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# The Legacy Continues

Dear Judge Buchmeyer, I thought this might amuse your readers. ...

**BY PAMELA BUCHMEYER**

My father saved thousands of letters, signed original documents, and attached highlighted pages, all mailed to his chambers for possible inclusion in his monthly *Texas Bar Journal* column. Most of the letter writers expressed the same sentiment: "Dear Judge Buchmeyer: Some say there are scant opportunities for humor in the law, but I know better! I thought this might amuse your readers. Please see the enclosed. ... P.S. It really did happen." My father responded personally as often as time and docket would permit: "Thank you for your submission. It made me chortle/giggle/guffaw (choose one). My regards (which, of course, are the Very Best), Jerry Buchmeyer."

In Dad's honor, I present the second batch of never-before-published Buchmeyer Vault material. Some of these submissions were too long at a time when one-liners were favored. Others were perhaps too recent and too distinctive not to cause some embarrassment. But time has passed and many things have changed. I'm confident you'll enjoy reading these excerpts and anecdotes now. As is customary, names and identifying markers have been altered. Commentary and captions have been supplied by the Judge's Daughter.

Certainly, no one can fill Dad's shoes. No one can match the charm of his big, booming laugh. No one can equal his delight in collecting the foul-ups, fumbles, and fiascos that inevitably occur during the practice of law.

But I know he'd want us to try. So I'd like to echo the TBJ's warm invitation to readers: Your submissions are welcome! Send your deposition and trial excerpts, plus jokes, cartoons, essays, and ideas to [tbj@texasbar.com](mailto:tbj@texasbar.com). We could all use a good laugh. And ... P.S. It really did happen.

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**JUDGE JERRY L. BUCHMEYER** (1933-2009)  
*grew up in Overton and served as a federal judge in the Northern District of Texas after being nominated in 1979 by President Jimmy Carter. His monthly legal humor column ran in the Texas Bar Journal from 1980 to 2008.*

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## PROBATE FOR THE LIVING DEAD

Timothy R. Ploch of Houston revealed that zombies are alive and well, per the current hit TV show *The Walking Dead* and per this voir dire exchange where potential jurors were asked if they had ever served as an executor for a decedent.

Attorney: Anybody else? Yes, sir.  
Juror: I'm presently the executor of my mother's estate. *She's still living.*  
Attorney: She's still living?  
Juror: Yes.  
Attorney: Other than that experience, have you served as an executor of someone, let's say, who has *died*?  
Juror: No.

## ELVIS PRESLEY FOR THE PROSECUTION

Karen Wise of Dallas shared final jury remarks in a home burglary trial where the prosecutor was known for a deep and abiding adulation of Elvis Presley.

Prosecutor: ... it's a reasonable deduction ... that there is ice running through this man's veins, to go into somebody's home, the night before Christmas and to be part and parcel of ransacking. ... I am reminded of that Elvis Presley song when it talks about ... Santa Claus. ...  
Defense Counsel: Objection. ... Judge, *I don't know of anything that would permit the injection of Elvis Presley into this trial. He is dead, let him stay dead.*  
Prosecutor: Common experience, Judge.  
The court: I don't know what to do. I will overrule. ... I want to hear this.  
Defense Counsel: *No, tell him to stop, he is dead. Tell him to leave Elvis alone, he is dead.*

In the trial's sordid aftermath, defense counsel's motion for retrial due to "the Elvis Presley incident" was denied, although the judge did caution the jury that his own comment on wanting to hear "the Elvis argument" was not to be taken as advocating for *either the state or the defendant*.

## WHAT LAWYER IS SMARTER THAN A FIFTH-GRADER?

Kathleen Matheu formerly of Humble was, well, humbled one day after speaking to a roomful of fifth-graders. She thought she'd explained that prosecutors are paid by the government while defense attorneys are paid by their clients, only to receive an ominous note written in a child-ish scrawl.

Dear Mrs. Matheu,

Thank you for coming to our school on Law Day. ... I didn't know that offensive lawyers were payed (sic) by the government!

Thanks!

## MORE FROM THE MOUTHS OF BABES

W.C. Fields said quite famously, "Never work with animals or children." But he wasn't a lawyer, was he? Etta Davidson of Houston shared this deposition excerpt from the testimony of a young but extraordinarily wise witness.

Q: I'd like the jury and the judge to know a little bit about you. How old are you?

W: 12.

Q: So you just turned 12?

W: Uh-huh.

Q: I just want you to understand. ... Do you know what I mean when I use the word "suing"?

W: Uh-huh.

Q: Can you tell me what that means ...?

W: *To get something that somebody else owns.*

Q: All right ... fair enough. **TBJ**



### PAMELA BUCHMEYER

is an attorney and award-winning writer who lives in Dallas and Cleveland. Her work-in-progress is a humorous murder mystery, *The Judge's Daughter*. She can be contacted at [pambuchmeyer@gmail.com](mailto:pambuchmeyer@gmail.com).

## JEST IS FOR ALL

By Arnie Glick



*"With Thanksgiving around the corner, I thought this would be a good time to review my estate plan."*

Beginning this month, and in various issues throughout the next year, the *Texas Bar Journal* will include the cartoon *Jest Is For All*, drawn by Massachusetts attorney Arnie Glick, a graduate of Georgetown University Law Center. Glick, whose work appears in several state bars' journals, says that there are similarities between creating an effective cartoon caption and writing a cogent legal argument: "In both you need to carefully focus on the precise message that you want to communicate so that the reader will react in the way that you've intended." Of course, adds Glick, "the trick is to make sure that, of the two, it's the cartoon that gets the laugh."

## ALTERNATE UNDERSTANDING

The late Judge Fred Edwards of the 9th District Court in Montgomery County held the bench for 20 years. He was well known in the legal world for taking on numerous complex litigation cases in his court, ranging from class actions (like the notorious fen-phen drug litigation) and billion-dollar mergers and acquisitions (one involving a chemical company giant) to the first case where cellphone technology helped capture a fugitive wanted for kidnapping and murder.

Judge Edwards had a cache of amazing stories from his decades on the bench; however, one of his favorites occurred in his first jury trial as a neophyte judge. Solemnly, he had explained to the 12-person jury in the then-rural town of Conroe that they should retire to the jury room and choose a foreperson as their first task, explaining the important role this foreperson would play in their deliberations. He asked that the jury report to him their choice as soon as it was made.

It seemed the jury took the duty of choosing their foreperson quite seriously, as Judge Edwards was surprised that the group remained in the room more than an hour later. Finally, the 12 men and women filed back into the jury box. Judge Edwards asked, "Have you chosen a foreperson?" All of the jurors nodded their heads, and one handed the clerk a piece of paper. The clerk opened the paper, looked at it a moment, and handed it to the judge without so much as a raised eyebrow. Judge Edwards took the paper—and there it was, in perfectly written form: the names of ... four persons.

*From one of Judge Fred Edwards's closest friends and chief fans,  
Nelda Luce Blair, an attorney in The Woodlands.*