement is one of "not ready," the letter should set out the specific reason the case is not ready.

The Tarrant County announcement letter must also contain a certificate that the person signing the letter is the responsible attorney and that the information contained in the letter is true. To this end, it is suggested that the letter indicate that the signing attorney will be the one actually trying the case and that this attorney has reviewed the file of the case. It is also suggested that the announcement letter contain an estimate of the time necessary to try the case.
A case will be removed from the setting if no parties make an announcement by either personal appearance or by letter. If one side makes an announcement and the other side fails to make an announcement, the party announcing will prevail. In other words, the case will be passed or tried depending on the request of the announcing party. The only express exception to this rule is the case will not be tried if legal grounds for a continuance exist. However, all discretionary grounds for continuance shall be ruled against the party failing to make an announcement.

Attorneys must immediately notify the court of any settlement or agreement to pass a case by agreement. If a party withdraws an announcement of ready, the case may be dismissed or reset. Generally, a case will not be dismissed if the reason for the withdrawal relates to health or other unforeseen circumstances. If the reason is unrelated to health or other unforeseen circumstances, the case will not be reset on the trial docket for at least three months from the original setting date.

All lawyers with trial settings on a given week in Tarrant County must always be ready to try the case during that week on short notice. A case may proceed to trial or be dismissed if the attorney cannot be located on short notice.

C. Travis County — Each Thursday at 1:30 p.m. is the "docket call" for all jury and non-jury matters in Travis County. Regardless of whether a lawyer has a three-week trial or 15-minute hearing set, the attorney must be represented at docket call in some fashion to keep the setting. Docket call includes all matters on the central settings docket for Monday through Thursday of the following week and the non-jury matters set for the Friday morning immediately following docket call.

Parties may announce "ready" by contacting the court administrator in person or by telephone before noon on the day of Thursday docket call. By agreement, one attorney may announce ready for all parties. As a practical matter, docket call is not crucial to the party deferring a motion or trial, since the failure of one of the parties to make an announcement will constitute an announcement of ready. If there is no announcement by any party when the case is called at docket call, however, the setting will be moved to the bottom of the list of cases set for the same time.

Any lawyer set for trial in Travis County should expect to be reached for trial the week of the setting unless a continuance is granted or the parties agree to pass the setting. Getting reached for trial is clearly the rule in Travis County. It is not uncommon to see cases set in the "50's and 60's" shoot up to the low 'teens by Thursday docket call and be reached for trial on Monday.

IV. Miscellaneous

A. Bexar County

1. Vacation Time — Any attorney desiring to take a vacation during the same time the lawyer has a case on either the jury or non-jury trial calendar must work with opposing counsel. The party wanting to take the vacation must make satisfactory arrangements to postpone the case and notify the presiding judge. If an agreement cannot be reached, the lawyer must file a motion setting forth the facts and obtain a hearing.

B. Tarrant County

1. Vacation Time — Tarrant County's local rules provide that an attorney may not be put to trial during June, July and August under certain circumstances. First, the period of time in which an attorney will not be put to trial cannot be longer than four consecutive weeks. Second, the attorney must file a written designation of the vacation period before the first of April. This written designation is to be filed with the appropriate district court clerk.

Attorneys in Tarrant County may also avoid trial because of vacation during months other than June, July or August. Vacations during other months are considered grounds for continuance. To obtain a continuance on the grounds of vacation, the attorney must file a written motion for continuance with the clerk or judge at least 60 days before the first day of the intended vacation.

The exception to the rules allowing a vacation in Tarrant County is if the case is specially set.

2. Withdrawal of Counsel — No attorney is allowed to withdraw as counsel in Tarrant County without presenting a written motion to withdraw and obtaining an order permitting withdrawal. There are three ways to withdraw as counsel in Tarrant County. First, the lawyer may obtain the client's written consent to the withdrawal. Second, the lawyer may obtain a certificate of employment that is signed by another attorney indicating the other lawyer has been hired to represent the client. The motion to withdraw must be accompanied by either the client's written consent or the certificate of employment. The withdrawing attorney must serve a copy of the motion to withdraw and the consent or certificate of employment on opposing counsel.

The third way to withdraw as counsel arises if there is no way to obtain the client's consent or a certificate of employment. In the absence of the consent or the certificate, the lawyer filing the motion must mail a copy of the motion to the client's last known address, return receipt requested. A letter must also be sent with the motion. The letter should advise the client the motion will be presented to the court for action at a specific date and time. The date and time for presentation cannot be less than 10 days after the date of mailing.

The letter must also advise that, if the client wants to object to the withdrawal, a written objection must be presented to the court before the hearing date. When the motion to withdraw is filed, it must have a copy of the letter to the client attached. Opposing counsel must be served with a copy of the motion and the letter.

One basis for the court denying leave to withdraw is if the granting of the motion would cause a delay in a previously scheduled trial of the case.

C. Travis County

1. Withdrawal or Substitution of Counsel — A motion to withdraw as attorney of record is only granted without a hearing if the moving attorney satisfies three requirements. First, the attorney must obtain written consent to the withdrawal signed by the attorneys for all parties. Second, the attorney must file a written consent to the withdrawal that is signed by the client. If the moving attorney cannot obtain the client's written consent, the motion should include a specific statement of the circumstances that justify the withdrawal and the reasons the client's consent cannot be obtained. Finally, the attorney must file a certificate stating the last known mailing address of the client.
A motion to substitute an attorney of record requires written consent to the withdrawal signed by the attorneys for all parties. Written consent by the client and a certificate of last known mailing address are not required.

Unless these requirements are satisfied, a motion to withdraw or substitute another attorney must be presented at a hearing. Notice must be provided under the Rules of Civil Procedure to the client and to all other parties.

2. Appeals from Administrative Agencies — Review of the decisions of administrative agencies are all heard in Travis County. Normally, these hearings are set for Friday afternoons. The party requesting the review should make a written request to the presiding judge for designation of a judge to whom the case will be assigned. Once the case is assigned to a particular judge, the parties should agree on a schedule for the filing of briefs and a date for oral argument. The judges normally request four to six weeks after all briefs have been filed to read the briefs before oral argument.

Briefing requirements are similar to the requisites of briefs set out in Rule 414 of the Texas Rules of Civil Procedure. The requirements are different for the plaintiff and defendant and should be consulted before briefs are written. A copy of each brief, marked on its cover as "Judge's Copy," should be delivered to the assigned judge. The judge's copy of the plaintiff's brief must have attached to it a copy of the agency's final order and a copy of the plaintiff's motion for rehearing filed with the agency.

V. Present Presiding Judges, Court Administrators And District Clerks

A. Bexar County—

(1) The presiding judge is James Onion, 73rd Judicial District Court, Bexar County Courthouse, San Antonio 78205, 512/220-2523. The presiding judge rotates every four months.

(2) Court Administrator — The court administrator for a jury trial is Fred Soele, Bexar County Courthouse, San Antonio 78205, 512/220-2520. The court administrator for a nonjury trial is the District Clerk's Office, Attention Lucy Martinez, Bexar County Courthouse, San Antonio 78205, 512/220-2634.

(3) The district clerk is Roy Trevino, Bexar County Courthouse, San Antonio 78205, 512/220-2651.

B. Tarrant County—

(1) The individual judges control their dockets and settings.

(2) Each court has its own court administrator. Call the district clerk and ask for the clerk or administrator of the court where the case is assigned.

(3) The district clerk is J.W. Boorman, 400 Civil Courts Building, Fort Worth 76196-0402, 817/334-1240. There are 11 civil courts and six family law courts.

C. Travis County—

(1) The presiding judge is Harley Clark, P.O. Box 1748, Austin 78767, 512/473-9000.

(2) The court administrator is Robert Patterson, P.O. Box 1748, Austin 78767, 512/473-9097.

(3) The district clerk is John Dickson, P.O. Box 1748, Austin 78767, 512/473-9097.

1. Rules related to family law are not discussed.

2. Any attorney conflict must be made known to the assignment clerk. Bexar County's local rules, however, parochially require all lawyers to give preference to the Bexar County setting.

3. This rule should be kept in mind, since lawyers are accustomed to the Rules of Civil Procedure regarding the filing of pleadings and answer dates. The Rules of Civil Procedure provide that if a filing or answer date is a legal holiday, the filing can take place on the following day.
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The Texas Young Lawyers Board of Directors met in El Paso on Feb. 22-23, 1985. In addition to regular business, the TYLA nominations committee recommended candidates for officers for the 1985-86 bar year.

Jim Douglas, dean of Texas Southern University Law School, spoke to the board at their February meeting.

El Paso: TYLA Board of Directors Meeting

After two days of meetings, TYLA directors were taken to the Cattlemen's Restaurant outside El Paso. Directors enjoyed dinner and country and western music.

Bob Dunn of Houston was presented a plaque by D. Hull Youngblood, Jr. making him an honorary member of TYLA. TYLA president Berry Crowley is also pictured.

Kathryn Snapka, TYLA director from Nueces County, confers with W. Stephen Rodgers, TYLA director from Bryan.
Capital Formation

Private Placement of Securities


As stated in the preface to Private Placement of Securities, the purpose of the book is to provide attorneys and other business advisers with the information needed to guide them in the capital-raising process.

Chapter One presents an overview of the various kinds of equity and debt financing that are available, including research and development partnerships and joint ventures. Chapter Two provides a brief, but helpful, discussion of the various instruments that can be securities and also sets forth the essential elements of preferred stock, warrants and options, notes and bonds. Chapter Three includes a discussion of the Securities Act of 1933 and the available exemptions from the registration requirements, while Chapters Four and Five discuss in detail the specific statutory exemption under Section 4(2) of the Securities Act of 1933 and SEC Regulation D. Chapter Six, which sets forth a discussion of securities "integration," is well written and presents some complicated securities concepts in a straightforward and easy to follow style. Chapter Seven provides a detailed discussion of the contents of a private placement memorandum and sample disclosure language. The format should be helpful in assisting practitioners in the initial drafting of a private placement memorandum. Chapter Eight discusses the resale provisions of restricted securities. The federal taxation discussion in Chapter Nine presents an overview of the area and concentrates on stock offerings and corporate taxation. Chapter Ten presents a helpful overview of the elements involved in structuring a transaction and how to draft a business plan.

Strong features of the book are the exhibits which provide sample forms of various corporate documents, subscription documents, broker-dealer documents and opinion letters that are involved in the private placement capital-raising process.

One criticism of the volume, which may not be the author's fault, is that there are a number of incorrect citations to chapters. Also, the book needs to be updated since it is current as of September 1983, and does not take into account certain tax and securities changes that have occurred since. It is my understanding that an updated supplement will be available in spring 1985. However, even with these minor and certainly correctable criticisms, Halperin has provided practitioners with a well-written, very useful one volume treatise on capital formation which will be a valuable addition to any practitioner's law library.

Ralph S. Janvey
Dallas

May 1985 Texas Bar Journal 603
Book Appraisals

to say that the industry, like Gaul, was divided into three parts: production, transportation and distribution. This is now changing, and the comments and forms correctly identify at least two additional areas in sections on "Direct Sales" and "Broker/Reseller Contracts."

As with any publication dealing with so complex a subject, the initial venture has certain teething problems in that not all page numbers are in sequence or correctly indicated in the table of contents. Also, certain geographical locations, such as Calgary, are placed in British Columbia. Closer proofreading will, of course, come with time and add more confidence to the publication.

It might be helpful if the publication contained a disclaimer to the effect that it is not a handbook for the novice in the area of gas contracting. A certain amount of background and experience is needed in order to correctly define those contract sections which will answer the needs of the particular clients involved. For example, the "Sale for Resale" form contract which appears in the appendix allows pipeline take-or-pay to be based on delivery capacity of wells as modified by a state allowable. This, of course, offers limited protection for the producer and the pipeline might be free to nominate to a state regulatory agency as it so chooses. A pipeline and perhaps a distributor would favor such a clause, a producer probably would not.

Being located in Washington, D.C. does give the authors a distinct advantage and opportunity for expeditious reporting on proposed legislation affecting the industry. As the period of time for deregulation of substantial quantities of gas under NGPA approaches, accurate and current information on legislative trends will be invaluable to the practitioner who is not exposed to the Washington scene on a day-to-day basis.

But again, as we noted at the outset: the effort should be encouraged.

James L. Armour
Dallas

Farm Corporations

Farm Estate and Business Planning

This is a useful book for any attorney involved with farm estate and business planning. It is drawn from a series of articles written by the author which have been collected and edited for conformity with the state of the law as of late 1984. This ninth edition of the book includes relevant provisions from the Tax Reform Act of 1976, the Revenue Act of 1978, the Economic Recovery Tax Act of 1981, the Tax Equity and Fiscal Responsibility Act of 1982, the Subchapter S Revision Act of 1982 and the Payment-in-Kind Tax Treatment Act of 1983.

The book begins with a brief discussion of the objectives of estate planning and the role of advisors (attorneys, accountants, bankers, insurance representatives) in the estate planning process. The author then examines forms of title ownership and their effects on estate planning. This is followed by a general discussion of federal estate tax considerations, including a fairly extensive discussion of the "special use value" procedure for valuing real property at death, as added by the Tax Reform Act of 1976. The author uses a number of examples to describe this special valuations procedure and discusses certain of the relevant criteria in some detail.

The chapter on optimal tax savings is one of the best in the book, as it provides some very useful "models" which can be used in determining the best strategy for saving taxes. The author makes good use of examples to show the impact of different strategies.

The author has chapters dealing with liquidity considerations in estate plans, gifts in estate planning and income tax considerations. The reader is advised that income tax considerations should play a major role in making decisions to sell property during life, make gifts of property during life or retain property until death. The author sets forth five very useful "major rules of thumb" for use in making such property transfer decisions.

There are chapters on the installment contract, the private annuity, trusts, life insurance, charitable giving
and retirement and estate planning. These chapters highlight many potential problem areas and are of particular value to those with less experience in taxation matters.

The last 10 chapters of the book deal primarily with the organization of the farm business and the implications of farm incorporation. These chapters contain a wealth of information useful in analyzing the advantages and disadvantages of incorporation and steps in forming a farm corporation. The final chapter discusses the estate planning process and suggests that the first, and most important, step in the estate planning process is the determination of the key objectives (i.e., what is to be accomplished). The book also contains a number of appendices showing, among other things, checklists for farm incorporation and estate settlement.

In general this is a well-written book geared for the "non-tax" general practitioner or estate planning professional. It is quite useful in pointing out potential problem areas and tax minimizing ideas. The book is good in its use of examples to illustrate the effects of following different estate planning strategies and in setting out some rules of thumb. The author also effectively makes the point that this is a complex area requiring those desiring to optimize tax savings to be aware of the interrelation of estate taxes, gift taxes, income taxes and the overall objectives of the one for whom the estate planning is being done.

Randall H. Nunn
Brentwood, TN

This lexicon does have inherent problems. In some instances, there are rules of tax law that have no well-known headings other than their respective code section numbers, and there are tax terms with various meanings throughout the code that may require multiple entries. Fortunately, the author recognizes these difficulties and provides headings based on the most popular terminology in use. Careful revision or supplementation of some entries will be a necessity to avoid their becoming quickly out-of-date. However, as it presently stands, the work provides a reliable guide to the audience it serves, and should prove to be a valuable addition to the reference shelf of the tax lawyer, accountant or educator.

Cary L. Jennings
Dallas

Lexicon of Tax Terminology

Westin, Richard A., New York:
Wiley Law Publications (P.O.
Box 1777, Colorado Springs,  
CO, 80901), 1984. 845 pp. $70.

There is certainly a need for a usable dictionary of federal tax terminology. No other area of the law presents such a bewildering array of changing terms and emerging concepts, and overwhelms the capacity for recall of even the best of its practitioners. In his preface, the author states that the purpose of this reference volume is intended not only to refresh the user’s memory, but also “to offer summaries of words, phrases, and authorities ... that can be used as starting points for further exploration.” This lexicon succeeds admirably in meeting both of these goals.

With literally thousands of entries in 845 pages, this work covers the broad range of tax law, from terms recent in origin (“abusive tax shelters”) to concepts now defunct (“war profits tax”). Of special interest to this reviewer is that this dictionary gives full treatment to the terminology of tax procedure and litigation, and is therefore of use to the tax litigator, as well as the tax advisor. However, the strongest part of this book may be in its referencing to applicable authorities. Nearly every entry includes a citation to the internal revenue code section, treasury regulation, court case, or administrative ruling that may serve to define or govern the particular term. This feature, along with the author’s knack for noting areas of controversy and commenting on the status of key tax law principles, makes for a valuable research tool.

Randall H. Nunn
Brentwood, TN

This lexicon does have inherent problems. In some instances, there are rules of tax law that have no well-known headings other than their respective code section numbers, and there are tax terms with various meanings throughout the code that may require multiple entries. Fortunately, the author recognizes these difficulties and provides headings based on the most popular terminology in use. Careful revision or supplementation of some entries will be a necessity to avoid their becoming quickly out-of-date. However, as it presently stands, the work provides a reliable guide to the audience it serves, and should prove to be a valuable addition to the reference shelf of the tax lawyer, accountant or educator.
Ann F. MacMurray, formerly with the Bexar County District Attorney's Office in San Antonio, has become associated with the firm of Hill & Baskin, 530 B. St., Suite 1200, San Diego, CA 92101.

Milam Randolph Pharo has formed a partnership for the practice of law with George Morgenthaler. The firm, Morgenthaler & Pharo, is located at Suite 1775, 1775 Sherman St., Denver, CO 80203.

Boyd Taylor, vice president and general manager of Cabot Corporation Oil and Gas Division has been named vice president, Carbon Black Group, of the corporation, 125 High St., Boston, MA 02110.

Laura N. Gasaway has been named law librarian and professor of law at the University of North Carolina Chapel Hill, Van Hecke-Wettach Building 064 A, Chapel Hill, NC 27514. She was law librarian at the University of Oklahoma.

J. Mooney has been elected group vice president of Nalco Chemical Company's Industrial Division, 2900 Butterfield Road, Oak Brook, IL 60521.

Robert H. Maynard has joined the Columbus, OH law firm of Vorys, Sater, Seymour & Pease. He will also work in the firm's Washington, D.C. office.

David H. Thomas III has become a partner in the firm of Morris, Moore, Dalrymple, Moss & Dyson. John R. Douglass has become associated with the firm which is located at The Paramount Building, Suite 205, 817 S. Polk, P.O. Box 15208, Amarillo 79105.

W. Kirk McCord and Beverly B. McCord have formed a partnership for the practice of law under the name of McCord & McCord, 1112 Mill Springs, Richardson 75080.

Timothy M. O'Connor, formerly staff attorney with Campbell Taggart, Inc. has become associated with the law firm of Moseley, Jones, Allen & Fuquay, 8828 Greenville Ave., Dallas 75243.

Jack W. Gooding and Daniel P. Neelon have become associated with the firm of Rohde, Chapman, Ford & How, 3500 Southland Center, 400 North Olive, Box 270, Dallas 75201-4097.

Larry A. Maxwell, formerly assistant general counsel for Republic Health Corporation has joined National Medical Enterprises as associate counsel for its Central Region office at 3010 LBJ Freeway, Suite 1000, Dallas 75234.

Roxanne Huddleston has opened an office for the practice of law at 601 Pacific, Suite 300, Dallas 75202.
Leonard H. Plogg II, formerly of Wilson & Associates, Rose M. Murphy, formerly of Shank, Irwin & Conant and James S. Renard, formerly of Vial, Hamilton, Koch, Tubb & Knox, have become associated with the firm of Bickel & Brewer. Offices are located on the 18th Floor, LTV Center, 2001 Ross Ave., Dallas 75201.

J. Kevin Clark, formerly with Liddell, Sapp, Zively & LaBoon, has now become associated with the firm of Camp, Jones, O’Neill & Hall, 2400 City Center, 301 Commerce St., Fort Worth 76102.

Kerwin B. Stephens and Stephen Crawford have become members of the firm of Montgomery, Stephens & Crawford, P.C., P.O. Drawer 1300, Graham 76046.

Gerry W. Jones and Curtis R. Harden, Jr., have formed the firm of Jones & Harden, P.C., Suite 434, 14651 Dallas Parkway, Dallas 75240.

Jennifer Davis has become an associate of the firm of Abernathy & Roeder, 101 E. Davis St., McKinney 75069.

Jeff Johnson has become an associate in the firm of Crutsinger, Booth & Ross, 309 Hickory, P.O. Box 726, Abilene 79604.

David L. Joers has become associated with the firm of Crutsinger, Booth & Ross, 1000 Thanksgiving Tower, Dallas 75201.

Constance Cowden, formerly in the land department of Ensearch Exploration, Inc., has opened an office for the practice of law at 8080 North Central Expressway, Suite 400, Dallas 75206.
Lawyers On the Move

- T. David Cowart, Bernard A. Guerrini, Donald A. Howard and James H. Moody, III have been named partners in the firm of Strasburger & Price, 1200 One Main Place, P.O. Box 50100, Dallas 75250.

- Anthony W. Hall, Jr. and Ronald G. Wiesenthal have joined Peter D. Williams and Spencer H. Gardner in the general practice of law. The firm is called Williamson, Gardner, Hall & Wiesenthal, 333 Clay, Suite 2300, Houston 77002.

- J. Douglas Sutter has become a member of Ross, Griggs & Harrison. Gary Siller, Matthew Muth and Shelley Rogers have become associated with the firm which is located on the Twenty-Eighth Floor, Four Allen Center, 1400 Smith St., Houston 77002.

- Ronald J. Restrepo, Lynda Myksa Irvine, Gloria M. Portela, T. Michael Wall and W. David Tidholm have joined the firm of Hutcheson & Grundy as partners. W.A. Graham, Margaret Helma, Kenneth Breitbell, Elizabeth McDowell, Mark D’Amico, E. John Gorman and Andrew J. Pantos have joined the firm as associates. Offices are located at 3300 Citicorp Center, 1200 Smith St., Houston 77002.

- Robert M. Corn, Mark C. Watler, Wilburn O. McDonald, Jr., Robert L. Morgan, Marilee A. Madan and Jeff Dodd have become members of the firm of Woodard, Hall & Primm, 4700 Texas Commerce Tower, Houston 77002.

- L. Jim Wallace, formerly general counsel with Challenger Minerals Inc. has accepted the position of general counsel with Granada Corporation, an international high technology company. The corporate headquarters are at 10900 Richmond Ave., P.O. Box 42298, Houston 77242-2298.

- The firms of Dyche & Wright and Phillips, King & Smith have combined and become the firm of Phillips, King, Smith & Wright. The firm has offices in Houston, Austin and Washington, D.C.

- Mark J. Tempest has become an associate in the firm of Campbell, Athey & Zukowski, Suite 2150, 1100 Milam Building, Houston 77002.

- Charles M. Cox and Wayne E. Webb, Jr. have become members of the firm of Pravel, Gambrell, Hewitt & Kimball, P.C. Keith Lutsch has become associated with the firm. The firm has offices in Houston, Austin, New Orleans, LA and Washington, D.C.

- Judy L. Ney has opened an office for the practice of law at 5959 West Loop South, Suite 500, Bellaire 77401.

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- Operating Systems
  - MS DOS and CPM
Kent T. Mayfield has joined the law firm of Mayfield & Bowers, 209 Fifth St., Palacios 77465.

Randy D. Little has opened an office for the practice of law at 303 North William, Victoria 77901.

Threlkeld, Saegert, Kirkendall & Frost has changed the firm name to Threlkeld & Saegert. E.G. McMillan III has become a partner in the firm. Jack C. Frels has become associated with the firm.

Janice Marie Gammill has opened her office for the practice of law in the La Madrid Building, 1811 South First St., Austin 78704.

David Dahan has been appointed law clerk to the Hon. Byron Skelton, U.S. Court of Appeals for Federal Circuit, Suite 305, W.R. Poage Building, Temple 76501.

Arcie Izquierdo Jordan has joined the firm of Hightower, Alexander, Cook & Birnbaum, P.C., 3636 Executive Center Dr., Suite 250, Austin 78731.

Michael J. Donovan, formerly associated with the Law Offices of Ralph Brown in San Antonio, has become associated with the firm of Harris & Harris, 8701 Mopac 7220, Austin 78759.

Bill Baskette, Jr., formerly with the firm of Jones & Parker, P.C. in Kerrville, is now employed by the Kerr County Commissioners Court as the county's administrative assistant. He has also opened an office for the private practice of law at P.O. Box 352, Kerrville 78029-0352.

Mike Lucksinger, formerly of the firm of Hutto, Lucksinger, Horlen & Brownlee, P.C. of Llano, has taken a position as counsel for Camp Longhorn, Inc., Burnet 78611.

I. Parker McNeill and Walter Earl Bissex have become partners in the firm of Clark, Thomas & Winters. Rick D. Akin, Jack Burkett, Georgia Crump, D. Michael Dodd, John C. Foshee, Kenneth Ferguson, Stephen Harris, Priscilla Hubenak, Terrence Lang Irion, Cindi Lazzari, Mariben Ramsey, Daniel Renner, L.G. “Skip” Smith, Joanne Summerhayes, James Sylvester, Michael Thompson, and R. Lambeth Townsend have become associated with the firm. M.C. McLain has become counsel to the firm. Offices are located on the Twelfth Floor, Texas Commerce Bank Building, 700 Lavaca, P.O. Box 1148, Austin 78767.

McCamish, Ingram, Martin & Brown, P.C. has opened an office in Austin with Dick Terrell Brown as resident principal. R. Mark Dietz, Dale Matthews and Jeffrey Sobel have joined the firm to be resident in the Austin office at 650 American Bank Tower, Austin 78701. Peter J. Balega, Byrd L. Bonner, David S. Hurt, Jack T. Kolze, Jonathon D. Pauerstein, Robert A. Rapp, John T. Reynolds, Bruno Sonsino, Bob Waggoner and O. Jerrold Winski have joined the firm to be resident in San Antonio at 900 Milam Building, San Antonio 78205.

J. Paul Williamson has moved from the Houston to the Washington, D.C. office. Timothy N. Trop, Craig Lundell and Carl M. Davis II have become associated with the firm in the Austin office.

Gail Weatherby, Mark D. Grant, and Robert R. Carter, formerly briefing attorneys for the Supreme Court of Texas, have joined Richie & Greenberg, P.C. as associates. Offices are located at 12 Greenway Plaza, 10th Floor, Houston, 77046 and at 303 West 5th Street, American Plaza, Suite 860, Austin 78701.

Andy A. Tschoepe II has become a member of the firm of Cox & Smith. Mark Wisner, Randall Gay, Robert Werner, David West, Arthur C. Nicholson III, Kevin M. Beiter, G. Wade Caldwell, John G. Peisen, Judith Taylor, Jill Mayo and Michael Shearn have become associated with the firm. Offices are located at 600 National Bank of Commerce Building, San Antonio 78205.

Jack H. Kaufman has withdrawn from the firm of Green & Kaufman, Inc. and the firm's name has been changed to Green & McReynolds, P.C. Andrew L. Kerr has become a member and director of the firm. John Gunter, Deborah Davis and James C. Woo have become associated with the firm. Offices are located at 900 Alamo National Building, San Antonio 78205.

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May 1985 Texas Bar Journal 609
Local Bars

Lubbock County
Private Bar Involvement:
Bar Commits to Legal Services

By Terry Wright

The Lubbock County Bar Association, in conjunction with West Texas Legal Services, has formed a program that will ensure all citizens of the area legal protection without taxing too much of any one attorney's time.

The program, the Lubbock County Private Bar Involvement Program, was begun in 1984 after a committee acknowledged that the poverty level of the area, cuts in federal spending and personnel of West Texas Legal Services proved the need for such a program.

Attorneys voluntarily sign up to participate in the program which guarantees that no attorney will be given more than two cases a year. The guidelines for the program are formulated and supervised by a committee of seven attorneys and two lay persons from the community. Clients must be interviewed by West Texas Legal Services and referred to the program. Eligibility for referrals are decided by the committee.

Prior to this program, efforts by WTLS to recruit attorneys to participate in pro bono work had met with limited success. After attorneys were made aware of the problem and learned that the plan was conceived, adopted and regulated by members of their own bar, attorneys were more inclined to participate.

Of the approximately 350 lawyers in Lubbock who are in active practice, 103 had agreed to participate in the program as of Jan. 31, 1985. More than 100 clients have been referred to the program since April 1984.

The types of cases referred to the program include: housing, consumer, probate, social security and employment.

Attorneys who participate in the program are asked to fill out a form indicating their name, address, experience and type of cases he or she will accept. The information is maintained by the Legal Services office and as referrals are made, a notation is made on the attorney's card.

Clients are referred only after an eligibility determination is made by the Legal Services staff and the attorney has consented to accept the referral. There are no compulsory referrals.

The attorney is contacted and advised of the facts and the parties involved, if he agrees to accept the referral, the client is then notified to make an appointment. The procedure helps in avoiding conflicts of interest, provides the lawyer with the most relevant information needed and gives the lawyer the opportunity to decline the referral for whatever reason.

After representation has been established, follow-up inquiries are made by postcard asking the attorney to briefly indicate the status of the case and number of hours expended.

The average time spent by a lawyer handling a problem is usually less than five hours.

When the file is closed, the client is sent a questionnaire regarding the attorney's efforts and benefits derived from the program. Clients

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have responded with praise for the attorneys and gratitude for the benefits received. Lawyers have indicated that clients are considerate of their time, cooperative and appreciative of their efforts.

The Private Bar Involvement program extends the resources of West Texas Legal Services, provides legal assistance to the poor and gives attorneys a workable plan for contributing pro bono legal assistance.

For more information about setting up a similar program in your area, contact Jarilyn Dupont, Texas Lawyers Care, State Bar of Texas, P.O. Box 12487, Austin 78711. Call 512/475-1737.

Houston Northwest

The Houston Northwest Bar Association has formally organized.

Officers are: Tom Edwards, president; Sanchia Hudson, president-elect; Sandra Peebles, vice-president; Gary Hinman, secretary; Suzanne Smith, treasurer; Donald Royall and Kent Adams, directors.

The Woodlands

The Woodlands Bar Association recently elected new officers and directors: Donald S. Stirman, president; E.M. Schulze, Jr. and Peggy Somermeyer, treasurers; and Suzanne Stovall, secretary. The newly elected were Patricia S. Burroughs, Connie P. Carll, Oscar Reed and Verne Rudebusch.

The Woodlands Bar Association is an organization of attorneys who practice in and around The Woodlands.

The Woodlands Bar Association will be instituting a new program wherein local attorneys will make themselves available to the public schools and other interested groups to speak about the judicial system and to judge debate and speech competitions.

Any person who is licensed to practice law in the state of Texas is eligible for membership in the Woodlands Bar Association and should call Donald S. Stirman at 713/363-2233 for information.

A TRADITION MUST BE MAINTAINED
A Position Statement

Mayo, Cushing, Halsted, Blalock, Oschner

These great American physicians were members of a medical clergy. These medical giants were guided by a special philosophy: the patient was their first concern. They taught that every man, woman and child has an inalienable right to adequate health care, with dignity at an affordable cost. They also believed that the relationship between physician and patient was a sacred trust.

Today that tradition is threatened.

The prohibitive cost of medical care denies average people - even wealthy people - the quality treatment that is their dignity and right. Special interests and government bureaucracy deprive them of the total doctor/patient relationship that so long has been the foundation of the American system of health care - the finest in the world.

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May 1985 Texas Bar Journal 611
Memorials

F.R. Wulff

Frederick Roderick (Fred) Wulff, 70, of San Angelo died Nov. 8, 1984. Wulff, a native of San Francisco, CA, earned his BBA from the University of Texas in 1936 and his LL.B. from U.T. Law School in 1938. He was admitted to the Texas Bar in 1938. Wulff served in the U.S. Marines during World War II and was awarded a bronze star. Wulff began his practice of law in Laredo but maintained a law office in Brady for most of his life. His main occupations were banking and ranching. Wulff served on the School Land Board, Legislative Property Tax Commission, Texas Coordinating Water Commission, Texas Agricultural Water Commission, Governor's Water Commission and the State Soil and Water Conservation Board.

He also served as president of the Texas and Southwestern Cattle Raisers Association, vice president of the American Cattleman's Association, member of the National Livestock Tax Commission, Texas Sheep and Goat Raiser's Association and as chairman of the Texas A&M Study of the Agriculture Industry.

Wulff's son, Bart, and daughter-in-law, Bonnie, are practicing attorneys. Survivors include his son, Frederick Bartlett Wulff of Akin, Gump, Strauss, Hauer & Feld, 2800 Republic Bank Bldg., Dallas 75201; a daughter, Emily Katherine Wulff, 712 Brownlee Circle, Austin 78703; and one grandson.

I.J. Vogel

Irvin J. Vogel, 81, of Wichita Falls died Oct. 20, 1984. Vogel attended the University of Oklahoma. He earned his LL.B. in 1924. Vogel did graduate work at Harvard Law School during 1925-26. He was admitted to the Texas Bar in 1926. Vogel practiced law in Wichita Falls during 1926-28 and was elected county judge of Wichita County in 1928. He was elected judge of the 78th district court in 1932 and served in that position until 1944 when he re-entered private practice in Wichita Falls. He practiced there until his retirement in 1973.

E.D. Reeder

Elizabeth Duncan Reeder, 60, of San Antonio died Nov. 21, 1983. Reeder, a native of Kingsville attended Texas A&I during 1938-41; Sam Houston State University during 1941-42 and St. Mary's Law School during 1957-60. She was admitted to the Texas Bar in 1960. Reeder practiced law in San Antonio during 1965-71. She served as Republican Party Precinct chairman during the 1960's and early 1970's. Reeder was president of the local and district PTA's.

Her husband, Crawford B. Reeder and son, John M. Reeder, are attorneys.

She is survived by her husband, Crawford B. Reeder, 451 Pinewood, San Antonio 78216; two sons, John M. Reeder and Crawford B. Reeder, IV; two daughters, Edith Reeder Daniel and Joan Reeder Townsend; a sister, Alvice Ferguson; and four grandchildren.

A native of Lubbock, Lacy earned a B.B.A. from Texas Tech University in 1961. He earned his J.D. from the University of Texas School of Law in 1963. Lacy was admitted to the Texas Bar in 1963.

He served as a captain in the U.S. Air Force during 1964-67 at Tinker Air Force Base, OK.

Lacy practiced law at Clear Lake City and Houston from 1968 until 1984.

Lacy was a member of the Houston Bar Association. He was board certified in family law, a member of the Texas Board of Legal Specialization and the Gulf Coast Family Law Specialist Association.

Lacy was a member of Sigma Chi social fraternity and Phi Alpha Delta legal fraternity.

Lacy is survived by two sons, Donald D. Lacy, III and Stephen Howard Lacy of Seabrook; his mother, Margaret Lacy of Seabrook and a sister, Linda Lacy Kruse of Seabrook.

Memorial Funds Established

A contribution to the Texas Bar Foundation can memorialize a deceased friend, relative, colleague, community leader, or any outstanding personality in the field of law. Below are listed some of these persons and the donors who contributed in their memory. Donations can be made by an individual, law firm, or business corporation.

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Memorials

L.C. McLean

Louis Cutler McLean, 60, of Edinburg died Oct. 31, 1984. A native of Hearne, McLean attended Southwestern University. He earned his LL.B. from the University of Texas Law School in 1937. He was admitted to the Texas Bar in 1937. McLean entered into military service in 1942 as a private and served through 1944. He attained the rank of captain. McLean began practicing law with the firm of Kelley, Looney & Norvell at Edinburg in 1937. The firm later became Kelley, Looney, McLean & Alexander. In 1971, he joined the firm of Atlas-Hall at McAllen. McLean served as government appeals agent for the selective service for 10 years. He served as democratic party precinct chairman for 20 years. McLean was a member of the First United Methodist Church. He was a member of the Hidalgo Bar Association, the State Bar of Texas and the American Bar Association. He is survived by his wife, Elaine D. McLean, P.O. Box 402, Edinburg 78540; and two daughters, Judy Hitchcock of Houston and Carolyn J. McLean of Dallas.

W.L. Bagby

William L. Bagby, 63, of Arlington died Jan. 6, 1985. A native of Fort Worth, Bagby earned his B.A. and law degree from Southern Methodist University. He was admitted to the Texas Bar in 1949. Bagby served in the U.S. Army during 1942-45. He earned an American Theater Ribbon, EAME Ribbon, Good Conduct Medal and Victory medal. Bagby was self-employed and an attorney for Rattikin Title Company in Arlington from 1949 until 1964 when he formed the partnership of Bagby & Ross. In 1967, he became part of the firm of DeVore, Ashworth, Bagby, McGahey, Ross & Burnett. At the time of his death, he was a member of the firm of Bagby, Ross, Arnn & Hartley. Bagby served as president of the Arlington Chamber of Commerce, president of the Arlington Bar Association, and a member of the Texas State Board of Education, the Arlington Chamber of Commerce Quality of Life Foundation. He was a member of Phi Alpha Delta, a 32nd degree Mason, a member of the Petroleum Club in Fort Worth, the Shady Valley Gold Club and the Hillcrest Lodge in Dallas. Bagby was a member of the First United Methodist Church in Arlington. Survivors include his wife, Elizabeth Sargent Bagby, 1206 Canterbury Court, Arlington 76013; a son, W. McFarland Bagby of Arlington; a daughter, Teresa Bagby McDonald of Arlington; and three grandchildren.

G.P. Morrill, Sr.

George Poe Morrill, Sr., 75, of Beeville died on Feb. 23, 1984. A native of Mobile, AL, he attended the University of Alabama Law School and the University of Texas Law School. He was admitted to the Alabama Bar in 1934 and the Texas Bar in 1936. Morrill practiced law in Beeville for 48 years, first with the firm of Dougherty & Dougherty, later Dougherty & Morrill and then Morrill & Patton. Morrill was a ruling elder and trustee of the First Presbyterian Church, a director of the Commercial National Bank of Beeville, trustee and chairman of the Beeville Independent School District, and a past president of the U.T. Dad's Association. Morrill served as a State Bar director and was a founding member of the Texas Bar Foundation. He was a founder and director of the Bee County Memorial Hospital, director of the Nueces River Authority and in 1979, Morrill was awarded "Outstanding Citizen of Bee County" by the Beeville Chamber of Commerce. Morrill is survived by his wife, Sallie K. Morrill of Beeville; three sons, George P. Morrill, II of Beeville, William I. Morrill of Boerne and Frank S. Morrill of San Antonio; daughter, Cherry Morrill Manion of Jackson, WY; two brothers, Justin S. Morrill and Thomas L. Morrill, both of Houston; two sisters, Ethel M. Doyle of Mobile, AL and Eleanor M. Grove of Beeville and six grandchildren.
O.E. Threlkeld

Oswald Edward Threlkeld, 80, of Seguin died Oct. 10, 1984.
Threlkeld, a native of Colfax, earned his B.A. and LL.B from the University of Texas. He was admitted to the Texas Bar in 1929.
Threlkeld began his law practice in Seguin in association with John C. Hoyo. For 11 years, he was associated with Texas Senator R.A. Weinert. In 1945, Threlkeld purchased Donegan Abstract Company and became president and general manager but continued to practice law. In 1946, A.J. Saegert and Louis Saegert joined him in the practice of law. He continued to practice law with the firm of Threlkeld, Saegert, Kirkendall & Frost until his death.
Saegert served as Seguin city attorney during 1939-61.
He was a member of the First United Methodist Church.
Survivors include his wife, Evelyn Ware Threlkeld, 220 Elm, Seguin 78155; and two sisters, Ms. Myrtle Threlkeld and Mrs. Nellie Henry, both of Waco.

C.L. Matthews

Carl Lester Matthews, 83, of New Braunfels died Nov. 28, 1984.

A native of Altoga, Matthews attended Southern Methodist University and earned his LL.B. from the University of Texas Law School. He was admitted to the Texas Bar in 1931.
Matthews served as assistant prosecutor of Franklin during 1931-33. He worked for the Federal Land Bank in Houston during 1933 to 1938 and for Prudential Insurance Company during 1938-68.
Matthews was a member of Lambda Chi Alpha social fraternity and the Elks Club. He was a member of the Episcopal Church.
Matthews daughter, Alice Giessel and granddaughter, Linda Giessel, are practicing attorneys.
Survivors include his wife, Margaret Matthews, 317 Inspiration, New Braunfels 78130; two daughters, Alice Giessel and Joann Jamar and seven grandchildren.

L.W. Maples

A native of Athens, Maples attended Weatherford Junior College. He graduated from the University of Texas Law School in 1948 with honors and was admitted to the Texas Bar in 1948.
Maples spent six years in the U.S. Air Force, attaining the rank of master sargeant.
He practiced law at Kingsville from 1948 until his death.
Maples was the owner of Texas Realty and was a subdivision developer.
He served as city attorney at Kingsville from 1947 until 1957 and on the board of directors at Texas A & I University from 1962 until 1973.
He was a member of Phi Delta Phi, the Elks Lodge, Navy League and the American Legion. He was a member of the American Judicature Society and the Texas Bar Foundation.
Survivors include his wife, Virginia L. Maples, 626 Elizabeth St., Kingsville 78363; a sister, Frances Mahon and a half-sister, Celia Lillard.

In Memoriam

These notices are published immediately after reports of death are received. Memorials will be published later.

ARNETTE, LILAND JAMES, Corpus Christi, Feb. 3, 1985
BLACKSHAW, W.R., Brownsville, June 25, 1984
COLTMAN, JERRY L., Dallas, Aug. 15, 1984
DASHIELL, JOHN D., Fresno, CA, March 11, 1985
DYE, CHARLIE D., Austin, March 9, 1985
GIBSON, T.J., Austin, March 7, 1985
JONES, ERNEST W., El Paso, Jan. 17, 1985
MELLOH, OTTO L., Houston, Nov. 6, 1984
MILLER, CLAUDE, Dallas, Dec. 14, 1984
RAMSEY, BEN, Austin, March 27, 1985
Roe, ROBERT C., Jr., Fort Worth, Jan. 1, 1985
SANDOLOSKI, SANDY M., Dallas, March 18, 1985
SMARTT, E.H., Austin, March 22, 1985
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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 $450 to $715 a month. Contact RUSSELL ROGERS, 815 Brazos, Fourth Floor, Austin 78701. Call 512/472-3355.

Law office and attendant secretarial space available. Share beautifully decorated suite, includes receptionist, conference room, library, coffee bar and customized phone system. Enjoy congenial yet professional office atmosphere and the amenities of the Galleria (Houston) area. Overflow work available. Call Bonnie McFerren at 713/626-3700.

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SERVICES

COMPUTERIZED LAND TITLE RECORDS — Southwest Database, Inc., located in Longview, will create a computerized database for title insurance purposes and will assist in obtaining underwriting, computer programs, and computer equipment. Computerized database can be created for start-up title plants and from existing manual title plants. Southwest Database has constructed computerized databases for attorneys, savings and loan associations, and existing title companies in the state of Texas. References available upon request. Contact Stephen W. McDaniel, P.O. Drawer 3709, Longview 75606, or call 214/753-9666.

COMPUTERIZE your law office. Is your personal computer still staring at you from the box? Are you confused about which software is for you? We CAN help. Small law offices and sole practitioners are our specialty. For further information, contact Law Office Automation Specialists, P.O. Box 190868, Dallas 75219.


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 918/252-1905.


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JOINT VENTURE AUDITORS — Oil and gas industry. We are specialists in auditing the operator's record for investors or non-operators in oil and gas ventures. We have 20 years of experience in the industry. Audits conducted nationwide. Clarence Platt & Associates, 14715 Kimberly Lane, Houston 77079. Call 713/497-2914.

APPELLATE BRIEF WRITING - trial briefs - by attorneys, for attorneys, Quip-Westlaw equipped. We'll write it. You argue it. Our people are all experienced trial lawyers. Don't pass up appeals. We'll be your support staff; on time, properly prepared. - Indigent appeals accepted. Contact: LAWYER'S LAWYERS, 822 W. San Antonio 78644.

LEGISLATIVE INTENT RESEARCH. Located five minutes from Capitol and Archives. We provide timely, complete legislative history: bill files, committee reports, testimony, debate, interim studies, etc. Collette Knisely, M.P.A., Rebecca Lightsey, J.D., Directors. Fee $150 retainer, $50/hour after first three hours. 600 W. 28th St., Suite 102, Austin 78705. Call 512/474-0813.


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 Huge, R.N., 5202 Briarbend, Houston 77035. Call 713/729-8548.

CONSULTING ENGINEER expert testimony — natural gas, petroleum, chemicals and aviation. Registered professional engineer state of Arkansas 3501. Also registered in states of Georgia, Louisiana, Mississippi, New Mexico, Oklahoma and Texas. Court qualified and experienced. Fires, explosions, evaluations, product contamination, personal injury, contract disputes, operating losses, capital losses and environmental. The FRANTZ Company, Joseph F. Frantz, Ph.D., P.E., 7100 Regency Square, Suite 151, Houston 77036.


Expert consultancy and testimony: English Law. Experienced English Barrister and Law Professor offers complete consultancy and expert testimony services to legal profession in all aspects of English Law and practice. Peter W. Murphy, South Texas College of Law, 1303 San Jacinto, Houston 77002. Call 713/659-8040.

CHEMICAL ENGINEER - CONSULTANT: Internationally acknowledged expert in the manufacture of basic petrochemicals, their safe handling, storage, transportation and use; broadly experienced in chemical and petroleum refining processes and design, engineering and construction of process plants. Technical advisor and expert witness for attorneys. Ed Ivey, PE, 14207 Stokesmount, Houston 77077. Call 713/497-0918.


INSIDE EXPERIENCE CAN HELP YOU WIN your insurance cases. Independent insurance claim consultant will provide useful consultation and expert testimony to help you expedite resolution of claim disputes, litigation and settlement. Thirty-five years' experience with national insurance companies. Andrew D. Cunningham, 8610 Pritchett, Houston 77096. Call 713/666-1980.
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EXPERT WITNESS - Barricades and traffic operations mature and experienced professional engineer, 330 Terrace, Houston 77007. Call 713/869-2253.

GERMAN LEGAL PROBLEMS: Attorney, formerly with major West German law firm and Fulbright Scholar, University of Heidelberg Law School, available to assist in German related legal problems. Bernard Buecker, One Riverwalk Place, 700 North St. Mary's, Seventeenth Floor, San Antonio 78205. Call 512/299-6739 or 512/828-7350.

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 G. Weeden, P.E., Weeden Engineering Corporation, P.O. Box 55156, Houston 77255-5156. Call 713/464-3396.

POSITION WANTED

REAL ESTATE/CORPORATE attorney (Texas Bar) with five years' experience with real estate development company and title insurance company seeks position with firm or corporation. Experience in areas of real estate and general corporate law. Box-holder 5078.

ATTORNEY-PILOT (licensed to practice in Texas) with background and experience in aviation litigation/complex products liability litigation - currently employed with established, medium-sized Los Angeles law firm - seeks to return to Texas. Will consider all sized firms; all geographical locations. Resume furnished upon request.

Attorney with 20 years of practice in the Mesquite area needs one attorney to share new offices on E. 1-30 just east of Beltline Road; Mesquite is just east of Dallas and the location is convenient to East Dallas, Mesquite, Sunnyvale, South Garland and Rockwell. Call Jim Tatem at 214/226-6783.

POSITIVE WANTED

Attorney title examiner with 10 years' experience in examination department of title companies. Heavy exposure to high-liability commercial and acreage files. Desires association with title company or attorney with title practice in an area of active real estate climate. Degrees from University of Texas. Licensed. Box-holder 5043.

LABOR/ERISA ATTORNEY (Texas Bar) seeks position with law firm or corporation. Eleven years' experience with law firm and as in-house attorney. Experience includes NLRA, wage and hour, EEO, arbitration, at-will, employee and executive benefit plan consulting and drafting. Box-holder 5059.

ATTORNEY WANTED

Large downtown Dallas law firm seeks tax lawyer with one to three years' experience in estate planning and employee benefits. Top academics required. Send resume in confidence to Box-holder 5060.

Expanding Houston plaintiff's firm of four attorneys with emphasis on medical malpractice seeks dynamic, highly motivated, aggressive litigator with minimum of three years' trial experience and topnotch academic credentials to step into this promising position and assume immediate responsibility for portion of growing case-load. Reply to Box-holder 5064.

LITIGATION ATTORNEY. Medium-sized, expanding downtown San Antonio law firm seeks a litigation attorney with three to five years' experience for a general commercial litigation practice. Must have ability to take over responsibility for litigating commercial cases on both sides of docket. Excellent opportunity for an experienced attorney wishing to relocate. Compensation commensurate with ability. CORPORATE/BUSINESS ATTORNEY. Firm also seeks an attorney with four to five years' experience as a corporate/business attorney. Banking experience highly desirable. Compensation commensurate with experience. All inquiries confidential. Reply to Box-holder 4940.

Medium-sized AV-rated North Dallas firm seeks experienced business litigation partner. Desire that person have some existing business. Reply in confidence to Box-holder 5057.

Seek real estate-general business partner with established clients. AV-rated eight lawyer firm located in (Dallas) Galleria area. Send credentials to Box-holder 5058.

Northeast Oklahoma AV-rated eight attorney law firm with coal/banking related practice desires to employ experienced trial attorney. Opportunity to participate in a sophisticated, challenging and rewarding type of practice with the family living advantages of a small town. Would prefer varied litigation experience. Send letter and resume to Box-holder 5062. All inquiries confidential.
ATTORNEY WANTED

ATTORNEYS - Current positions with various Texas law firms: Partner - O&G, $100K; Partner - Banking, $100K; Partner - Corp./Sec., $100K; Partner - Bankruptcy, $100K plus; Assoc. - Securities $42-100K; Assoc. - ERISA, $50-75K; Assoc. Lit (Comm), $50-100; Assoc. Lit (Insurance), $50-100K; Assoc. - Banking/Comm Lending, $45-75K; Assoc. O&G, $50K; Assoc. - Trust & Estate, $42-60; Assoc. R/ERISA, $45-75K; Bankruptcy - Assoc. $60-80K; Sr. Assoc., $80-100K. Associate positions require one year law firm experience, top 20 percent academic standing. Confidentiality respected. Call Barbara Dixon, 713/864-9898, Interview Legal Search, 2525 North Loop West #304, Houston 77008.

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.

SOLE-PRACTITIONER/ATTORNEY - Anticipating retirement. Has need for associate. Minimum of five years' experience with large law firm in real estate, oil and gas, securities, commercial litigation. Galleria area, Houston. Excellent opportunity. Office fully computerized including Westlaw. Substantial client contact and responsibility. Send resume in confidence to Box-holder 5056.

ATTORNEY WANTED

DYNAMIC AUSTIN AV-rated firm seeks experienced, self-starting associate for its expanding business law section. Position offers excellent potential for advancement, heavy client contact and responsibility. Excellent communication skills, high academic achievement and quality law firm experience required, as well as background in corporate, partnership, real estate and taxation. Prestigious downtown location, competitive compensation and benefits package. All inquiries confidential. Submit resume to Box-holder 5045.

Growing Corpus Christi AV-rated law firm has openings for two associates with two years or more experience in the following areas of the firm's business: (a) insurance defense litigation, and (b) business tax planning. Qualifications include high academic standing. Salary commensurate with experience. Replies held in confidence. Reply to Box-holder 5063.

INTERNATIONAL AV-RATED growth-oriented Houston law firm seeks tax and bankruptcy attorney, preferably with international tax experience. Three to five years' experience preferred. Merger with sole proprietorship considered. Reply to Box-holder 5016.

ATTORNEY WANTED

BUSINESS LITIGATION - Ten attorney downtown Dallas firm with business related practice is looking for an attorney with one to five years of business litigation experience. We offer prestigious offices and excellent benefits. Salary commensurate with experience. Send resume and references to Dianna Wilson, 1820 Lincoln Plaza, 500 N. Akard St., Dallas 75201.

ATTORNEYS - Strong academics from nationally recognized law schools with various levels of experience in most disciplines needed. Law firms and corporate legal staff requirements in all metro-cities of Texas. Some out of state positions also available. JACK HOLLOWAY & ASSOCIATES, Legal Search Consultants, One Allen Center, Suite 1000, Houston 77002. Call 713/757-1791.

Small corporate legal department. Litigation (Federal Courts) and industrial property matters. Dallas/Fort Worth area. Please send resume and salary requirements to Box-holder 5047.

City of Round Rock (Pop. 25,000) CITY ATTORNEY — Municipal experience required, three to five years, must be licensed to practice in Texas, will serve as prosecuting attorney for municipal court. Send resume and salary history to Joanne Land, City Secretary, 214 E. Main St., Round Rock 78664.

Attorney with general practice heavy in real estate, banking and commercial and real estate litigation seeks associate with one to three years’ experience in banking and real estate to relocate to Tyler. Apply by resume to Box-holder 5046.

Litigation attorney — Four-attorney southwest Houston law firm specializing in commercial litigation seeks attorney with two to four years’ litigation experience. Send resume to Box-holder 5025.

Growing AV-rated downtown Houston firm seeks highly qualified associates with one to three years’ experience in areas of banking, real estate, corporate, oil and gas and securities. Send resume and references in confidence to Box-holder 5015.

Opportunity in six lawyer Houston firm for lawyer with two to three years’ experience in civil practice (primarily banking). Send resume, salary requirements to John Farra, Rolston & Hausler, 4600 Gulf Freeway, Suite 600, Houston 77023.

ATTORNEY WANTED

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 5061.

National service firm seeks attorneys to do subrogation work in the state of Texas. Please reply to: Box-holder 5031.

Small Arlington law firm seeking attorney with minimum three years’ experience in real estate and commercial law. Please send confidential resume to Box-holder 5048.

PATENT LAWYER PLUS NEEDED. This newly organized energetic firm is looking for a highly motivated individual capable of doing unsupervised intellectual property work. Litigation experience helpful. The position also includes an opportunity to learn corporate and venture capital work. Excellent benefits are offered. Tell us why we should hire you. Reply to John R. Kirk, Jr., Baker & Kirk, P.C., 1020 Holcombe Blvd., Suite 444, Houston 77030. All replies held in strictest confidence.

OUTSTANDING OPPORTUNITY - Four member general practice AV-rated firm located in a beautiful and historic community between Austin and Houston is seeking an attorney who is a recent graduate with zero to three years’ experience. Partnership potential. The applicant must have an excellent academic record (top 15 percent of graduating class), excellent interpersonal skills, client acquisition and retention abilities and litigation skills. Send resume in confidence to Box-holder 4801.

OKLAHOMA CITY AV-rated medium-sized energy law firm has immediate opening for an attorney with five to 10 years’ solid experience in business litigation, bankruptcy and commercial transactions. Compensation commensurate with experience. Reply in confidence to Box-holder 5018.

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 5038.

AV-rated, medium-sized downtown Dallas law firm seeks two attorneys: one with two to four years’ experience in the area of real estate, banking, securities and oil and gas. The other with one-and-one-half to two years’ experience in commercial litigation. Excellent academic credentials required. Reply in confidence with resume to Rohde, Chapman, Ford & How, 3500 Southland Center, 400 N. Olive St., Box 270, Dallas 75201.

Real estate attorney wanted. Two-attorney firm in Central Texas needs an attorney with extensive real estate experience in the areas of real estate development, condominiums, commercial real estate, mortgage lending and general real estate. Salary - terms available. Send resume to P.O. Box 233, Temple 76503.
ATTORNEY WANTED

Seeking ERISA attorney for Dallas office of national consulting firm. Prefer two to three years' experience with employee benefits, including employee pension, profit sharing, stock ownership and welfare plans, as well as executive compensation programs. Send resume outlining education, employment experience and salary history to Box-holder 5042.

Fort Worth general practice firm, two attorneys, emphasizing business and business litigation seeking associate with one to two years of experience. Partnership potential. Must have some clients and must have ability and desire to attract clients. Prefer some tax or securities experience or aptitude. Resume in confidence to Box-holder 5041.

ATTORNEY/MANAGER WANTED: TITLE INSURANCE COMPANY. Plano, Texas. Title Insurance Company seeking applicants for president/manager. Experience required in real estate matters generally and title insurance matters specifically. Hiring immediately. Send resume to Box-holder 5055.

Corpus Christi AV-rated firm seeks associates to fill positions in its corporate, real estate section and its civil litigation section. Applicants considered will have high academic achievement and/or successful employment experience with Texas AV-rated firm. Send resume to Larry G. Hyden, Harris, Cook, Browning, Jordan & Hyden, P.C., P.O. Drawer 1901, Corpus Christi 78403.

Small downtown Dallas insurance defense firm needs Texas licensed attorney with three to five years' actual trial experience and qualified to assume immediate caseload. Box-holder 5054.

ATTORNEY WANTED — Two attorney law firm with highly professional growing practice in Kerrville wishes to expand. Current practice primarily in the areas of real estate, banking, commercial law and litigation. Seeking attorney with two or more years' experience to concentrate in commercial litigation with some office practice. Salary commensurate with experience. Repli.re are confidential. Send resume to Box-holder 5053.

Fortune 500 NYSE corporation seeks attorney with two to five years' experience in real estate transactions, litigation, contract negotiations and drafting. Additional experience in SEC matters, environmental and anti-trust a plus. Competitive salary, excellent benefits and ideal Texas location. Excellent academic credentials required. Reply to Box-holder 5052.

Real estate attorney wanted - Established two-man Houston firm seeks capable attorney as associate. Must have proven experience. Salary negotiable. Send resume to Box-holder 5051.

LARGE DENOMINATIONAL FOUNDATION in Dallas-Fort Worth area seeks attorney with one to three years' experience as an addition to its trust department. Experience in wills, probate, estate planning and/or taxation helpful but not required. Send resume in confidence to Box-holder 5050.
Tell Me About Your Family

"Q. And is one man the father of all of your children?
A. Well, I'm pretty sure one man is the father of the twins."

"Q. Has your son ever received a prior injury?
A. Well, when he was three he fell and broke his arm, that's all. Oh, yes, when he was two he got plowed under by a tractor and we didn't find him for twenty minutes."

"Q. And isn't it true, Sarah, that your husband has been playing around with other women?
A. Oh, yes, sir.
Q. Isn't it true that this has caused you untold heartache and anguish?
A. It don't bother me none.

"Q. You say you have had three children. Who was the father of your children?
A. Well, our pastor is the father of the little one.
Q. Who is the father of the others?
A. Well, our assistant pastor is the father of the next one.
Q. Who is the father of the oldest one?
A. Well, sir, I don't rightly knows. You see, that one I had before I was saved."

Were You in the Military Service?

"Q. Have you ever been in the service?
A. Yes, sir. I went in in '40 and came out in less than 90 days. I was too old for what they wanted, they said.
Q. Were you given some sort of a medical discharge?
A. No. I was given an unconditional release. I didn't have enough teeth, they said.
Q. I see. You were just getting too old, huh?
A. I told them I thought I was there to fight them, not bite them."

"Q. How far did you get in the service? It was in the Army, wasn't it?
A. Yes, sir, the Army.
Q. How far did you get?
A. Over to the South Pacific."

"Q. Were you in the military service?
A. Yes, sir.
Q. What branch of the service were you in?
A. Armed forces."

"Q. Were you in the Army?
A. No, sir. I didn't go.
Q. Why?
A. Well, when I was ready to leave they said, 'Well, everything is over,' and I say, 'Okay.' So I didn't go."

What About Your Job?

"Q. What do you do for a living?
A. I help my brother.
Q. What does your brother do?
A. Nothing."

"Q. You say you went to Galveston in 1920, yet the first job you told me about was in 1946. What did you do between 1920 and 1946?
A. Well, I didn't go to work as soon as I got there."

Q. Why did you leave there?
A. Well, I caught myself getting a better job."

Q. What happened to your job at the Forum?
A. At the Forum Cafeteria? I got mad and quit.
Q. What did you get mad about?
A. A fry cook spit in a pan of grease to see if it was hot enough to fry fish.
Q. Was it your pan of grease?
A. No, sir, it wasn't my pan of grease, but it was my fellow man that ate in the cafeteria."

Q. Have you done any work at all since this accident happened?
A. No sir.
Q. You haven't even gone out and fed the chickens, you have never milked a cow?
A. Never milked a cow, but I have fed baby chickens, just a little old quart can, sprinkle some out for them, or something like that. Yes sir.
Q. You couldn't feed a big chicken, though, could you?
A. I couldn't carry enough for a bunch of big chickens.
Q. What else have you done, now, the past year or so since this accident happened, other than feed the baby chickens?
A. The biggest thing was to lay around, lay down and rest. [I guess when the baby chickens grew into big chickens they just starved to death.]"

[... to be continued ...]