Suing the Pope

By Jerry Buchmeyer

This month's contributions are from Austin (Jaime M. Lynn, Lee G. Vickers), Corpus Christi (Thomas A. Silver), Dallas (Judge David R. Gibson, John Howie, Jack M. Kuykendall), Fort Worth (Randall E. Turner), Liberty (Judge J. C. "Zeke" Zbranek), San Antonio (Julian T. Lopez), Tyler (William S. Hommel, Jr.), and Wichita Falls (Judge Robert P. Brotherton).

Did they really say that?

From Randall E. Turner of Fort Worth (Russell & Turner), this exchange from the deposition of his client in a personal injury case:

Q. Do you know who performed that surgery?
A. I was in Florida. I can't recall.
Q. What were you doing in Florida at the time?
A. Having surgery.

From Thomas A. Silver of Corpus Christi (Barger, Hermansen, etc.), this excerpt from the deposition of the plaintiff's husband in a personal injury case:

Q. And do you know how fast Ms. ___________ was going?
A. Well, I can't tell you, because when she hit me, my — because my wife, you know — Have you ever seen when you, when you grab ahold of a chicken and you wring it's neck? (Indicating).
MR. SILVER: Objection, non-responsive.

Q. (BY MR. SILVER) Is that what your wife looked like, a chicken?
A. Yes. She was jumping and jumping, and crying and crying. That's, that's why I didn't call the police. There wasn't time.

From Julian T. Lopez of San Antonio (Rodriguez, Ketterman & Lopez), this excerpt from the deposition of his client in a personal injury case:

Q. Okay. And just after the accident, who got to you first?
A. Julian.
Q. Julian?
A. Well, I don't remember.
Q. Julian got there before the ambulance? That's pretty good.
MR. LOPEZ: I'll object to that sidebar comment. Put that in Judge Buckmeyer's column.

From Jaime M. Lynn of Austin (Meyerson & Lynn), this excerpt from the deposition of a defendant truck driver in a multi-party automobile collision case:

Q. When was the next time you were arrested?
A. Approximately two years ago.
Q. What was that for?
A. Class C theft for stealing grease. That’s my business.

Jamie adds; "the defendant truck driver was a sole-proprietor who hauled grease from restaurants to rendering plants."

From William S. Hommel, Jr. of Tyler (McGee, Hommel & Starr), this excerpt form his deposition of the plaintiff in a personal injury case:

Q. Do you have any idea what your condition is? ... I mean, some people say, "Well, I just got a herniated disk in my back." Some people say, "Well, I just got a chronic problem." You know, the doctor has never said to you something that you could tell a friend as to what was wrong with you?
A. Like I said, he didn't take any x-rays of my neck and shoulder, but he has mentioned that, I don't know what it's called underneath my shoulder blade, but there seems to be some damage there and ... however they say it. Theatrical part of my neck. There might be some damage there.

Classic typos

(1) From Jack M. Kuykendall of Dallas, this marvelous (!!) typo from a "Joint Motion to Appear Pro Hac Vice" filed in one of his cases by the opposing attorneys from Mississippi:

2. The State of Mississippi accords comedy and courtesies to Texas lawyers who may desire to appear and conduct cases in Mississippi courts.

(2) From Lee G. Vickers of Austin (Overstreet, Winn & Edwards), this "classic typo if there ever was one" from a will in which Lee was named as Trustee:

B. In the event ____ does not survive me, then I give, devise and bequeath all of my property, real, personal, tangible and intangible, to ____ outright.

(3) From Judge David R. Gibson of Dallas (County Court At Law No. 1), this typo he was delighted to find in a motion for preliminary approval of a class action settlement:

On Oct. 6, 1999, [this] action ... was filed in Dallas County Court at Law...
From John Howie of Dallas (Howie & Sweeney), this excerpt from a deposition in an air crash case:

Q. Was there any training that Captain ______ received that reported to him that many of the crashes occurred because a crew, whether they meant to or not, penetrated a thunderstorm at an airport [and] the crews behind them either did or were willing to do the same thing?
A. I can’t tell you specifically. All pilots with _______ Airlines, and every other airline, are trained in thunderstorm conditions and the proper method of deviating around thunderstorms.

Q. My question, sir, is about _______ Airlines training specifically that would have informed Captain ______ about the penetration habits of commercial airline pilots.

DEFENSE ATTORNEY: Object to the form.
Q. And I mean penetration of thunderstorms.

NOT NECESSARILY HEARSAY
From District Judge J. C. "Zeke" Zbranek of Liberty (75th Judicial District), this exchange during a recent hearing in which he "heard an objection by a wife to her husband's having the right to visit his child during Christmas holidays" because the husband "had recently been arrested for DWI and marijuana possession."

THE COURT: You object to Respondent taking possession of the minor child during the coming Christmas holidays, is that correct?
A. Yes sir, I do.
Q. Would you describe for the court why that is?
A. Because the sister he is living with has been arrested for DWIs.

THE COURT: What is the objection to Mr. Fielder (representing Respondent): Your Honor, I will object to that. It’s hearsay.

MR. FIELDER: Your Honor, this is an exchange about the penetration habits of commercial airline pilots.

THE COURT: It’s hearsay. Sustained.

THE WITNESS (interrupting): I heard it right out of her own mouth.

THE COURT: Well, she just proved it was hearsay. Sustained.

THE WORD ON THE STREET
From District Judge Robert P. Brotherton of Wichita Falls (30th District Court), this rather contentious "debate" during a deposition in a suit involving several defendants. Judge Brotherton adds: "In true Jack Webb fashion, the names have been changed to protect the innocent."

Q. Since you don’t know the content of your own agreement with them about whether you indemnify or not, … do you know any reason why you should not have them in this lawsuit?

DEPONENT’S ATTORNEY (“Mr. Jones”): Don’t answer that. That’s not a question. Is there any reason why they should be in this lawsuit?

QUESTIONING ATTORNEY (“Mr. Smith”): Sure it’s a question.

MR. JONES: That’s not — sidebar. I collected over $2 million worth, too. So, counsel … did you ever do that?

MR. SMITH: Yeah, I have.

MR. SMITH: Good for you.

THIRD ATTORNEY (“Mr. White”): I’m going to object to both counsel. Proceed, please.

MR. SMITH: I agree and withdraw those statements.

MR. JONES: Why? You don’t want the jury to know you sued the Pope?

MR. SMITH: I didn’t sue the Pope.

In the first place, that’s a lie. I didn’t sue the Pope and I resent you saying that we sued the Pope.

MR. JONES: Well, that’s what the word on the street is, you sued the Pope. That’s all I know.

MR. SMITH: Well, the word on the street is not always true, you know.

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Free Report Shows Lawyers How to Get More Clients

Rancho Santa Margarita, CA—Why do some lawyers get rich while others struggle to pay their bills?

The answer, according to California lawyer David M. Ward, has nothing to do with talent, education, hard work, or even luck.

"The lawyers who make the big money are not necessarily better lawyers," Ward says. "They have simply learned how to market their services."

A successful sole practitioner who at one time struggled to attract clients, Ward credits his turnaround to a referral marketing system he developed six years ago. "I went from dead broke and drowning in debt to earning $300,000 a year, practically overnight."

Ward says that while most lawyers depend on referrals, not one in 100 has a referral system. "Without a system, referrals are unpredictable. You may get new business this month, you may not," he says, noting that a referral system can bring in a steady stream of new clients, month after month, year after year.

"It feels great to come to the office every day knowing the phone will ring and new business will be on the line," he says.

Ward has taught his referral system to more than 2,500 lawyers worldwide, and says that any lawyer can learn how to get more referrals.

He has written a report, "How To Get More Clients In A Month Than You Now Get All Year!" which shows lawyers how to use this marketing system to get more clients, increase their income, and develop a successful law practice.

Texas lawyers can get a FREE copy of this report by calling 1-800-562-4627 (a 24-hour recorded message), or by visiting Ward’s web site at www.davidward.com

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594 TEXAS BAR JOURNAL June 2000