How We Won the War

By Jerry Buchmeier

THE CONTRIBUTIONS FOR THIS month’s column are from Austin (Patricia L. Bowcock, Amy Hanner), Beaumont (Ronald Plessala), Dallas (David Coale, Rocky Dhir, Beth Jenkins, Wesley C. Johnson), Greenville (Judge Joe M. Leonard), San Antonio (Rob Ramsey), and Texarkana (J. Dennis Chambers).

WHAT WAS THAT DATE AGAIN?
From Amy Hanner of Austin (Amy is a legal assistant to Velva L. Price of the firm of Kothmann & Associates), this excerpt from a deposition taken by Velva Price — who is the president-elect of the Travis County Bar Association.

Q. When was the last time you hunted?
A. The last day I was in Brady.
Q. Okay. And that would be — I’m sorry. When was the last day you were in Brady?
A. That would have been after the 30th, probably the 32nd or so, whenever the last day of hunting season was.
MR. PHENIX: 32nd? Are you going to create a new month?
A. After the 31st. Yeah, right, after the 32nd.
Q. (BY MS. PRICE) I like [Mr. Phenix] going after somebody other than me, so thank you.

AND HOW DID THE MARRIAGE END?
From Wesley C. Johnson of Dallas, this excerpt from the deposition of his client:
Q. Mrs. Lopez, tell me the name of the first person that you were ever married to, please.
A. Israel Sanchez.
Q. Where were you and Mr. Sanchez married?
A. In Grand Prairie.
Q. And in what year did you get married?
A. It was ’84. I’m not sure. ’83, I think.
Q. And how long were you married?
A. Less than a year.
Q. How did that marriage end?
A. As friends.

THOSE JURORS
From Beth Jenkins of Dallas (Beth is the judicial assistant to Judge Massie Tillman, Bankruptcy Judge, in the Northern District of Texas), this voir dire excerpt involving a prospective juror in a state district criminal court in Dallas. After hearing the definition of voluntary manslaughter given the panel — “An intentional killing that occurs while the defendant is under the immediate influence of sudden passion arising from an adequate cause, such as when a spouse’s mate is found in a compromising position” — this juror expressed surprise:
Juror: “See, I have a problem with that passion business. During my first marriage, I came in and found my husband in bed with my neighbor. All I did was divorce him. I had no idea that I could have shot him.”
(Beth adds: “She wasn’t selected for the jury.”)

A CREATIVE DEFENSE
From Patricia L. Bowcock of Austin (Bowcock & Morgan), this excerpt from a recent deposition she took of the defendant in a personal injury “dog bite” case — which involves a “very creative” defense.
Q. And you believe it’s your fault that the dog bit Virginia Oehler.
A. No, it’s not my fault. I didn’t know he was going to bite her.
Q. Well, you knew he had bitten before.
A. Yeah. But that’s why we have him usually tied up.
Q. But you didn’t check that time to find out if he was tied up.
A. No, because she didn’t give me a chance. I was taking a dump at the time.

DID THEY REALLY SAY THAT?
From Rob Ramsey of San Antonio (Soules & Wallace), this “exchange between the trial judge and the district attorney after the State’s witness, who was in prison and had been warrant-warranted to the trial, had completed his testimony.”

The Court: I guess Mr. Wilhelm is free to go?
Mr. Reis: In a manner of speaking.

From Judge Joe M. Leonard of Greenville (196th District Court), this marvelous Triple Tongue Twister from one of his trials:

“In defense of a medical malpractice case, Dallas attorney Mark Stinnett used the phrase: ‘barely palpable dorsal pedal pulse’ three times in cross-examination of plaintiff’s expert.”

From Rocky Dhir of Dallas (Rocky is one of my law clerks this year), this excerpt he discovered in a deposition in one of our recent civil trials.

Q. How was the roof [of the apartment] inspected, then; from the balconies and from the parking lot, I think you said?
A. That’s correct.
Q. And that was at both projects?
A. That’s correct.
Q. What did you do to observe the roofs from those locations?
A. I looked at them.

From David Coale of Dallas (Car- rington, Coleman, etc.) — who is the husband of one of my other law clerks, Margarita Coale — this “who’s-on-first” deposition excerpt.
Q. I mean, how do you define that [loan application]?
A. I define it as a form, usually,

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

et cetera Contributions
If you have been in a deposition where things went “awry” and you believe Texas lawyers would get as big a kick out of the testimony as you did, Judge Buchmeyer would like to hear from you! Contributions to et cetera should be mailed to:

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