



## Up Against the Wall, Redneck Mothers

BY JERRY BUCHMEYER

THIS MONTH'S TITLE CONTRIBUTION is from **Nancy Trease** of Austin. The other contributors are from Austin (**Manuel Newburger, Paul Schorn**), Dallas (**Richard Andrews, David Bingham, Alfred W. Ellis**), Houston (**David Beck**), Huntsville (**Jani Maselli**), Marshall (**Lynn Skinner**), Port Lavaca (**Charles Hood**), and San Antonio (**Samuel Biery**).

### DID THEY REALLY SAY THAT?

From **Charles A. Hood** of Port Lavaca, this excerpt from the cross-examination of his client in a divorce trial:

Q. How many times had you been married before you and Gray married?

A. One less than him.

Q. Well, how many times is that?

A. Six.

From **Richard R. Andrews** of Dallas (Richard is corporate counsel, general litigation for Texas Instruments), this excerpt from a deposition which he attended several years ago when he was in private practice in Iowa. The examining attorney (not Richard) is trying to ascertain the identities of employees of a retailer ("Wards") where the allegedly defective gas waterheater was purchased.

Q. Any other names that you can remember that you knew from Wards back then?

A. Well, give me a couple of days to think about it.

Q. Would you do that for me? Would you think about that? ... I will give you my card and probably

contact you to see if you can remember any more names.

A. *Herbie Gust might be still alive, but I think I just heard that he passed away, too. And if he is still around he would be down in Texas because I think that's where he died.*

### VERBAL TYPOS

(1) From **Samuel F. Biery** of San Antonio (Biery, Biery, etc.):

Q. How did you happen to contact this law firm for help?

A. I was referred by the Lawyer *Re-fertile* Service.

(2) From **Anon.**, this statement by a federal judge in Louisiana made in response to a rather novel, but baseless argument:

The Court: I would say that you have a very *spurtle* imagination. Go ahead.

### WHO'S ON FIRST?

From **David J. Beck** of Houston (Beck, Redden & Secrest), this excerpt from a deposition "in which an attorney was determined to pin the witness down on every conceivable permutation of his knowledge and belief."

Q. I believe you testified, when Ms. McCloud asked you, that the words "not needed" and "not done" mean the same thing to you?

A. Well, to me at the time, yeah.

Q. It means that — what does it all mean? If it's not needed, you're implying that it wasn't even done?

A. It wasn't needed, and — yeah, I was implying it wasn't done.

Q. Do you know it was done?

A. No. If it wasn't needed, then it wasn't done, either.

Q. So whether it was "not needed" or "not done," it means not done?

A. Well, that means not needed.

Q. What does not needed mean? Was it done if it wasn't needed?

A. Not needed means it wasn't needed.

Q. But was it done? Was the work done?

A. Huh-uh. I can recall one house in which the whole house was painted and there wasn't any need for it, but in essence, it was done. I don't remember how I worded that particular one.

Q. So sometimes you put "not needed" and it may have been done or it may not have been done, but you didn't think it was needed?

A. Well, in any case if I've put "not needed" or "not done," it was not needed and it was not done, either.

Q. But if you put the words "not needed," what does that mean?

A. The work didn't need to be done.

Q. Okay. And "not done" means what?

A. The work was not done, nor was it needed.

Q. So it means the same thing to you?

A. To me it was.

Q. So nothing was ever done?

A. Huh-uh.

### CLASSIC TYPOS

(1) From **Al Ellis** of Dallas — who is (Yes!) listed in the deposition transcript as (I didn't know that!!) "**Alfred W. Ellis**" — this marvelous (!!!) typo:

Q. Can you tell us what [dental] history you received from Mr. Young ...

A. Dental history? His main complaint was that he was having some hot and cold sensitivity on the upper left, lower right, and lower left. He was having *breeding gums* and receding gums, and the sensitivity was bothering him the worst.

(2) From **Manuel H. Newburger** of Austin (Barron & Newburger), a writ of execution returned in one of his cases with this notation: *NOLO BOLO*

(3) From a notice filed *pro se* in the U.S. Bankruptcy Court in Dallas:

Now comes Phillip S. Bayond, a party in interest in the above and numbered case and file this *Notice of Nunsuit* ...

(4) From an Application for Release Pending Appeal in a Northern District criminal case:

A. Likelihood to Flea and Danger to the Community

(5) From a Juror's Request To Be Excused or Postponed which, fortunately, I reviewed as the Duty Judge:

REASON FOR REQUEST: Ms. Brown appeared Jan. 8, 1996, but was not selected. Ms. Brown's father is 74 years old and has chronic emphysema. *He is on an oxygen and breeding machine.*

#### THE COURT REPORTER'S NIGHTMARE

From **David Bingham** of Dallas (David is a freelance court reporter), this excerpt from a recent deposition:

Q. Let me explain something. You have to let me finish my questions.

A. Oh, sorry. Yes. Yes.

Q. Because if we both talk —

A. *Right.*

Q. — at the same time —

A. *Oh, that's right.*

Q. — it creates a problem.

A. *Oh, yeah.*

#### THE WONDROUS WORLD OF PRO SE

(1) From a letter I received from a

state prisoner concerning his unsuccessful habeas petition:

I am appealing to your sense of *ethnics* and the power you've been given by the higher court. I could not get this burglary overturn all though I challenge in my *Pro-Se Grief*.

(2) From a letter sent by a criminal defendant I was to sentence:

I have a *serious* cyst that could lead to *tormoil illness*. If you want me to, I will come down and let you feel the knot.

(3) From a letter I received from a defendant sentenced to a short prison term:

I am a *law binding* citizen and *no criminal act has not been committed by me, and none will not be committed*, Judge Buchmeyer. Trust me. God do. And my word is my bond. IF I TELL YOU IT GOING TO RAIN, GET YOUR UMBRELLA. PEACE.

(4) From **Jani J. Maselli** of Huntsville (Jani is a staff attorney, legal services, in the Texas Counsel for Offenders division at TDC), this excerpt from a prisoner who was "having trouble getting the court of criminal appeals to respond to the *deposition*" of his habeas petition:

I was told there was a certain type of *floor mat* that had to be used in the court of criminal appeals ...

(5) From **Paul Schorn** of Austin, these excerpts from a handwritten affidavit supporting a claim of sexual harassment:

Q. How did you find out about the incident?

A. \_\_\_ told me about these incidents happening to her.

Q. What things did she tell you?

A. "Have you ever seen him brush up against me, licking out his tongue, and making *sexual jesters*?"

Q. Were you concerned for her safety?

A. Yes. I told her she needs to do something about it. I would have *nipped it on the butt* earlier.

#### WE'LL LEAVE THE LIGHTS ON FOR YOU

From **Linda (Lynn) J. Skinner**, CSR, of Marshall (Linda is the court reporter for the 71st District Court), this incident that occurred during a civil docket call by **Judge Sam Baxter**:

The Court: *John Doe v. Motel 6.*

What says the plaintiff?

(Reporter's Note: No response)

The Court: (Directing his remark toward counsel for Motel 6) Counselor, *did you all forget to leave the light on?*

#### UP AGAINST THE WALL, REDNECK MOTHERS

From **Nancy A. Trease** of Austin (Nancy is an assistant attorney general in the General Litigation Division, Attorney General's Office), this marvelous (!) excerpt from her deposition of a female plaintiff who claimed she had been subjected to a sexually hostile work environment.

Q. Now, the "you know you are a redneck if" jokes — who told you about the offensive "you know you are a redneck if" jokes?

A. I heard them from my office. I could hear through the wall. It was spoken that loud.

Q. Okay. Give me an example of a joke that was derogatory toward women.

A. *You know you are a redneck if your mother doesn't take the cigarette out of her mouth to tell an officer to "kiss my ass."*

Q. *Why is that derogatory to women?*

A. *It's derogatory toward the mothers of rednecks.*

Nancy also contributes an *oral typo* committed by an employee of a large state agency — who, in protesting about the need to retain certain records, said: "I can't possibly. *They're voluptuous!*"

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.