



How Big Is Your Hammer?

BY JERRY BUCHMEYER

THE CONTRIBUTORS FOR THIS month's column are from Austin (**Shellie Wakefield**), Beaumont (**John Haught**), Belton (**Judge Martha Trudo**), Dallas (**Magistrate Judge Jeff Kaplan**, **Jeff Purvis**), Fort Worth (**Judge Bonnie Suderth**), Hidalgo (**Judge Robert Barnes**), Houston (**Zoe Littlepage**, **Grady Randle**), Lubbock (**Frank King**), McKinney (**Judge Weldon Copeland**), San Antonio (**Rob Ramsey**), and Sinton (**Eugene Chapline**, **Mark Eggert**).

WHERE WERE YOU BORN?

From **Judge Martha J. Trudo** of Belton (264th District Court), this excerpt from the guilty plea of a 17-year-old female.

The Court: Are you a United States Citizen? *Were you born in the United States?*

Defendant: *No, ma'am.*

The Court: *Where were you born?*

Defendant: *In Louisiana.*

HOW FAR DID YOU GO IN SCHOOL?

From **John E. Haught** of Beaumont, this deposition excerpt:

Q. Where is your place of birth?

A. The hospital in Kountze, Texas. That's the hospital I was born in.

Q. How far did you go to school?

A. I'm not sure. Just in Silsbee. *Approximately estimating about eight miles or so.*

From **Rob Ramsey** of San Antonio (Soules & Wallace), this trial excerpt:

A. I known him [Mr. Barrera] since we started school. We went to school together and part of college.

Q. Did you go to the same high school together?

A. Went to the same elementary, same high school. We're Ben Bolt graduates.

Q. Ben Bolt? *Were you in the same class?*

A. *Graduated top 10, both of us.*

Q. *You both graduated in the top 10?*

A. *Yes. There was 10 of us.*

From **Zoe B. Littlepage** of Houston (Ravkind & Littlepage), this answer from a juror questionnaire:

Q. How far did you go in school?

A. *Seven miles.*

WERE YOU IN THE SERVICE?

From **J. Grady Randle** of Houston (Ross, Banks, etc.):

Q. Between college and graduate school did you work?

A. I worked for the U.S. government in the Air Force.

Q. You were an enlisted man?

A. No, I was an officer in the Air Force.

Q. Did you serve overseas?

A. I went to Thailand for a year during the Vietnam War.

Q. *Did you see any action in Thailand?*

A. *Not combat. I didn't —*

Q. *We will talk later about that.*

HAVE YOU EVER BEEN ARRESTED?

From **Frank L. King** of Lubbock (Frank is with West Texas Legal Ser-

vices), this deposition excerpt from his pre-Legal Services days, when Frank was questioning the plaintiff in a personal injury "dance floor-too-much-wax case":

Q. Have you ever been arrested for anything?

A. Arrested for what?

Q. Anything.

A. Oh, no, sir, not — *not (for) anything I have done, no, sir.*

Q. Well, have you ever been arrested for anything somebody else done?

A. Yes, sir.

Q. Okay. When was that and where?

A. It was in Stamford, Texas. My son burglarized a western wear store. And I was arrested because they said I was involved.

Q. Okay. Were you ever indicted there?

A. No, sir, not indicted — I pled guilty to the offense, and got a probation of five years and served it, sir.

SOMEWHAT CRIMINAL

From **Jeff W. Purvis** of Dallas ... Jeff is a criminal defense attorney ... this excerpt from a complaint issued by the City of Dallas Municipal Court:

[Defendant] did then and there unlawfully: Commit an offense, to wit: *Assault*, in the following particulars, said actor did then and there knowingly threaten another person, to wit: with imminent bodily injury, to wit: said actor did then and there *knowingly threaten to shoot the said other person with the actor's hand.*

From **Eugene P. Chapline** and **Mark W. Eggert** of Sinton (Gene and Mark are both assistant county attorneys of San Patricio County), this excerpt from the Community Service Rules of the San Patricio County Juvenile Department:

THERE ARE CERTAIN KIDS OR WORK 14 and 15 YEAR OLD YOUTH CANNOT BE ASSIGNED TO DO ...

This type of work includes:

- a. Involvement in manufacturing.
- b. Involvement in *fellating* fish, dressing poultry, *cracking nuts*, laundering, or other processing or similar work.

MATTERS OF OPINION

United States Magistrate Judge **Jeff Kaplan** of Dallas (Northern District of Texas) recommended granting the defendant's motion to transfer a *pro se* plaintiff's gas royalty case to the Southern District — rejecting her claims that she had been "intimidated and imposed with severe and cruel sanctions by the extremely anti-women-segregationist judges of the federal courts for [that district]." Judge Kaplan footnoted this statement with an astute observation:

Plaintiff states that she "would rather be transferred to the courts of Iran or Communist China where such courts do not pretend to be of 'liberties and freedoms for all.'" (Response at 2). *The Court notes that venue is not proper in those jurisdictions either.*

DOING VOIR DIRE

From **Judge Weldon S. Copeland** of McKinney (Collin County Court at Law No. 1), this brilliant (?) statement made by a defense attorney during voir dire:

I know a lot of you don't like lawyers. *I don't like them either. That's why I don't have any partners.*

From **Judge Bonnie Sudderth** of Fort Worth (352nd Judicial District), this excerpt from a voir dire examination in her court:

Mr. Smith: Okay, Mr. Riley?

Prospective Juror: Yes, sir.

Mr. Smith: You served on a civil jury. What were the facts?

Prospective Juror: I never got to it.

I've been called for jury, but I never got to a trial. *The judge never showed up.*

Mr. Smith: *How long did they wait on that judge?*

Prospective Juror: *Two days.*

From **Shellie Wakefield** of Austin (Shellie is a law clerk for **Magistrate Judge Stephen H. Capelle** of the Western District of Texas), these answers from a Juror Questionnaire:

Do you have any physical or mental infirmity which would impair your capacity to serve as a juror?

YES [] NO []

If yes, please give nature of infirmity: *My wife says that I am hard of hearing.*

Have you or any member of your immediate family, to the best of your knowledge, been the subject of any audit or other tax investigation by the Internal Revenue Service?

YES [] NO []

If yes, please describe: *We were called in & audited. The IRS looked over our records & said we were ok & sent us home. end of story.*

THE JUDGE WITHOUT A GAVEL

Robert F. Barnes of Hidalgo (former district judge of the 93rd and 275th district courts), was visited by a group of third-grade students from Mission on a "field trip" when he was sitting in Mission as a visiting judge. Each kid was invited to sit in the judge's chair on the bench, and one noticed there was no gavel — because, among the 42 "thank you" letters from the class, was this marvelous one:

Dear Judge Barnes,

I like your courtroom and your chair. Is a judge easy? I want to be a judge. *How big is your hammer?*

Your friend,
James Spofford

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