Buchmeyer’s Column at 20 Years

For the past two months, we have commemorated retired U.S. District Judge Jerry Buchmeyer’s many years of service to the legal profession by reprinting past et cetera columns from the Texas Bar Journal. Et cetera first appeared in the Bar Journal in 1980. This month, in our continuing retrospective, we show Judge Buchmeyer’s column at 20 years with a reprint from 2000.

You can find additional selections from Judge Buchmeyer on his blog, Say What?! Classic Humor from U.S. District Judge Jerry Buchmeyer, available at www.texasbar.com/saywhat.

To read more columns by Judge Buchmeyer, visit Say What?! or the Texas Bar Journal website, www.texasbar.com/tbj, where you can access a complete, searchable archive of the magazine.

ET CETERA
DEPOSITIONS V. TRIALS:
Lawyers are Scary Things
BY JERRY BUCHMEYER
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This month’s contributions are from Austin (Bruce R. Hardesty, Lloyd A. Muennink), Dallas (Joshua T. Kutchin), Electra (Paul H. Haynes), 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 & Schenck), this rather surprising response she received from her Rule 194 Request For Disclosure:
Q. State the legal theories, and in general, does not have any factual bases of the claims or defenses of Respondent.

A. Respondent does not have any legal theories and, in general, does not have any factual bases of the claims or defenses of Respondent.

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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.

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From Bruce R. Hardesty of Austin (King & Hardesty), this excerpt from the deposition he took 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):

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.

Q. (By Bruce Hardesty with — he says — “obvious insight and keen logic”) That must have been the 38D?

A. Yes. That was how those particular numbers stuck out in her mind.

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From Lloyd A. Muennink of Austin, this excerpt from the deposition of a fact witness for the plaintiff in “a drilling mud land farming case regarding libel and slander” — where the defense attor-
ney was “constantly asking what the [plaintiff’s] attorney told him or discussed after every break in the deposition.”

(LUNCH RECESS 1:05–1:40)

Q. (BY MR. STELLY) Mr. Egle, you had lunch today with Mr. Muen- 
nink; is that true?
A. Yes.
Q. What did y'all discuss?
A. The Playboy Channel.
Q. Okay. Anything else about this 
case?
A. Yeah, I'm sure we did. Let me think about this.

Q. Do you remember anything spe-
cific about what you talked about
of your previous testimony?
A. That I did a good job, that I was re-
sponding to the questions.

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 mortu-
ary science?
A. Yes.
Q. Where was your first employ-
ment?
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 Buch-
meyer.

AND WERE YOU SUCCESSFUL?
From Marcus D. Taylor of Quit-
man, 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 “exactlv” 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? Obvi-
ously, not.
A. No.

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 driv-
er who grew up in Ethiopia — and who seemed “a little overwhelmed by the de-
position 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.