The Sweetest "Contrakt"

This month’s contributions are from Dallas (U.S. Bankruptcy Judge Harlin D. Hale, Jerome S. Levy, and Gary Stone), Houston (Jason Medley), Plainview (Mark W. Laney), and Berkeley, Calif. (Paul Bernstein). Contributions to et cetera should be mailed to U.S. District Judge Jerry Buchmeyer, U.S. District Court, Northern District of Texas, 1100 Commerce St., 15th Floor, Dallas 75242, or emailed to tbj@texasbar.com.

NOT EVEN CLOSE

From Mark W. Laney of Plainview (Laney & Stokes), these excerpts from Rudd Owen’s cross-examination of the plaintiff in a state court case:

Q. How old is your son?
A. 33.

Q. What does he do for a living?
A. He’s a general manager of Hobby Lobby in Chicago.

Q. Works at the airport?
A. No, Hobby Lobby is a store.

Q. Okay. Isn’t Hobby airport in Chicago?
A. No, that’s in Houston.

Q. Okay. Wasn’t even close, was it?

Mr. Laney: We are talking Judge Buchmeyer here.

THE 10-SECOND PAUSE

U.S. Bankruptcy Judge Harlin D. Hale (Dallas) recently heard “a dischargeability complaint” brought by a wife against her former husband. The legal issue “was whether her contractual alimony could be discharged.”

The trial lasted several days, during which “both sides offered largely irrelevant evidence about the husband’s unfaithfulness, including detailed testimony about his affairs, and her discovery of his Viagra — a lot of sex talk in a court used to checks, notes, balance sheets and liens.”

During cross-examination, “the wife was asked why she did not take certain actions sooner. She replied that she did not want to ‘masturbate’ the situation.”

Judge Hale adds: “There was about a 10-second pause by everyone until we figured out she probably meant another word.”

LEAST COMPETENT CRIMINALS

Jerome S. Levy of Dallas found these two marvelous (!!!) items in the “Calendar” section of the Reno Gazette while he and his wife were hiking around Lake Tahoe:

In Clovis, N.M., in July, Danny J. Jimenez, 51, was sentenced to six years in prison for a pair of 2003 burglaries. Police had captured Jimenez by following the blood trail that stemmed from his encounter with a pawn shop’s glass jewelry case. Later, investigators learned that an injury to Jimenez’s head did not come from the jewelry case but occurred when Jimenez accidentally hit himself with a hammer while burglarizing a church later that night. Said a detective, “(Jimenez) had a big, round (indentation) in his forehead that was consistent with the hammer that I found.”

Elijah Walker, 35, who pleaded guilty to cocaine possession in Cincinnati in June, resisted complying with the state requirement that he also give up a DNA sample, because he feared the state would use it to create a clone of him. (Said the prosecutor, reassuringly, “I’m not sure the state really wants another Elijah Walker.”)

A FLIGHT OF IDEAS

Paul Bernstein of Berkeley, Calif., makes his return to et cetera after several years with this excerpt from a California state court trial:

Q. And, Doctor, you also said that she had a “flight of ideas” and was “psychotic.” Could you explain what she was doing to show a flight of ideas.
A. She had a flight of ideas, which means her thought process — in that she was not able to form a linear coherent thought …

Q. So she would jump from one idea —
A. Yes —
Q. — to the next, would that be correct?
A. Yes.
**Q.** And was that ... I will withdraw that question because I can't remember what I said.

**A GENTLE RIBBING**

Gary Stone of Dallas not only found an amusing typo in the September issue of the Bar Journal, but he couldn’t resist “ribbing” the Bar Journal staff with this letter:

I was a newspaper copy editor and journalism and English teacher before law school and am now retired. I always thought of myself and other lawyers as wordsmiths as well as advocates.

Imagine my amazement, then, when I opened the Texas Bar Journal received today and, in my usual fashion, started at the back page. There, on the lower left side of the page, I found a story about Baylor law students “pouring” something all over the sunken Titanic, as if it had not had enough poured on it in its 90-odd years at the bottom of the Atlantic.

Then I realized these law students actually *pored* through the 1,000 pages of witness testimony.

If the Texas Bar Journal is in need of a copy editor to check reporters’ copy, or proof readers to guard against typos (this may have been an error in the copy or the typesetting), I probably could be persuaded to come out of retirement at the right price.

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**THE SWEETEST “CONTRAKT”**

Jason M. Medley of Houston (O’Donnell, Ferebee, Medley & Keiser) found this marvelous (!!!) “contract” in his daughter’s room. He writes:

Apparently, her twin brothers, Max and Leo, were bugging her, and so she agreed, in writing, that if they would not bug her, she would not be mean to them. Notice the 3 signature blocks, where they signed as a “Promise” and a “Swear” and then lastly they signed in “Love.”

Jason adds: “Perhaps we should revise our contracts so that they are all signed in love.”