



A Visit to Madame Morris

BY JERRY BUCHMEYER

THIS MONTH'S TITLE CONTRIBUTION is from **Chief U.S. Judge George Kazan** of Laredo and his law clerk **Johnny Carter**.

The other contributions are from Beaumont (**John Haught**), Dallas (**Robert Gilbreath**); Garland (**Scott Barber**); Houston (**Craig Clendenin**, **James Dunn**, **Joseph Gagnon**, **William Russell**, and **Thomas Sartwelle**); San Marcos (**Gene Majors**); and Wichita Falls (**Ron Yandell**).

THE ARREST OF KELLY THE SNAKE

From **Robert B. Gilbreath** of Dallas (Vial, Hamilton, etc.) this *Twilight Zone* excerpt from a deposition in which, as you will see, his marvelous(!) question goes unanswered.

Q. Why did Kyron decide, if you know, to move off campus?

A. I made that decision.

Q. Why?

A. Well, *because Kyron owned a snake, and they arrested the snake and —*

Q. Who arrested the snake?

A. Chief Pettis, they arrested the snake.

Q. Did they search his room?

A. Yeah. See, at the time they were having a drug bust at the school or something. No, one of the drug dealers got shot. And *while they were in there arresting Kelly, which is the snake*, the little fellow had gotten shot in another dorm, so they were doing sweeps through the dorms, I assume, and they just happened to walk in

there and there was a snake and so they arrested her. *They put her in jail.*

Mr. Gilbreath: *Did they handcuff her?*

A. They put her in jail.

Q. Did Kyron ever get her out of jail?

A. He had to go get her out of jail.

Q. Did he bail her out of jail?

A. No. She was hungry and they didn't know what to do, so he had to go get her.

Q. Is that the reason Kyron moved off campus?

A. Yeah, that's basically it.

DID THEY REALLY ASK THAT?

From **Thomas P. Sartwelle** and **William W. Russell** of Houston (Sartwelle & Radelat), this excerpt from the examination by the opposing attorney in a legal malpractice trial.

Q. And you walked through — through the house where they work, and you saw the things that they work with, and they were broke. Now, you know as a lawyer, with all the years experience you have, just because a client tells you something doesn't mean it's right, does it, under the law?

A. ... Any person that is reasonable would not allow that condition to exist in his facility if it presented any kind of safety hazard to his own employees. I mean, that's just crazy.

Q. Exactly. *But you weren't there to be reasonable, you were there to practice law; weren't you?*

MEMORABLE ANSWERS

From **Craig H. Clendenin** of Houston (Benckenstein, Norvell & Nathan), this excerpt from his deposition of a home inspector:

Q. Have you suffered episodes in which you have lost your memory?

A. I don't recall.

Q. I think that answers my question.

From **John Haught** of Beaumont (McHaffy & Weber), this excerpt from the deposition of a plaintiff who claimed her memory had been impaired by certain medication.

Q. Do you know what type of medication that was?

A. No. No. I don't recall. My memory is not very good anymore.

Q. *How long have you had memory problems?*

A. Oh —

Q. *That wasn't a fair question, was it?*

A. I can't remember. My memory got bad.

CLASSIC TYPOS

(1) From a letter confirming the mediation date by a Dallas mediator:

The fee for a *dull* day of mediation is seven hundred fifty dollars (\$750) per day.

(2) From objections to interrogatories in a Houston case:

Objection; Defendants objection to this interrogatory is that it is *over board* and seeks information irrelevant and immaterial to subject litigation and is not likely to lead to discovery of *innumerable evidence*.

(3) From a letter by the U.S. Department of Agriculture concerning the status of the royalties of "an otherwise ordinary, hard-working farmer" in Wichita Falls:

Federal law does not allow discrimination of any *king*.

(4) From the petition in a Dallas case alleging that the plaintiff was wrongfully denied insurance proceeds after an automobile accident for various reasons, including:

Lack of diligent in processing petitioner disability claim, which cause petitioner Financial account became *greatly in the rear*.

(5) From the petition in a premises liability suit in Houston:

The acts and omissions of Defendant **WHOLE FOODS MARKETS, INC.** as set out above constitutes a *headless* disregard for the rights of Plaintiff Patricia Sadler.

These classic typos were contributed by (1) **Scott A. Barber** of Garland (Brown, Brown, etc.); (2) **James A. Dunn** of Houston (Bennet, Dunn, etc.); (3) **Ron L. Yandell** of Wichita Falls; and (4) and (5) **Joseph W. Gagnon** of Houston (Ramsey & Murray).

COVERING THE 100-YEAR FLOODPLAIN BY LEAPS AND/OR BOUNDS

Gene Majors of San Marcos (Fitzgerald, Majors & Stevens) — Gene is board certified, commercial real estate law — begins his letter with "Real estate lawyers never have anything funny happen, and they seldom get to participate in a deposition." However, he recently sat in on the deposition of the county floodplain administrator and ...

Q. What is a 100-year floodplain?

A. That's a floodplain area that has one chance a year of flooding, is why they consider it a 100-year floodplain.

Q. One chance — per year?

A. Right.

Q. Why is it called the 100-year floodplain if it's one chance per year?

A. You got me. That's just what they refer to it as, the 100-year floodplain. But the chances of flooding is not once every hundred years;

there's one chance a year of flooding.

Q. All right. And are you certain that the 100-year floodplain means one chance per year?

A. That's what they've always told me, yes. ...

Q. And what I would like for you to do now is try to locate this property as you see it here on this survey on this FEMA map.

A. It would be impossible for me to do that. This is by *leaps and bounds*, and the FEMA map really don't show any leaps or bounds.

Q. *Did you say "leaps or bounds"?*

A. That's what they call it, a surveyor calls it in their surveys, *leaps and bounds or whatever*.

A VISIT TO MADAME MORRIS

From **Chief United States District Judge George P. Kazan** of Laredo (and the Southern District of Texas) and his law clerk **Johnny Carter**, this excerpt from the deposition of the plaintiff's expert, a North Carolina doctor, who is being examined about his knowledge of South Texas.

Q. Do you have any idea how far Nuevo Laredo is from Harlingen, Texas?

A. I think a few hundred miles. I'm not sure.

Q. Have you ever been to Nuevo Laredo, Mexico?

A. No.

Q. Or Laredo, Texas

A. No.

Q. What about Harlingen, Texas?

A. Yes.

Q. And how many times have you been to Harlingen, Texas?

A. Once.

Q. *Was that to go to South Padre Island?*

A. No. *It was to Madame Morris for a weekend.*

Contributions to *et cetera* should be mailed to: Chief Judge Jerry Buchmeyer, U.S. District Court, Northern District of Texas, 1100 Commerce St., 15th Floor, Dallas 75242.

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