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The Judge's Daughter Presents: Son of Et Cetera

BY PAMELA BUCHMEYER

My father, the late Judge Jerry Buchmeyer, believed that there was something funny about the law. For 28 years he wrote a monthly humor column for the *Texas Bar Journal*. Et cetera was a tradition, and it may have become something more. A number of lawyers wrote my father over the years to report that a strange new legal procedure had been adopted. In law offices and courtrooms across the state of Texas, lawyers were admonishing one another: "Watch out! Or you're going to end up 'in Buchmeyer.'"

In fact, this became known as the so-called Buchmeyer Objection.

I am the keeper of the Buchmeyer Vault—a bunch of grimy boxes, stored in a dank warehouse, and that's where I found the following gems. As Dad would say, "We've got some real zingers here."

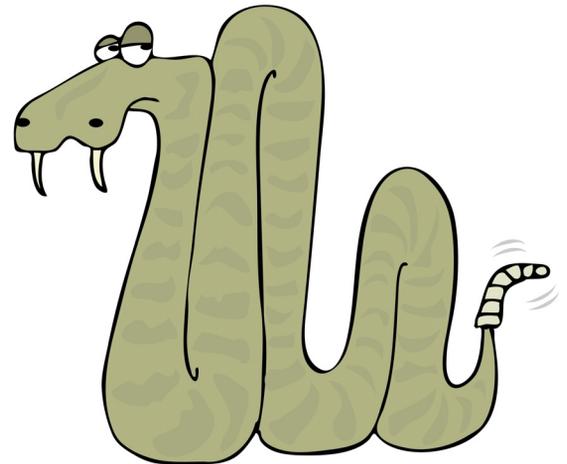
Hope you enjoy them. Captions and commentary provided by the Judge's Daughter.

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.

THE OLD ATTORNEY-CLIENT RATTLESNAKE

People who represent themselves pro se can be unexpectedly insightful. In this motion, submitted by Randall S. Boyd of Denton, the plaintiff does a remarkable job of summarizing the true heart of attorney-client relations. He seeks appointment of counsel to assist him in his pursuit of *civil* litigation.

... *What I want is a competent lawyer who will counsel me. ... I also need him with me at my trial and in hearings. ... I would also like to be able to sue him if I later conclude that I have been defectively or inadequately counseled, because I feel that I have received less than satisfactory service in the past. It occurs to me that ... we each will feel as though we are caged with a rattlesnake: There is going to be mutual fear, mistrust, dislike, and a contest for dominance. I don't consider it my fault, however.*



WE HOLD THESE TRUTHS TO BE SELF-EVIDENT

They don't teach American history like they used to, a fact proven by the following excerpt sent by Christopher R. Johnston of El Paso. The testifying witness is a disgruntled homebuyer, and the defendant-sellers have asserted a statute of limitations defense. The plaintiff seems to have conflated that legal doctrine with another perhaps similar-sounding principle of liberty, one that inspired our nation's forefathers to fight the Revolutionary War. Who can tell me about no taxation without representation? Anyone? Bueller?

Q: Now, can you tell the jury why ... you decided to make demand on the [defendants]? ...

A: I suppose because ... we have to live in that house and ... every time we turned around there was something else ... and also knowing legally that you have a statute of limitations, we thought, if this is ever going to be solved, we better do it ... you know, like the United States did—like Britain did with the United States, let go of our statute of limitations.

Q: [wisely] I'm not sure what you mean there.

A: Well, let things go too far, you know, like the British did with us.

OMG ... DID THEY REALLY SAY THAT?

James M. Martin of Corpus Christi shared this bit of testimony in a contested probate matter. One brother has sued another brother over the latter's duties as independent executor. The outcome might *just* be a Fatal Family Feud.

Q: Weren't the other brothers and sisters eager for him to sell the house and divide the proceeds?

A: No, we just left it up to him.

Q: No one insisted he list the house for sale?

A: Not that I recall.

Q: Why not?

A: *We just left it up to him. After all, he was the executioner.*

Similarly, Nelda F. Williams, formerly of Abilene, submitted this nugget where a local police officer seems to have adopted a very literal interpretation of his job assignment.

Q: How are you employed, sir?

A: With the Abilene Police Department as a patrolman.

Q: [on the night in question] Did you receive a call?

A: Yes, sir, I did.

Q: Where did you go?

A: 2165 Texas Lane ... *I was instructed by my sergeant ... to assist in the shooting of a person that lived at that residence.*

DUCK, DUCK, GOOSE DEAD

Dallas paralegal Lindi Massey's submission addresses the fate of a taxidermied fowl in a divorce jury trial. Her firm represented the husband whose prized stuffed goose may have had its *right* wing damaged by his soon-to-be ex-wife.

As Ms. Massey's supervising attorney marked said goose with an exhibit tag, its *left* wing dropped to the floor followed by a steady rain of feathers. The poor *bird's* head bobbed up and down as it silently beseeched the jury (now in hysterics).

The quick-witted proffering attorney

sought to enter the severed left wing as a separate exhibit, but the court had to be adjourned due to a case of the giggles.

Later, this post-trial Motion to Withdraw Exhibits was filed.

... final judgment has been entered ... no necessity for the exhibits ... to remain with the court ... several of the exhibits are items of personal and sentimental value. ...

More particularly, there was offered and admitted into evidence *various and sundry parts* of what is known as the proverbial "goose that laid the golden egg." *Of course, said golden egg goose had already been killed prior to receipt by the court* along with its right wing, which was also offered at the same time.

In addition, *also marked as an exhibit* was the left wing, which fell from the body of "the goose" during the marking of the exhibits. The dismemberment of the second wing caused the dead goose to be of no further use to the court or to the respondent (wife) since the golden egg goose had already been killed and alternatively, even had it not been, a goose without wings cannot fly.

LET THE DICE FALL WHERE THEY MAY

More from the indefatigable Etta Davidson of Houston. This is from a personal injury case, and I'm sure we can all agree that they just don't make defense lawyers like this anymore.

Q: (to the deposition witness): ... Can you hear me? I'm getting old and lazy and I don't want to get up and move down to the other end of the table.

W: Yes, sir, I can hear you.

Q: ... I'm here on behalf of my client, the name of which is Sears, Roebuck & Company. Have you ever heard of that outfit?

W: Yes, sir. *They used to run a dice game. ...*

Q: ... What did you say about a dice game?

(Discussion among the attorneys.)
[I bet there was!]

W: A dice game.

Q: Yeah? Where was it, I'd like to go. (Go or know, undecipherable.)

W: And the old boy would have a point shooting at. It would be 10. And they call that Sears and Roebuck. He'd shake the dice and roll them out there and say Sears and Roebuck. Sears is the store and Roebuck is the [darn fool] who works there.

Q: ... May I say to you, sir, *that to hear that made it worthwhile to come down here and listen to all this other hot air that these lawyers have been throwing around. That made the whole trip worthwhile.* ... I'm going to try that next time I go to a gambling place.

W: *Let me tell you one more.*

Q: Please do.

W: Have you ever been shooting dice and called a 6?

Q: ... Yeah, I have. How do you make a 6?

W: I guess I can't say it [in polite company]. ...

(More discussion among the attorneys.)

W: I can write it on a paper and give it to you [after the deposition]. ...

Q: Will you agree to do that?

W: I'm going to tell you *because you need to know that.*

Q: *I do.* If you'll tell me that and about the Sears, Roebuck, and how to make a good show, *I'll get rich gambling and quit the law business, which I've been wanting to do for a long time.* **TBJ**

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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.