Lawyers are Scary Things

BY JERRY BUCHMEYER

THIS MONTH’S CONTRIBUTIONS are from Austin (Bruce R. Hardesty, Lloyd A. Muennink), Dallas (Joshua T. Kutchin), Electra (Paul H. Hayers), Fort Worth (David C. Bakutis, Donald A. Ferrill), Quitman (Marcus D. Taylor), and Wichita Falls (Rita J. Stevens).

DID THEY REALLY SAY THAT?

From Rita J. Stevens of Wichita Falls (Schenk & Schenk), this rather surprising response she received from her Rule 194 Request For Disclosure:

Q. State the legal theories, and in general, the factual bases of the claims or defenses on which you will rely.
A. Respondent does not have any legal theories and, in general, does not have any factual bases of the claims or defenses of Respondent.

From Donald A. Ferrill of Fort Worth (Brown Thompson, etc.), this statement from a Petition for Review filed in the Texas Supreme Court by opposing counsel:

Evidence does exist that the body was destroyed. Dr. Reed’s Single Animal Record reflects that he conducted his own autopsy.

From Bruce R. Hardesty of Austin (King & Hardesty), this excerpt from the deposition of a witness to a hit and run automobile accident — who, with his mother’s help, got the license number of the car in question [MYV 38D]
A. As the car was leaving, my mom remembered half of the license plate number and I remembered the other half ....
Q. And you said that you noticed three of the numbers of the license plate?
A. I got three and my mom remembered three .... The part that my mom remembered was her bra size, so that’s how she remembered those numbers for sure.

AND WERE YOU SUCCESSFUL?

From Marcus D. Taylor of Quitman, the Criminal District Attorney of Wood County, this excerpt from the direct examination of the defendant in a criminal sexual assault case — who had returned home at 7:00 o’clock in the morning, “after an all night bender” and was avoiding telling his wife “exactly” what he had done.

Q. And what did you do at that point?
A. My wife followed me back [to the bedroom] griping at me for being gone so long.
Q. All right. Did you tell her?
A. No, I couldn’t.
Q. What did you do at that point?
A. I tried to hang myself in my closet.
Q. Okay. Were you successful? Obviously, not.
A. No.

TORONTO IN MARCH

Paul H. Hayers of Electra — Paul is the City Attorney of Electra — is “called upon from time to time to respond to correspondence received by the City.” However, he has never been
asked to answer a stranger request than the following one he received from the Texas Department of Health.

Dear: City Secretary,

The Health Department was destroy in the Toronto in March I have lost all records of the city ordinance. Could you please mail the ordinance to the tobacco prevention & control program with health dept.

Tobacco Prevention & Control Betty Texas Department of Health Program Manager

Paul adds: “You just have to hate it when a ‘Toronto in March’ destroys your stuff.”

FUNERAL HOME HUMOR

From David C. Bakutis of Fort Worth (Wilson, Bakutis, McCully & Sawyer), this excerpt from a deposition of a mortician.

Q. After graduating from college, were you employed; did you gain employment in the area of mortuary science?
A. Yes.

Q. Where was your first employment?
A. Lucas Funeral Home Fort Worth, Texas.

Q. And how long did you work for Lucas Funeral Home?
A. Three years.

Q. Where did you work next?
A. Nalley Pickle Funeral Home, Big Spring, Texas.

Q. Can you spell that for us, at least the first —
A. N A L L E Y.

Q. And Pickle just like the —
A. Just like we did.

(Laughter).

Q. One of those funeral humor here.

MS. McCULLY: We pickle them good.

THE WITNESS: Just like Heinz.

MR. BAKUTIS: Just like Heinz. I’ll have to send that in to Judge Buchmeyer.

LAWYERS ARE SCARY THINGS

From Joshua T. Kutchin of Dallas (Fanning, Harper & Martinson), this excerpt from the deposition of the plaintiff, a Dallas Area Rapid Transit bus driver who grew up in Ethiopia — and who seemed “a little overwhelmed by the deposition process.”

Q. Have I been courteous to you today?
A. What was that word?

MR. SKINNER: Nice.
A. Sure, you’re so nice to me. You don’t look like a lawyer.

MS. LAQUEY: He’s nice to you and mean to lawyers? Is that what you said?
A. A lawyer is a scary thing, you know.

MR. SKINNER: Lawyers are scary things. Okay.

THE WITNESS: Yeah, you know.

MR. SKINNER: I never thought of myself as scary.

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:

Chief Judge Jerry Buchmeyer
U.S. District Court
Northern District of Texas
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Dallas, TX  75242

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