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# Et Cetera: May the Force Be With You

BY **PAMELA BUCHMEYER**

A long time ago, in a galaxy not-so-far away called Dallas, my father, the late Judge Jerry L. Buchmeyer, took me to see the first Star Wars movie. He loved it, of course, claiming that it continued the adventures of his boyhood hero, Flash Gordon. “Although Darth Vader could never be even half-as-evil as Ming the Merciless.” Dad left me his autographed photo of the actor Buster Crabbe wearing a space suit. But is he Flash Gordon or Buck Rogers? I can’t tell because, confusingly enough, the man played both parts. These are the times when I really miss my father.

I’ve also got Dad’s old et cetera files, the humor column that he wrote for 28 years for the *Texas Bar Journal*. Here are a few escapades, not previously published, for your enjoyment. And as Dad would say, “May the force of humor be with you.”

Explanatory notes and commentary have been 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.

## BUT DO MARTIANS BELIEVE IN LAWYERS?

A. Peter Thaddeus Jr. of McAllen had a star witness whose testimony was practically guaranteed to win the case. That is, until disaster struck like an asteroid hurtling down from outer space. Here’s what happened on cross.

Q: ... Oh, you’re concerned about people coming in with arms and taking over. ...

W: Anything’s possible, sir.

Q: Well, it’s possible that I could walk out this door and be captured by Martians and beamed up to some spaceship. But—Mr. Thaddeus [*wisely*]: I’ll object. ...

[Discussion among the lawyers and then the depo continues.]

W: *I do believe in Martians.*

Q: *Do you? Have you ever spent any time with any Martians?*

[Sound of Mr. Thaddeus’s case collapsing.]



## OLD WHAT’S HIS NAME ATTORNEY-AT-LAW

Michael R. Ross of Houston recalls a deposition when another lawyer did not appear. Apparently, that lawyer didn’t need to show up because Old What’s His Name soon got his client, The Whatever Company, successfully dismissed from the case.

Court Reporter: ... Are there any attorneys of record not present?

Attorney No. 1: Yeah.

Attorney No. 2: Yeah.

Attorney No. 3: Ben Daw—Bill Daw ...

Attorney No. 4: Old What’s His Name.

Ross: Old What’s His Name’s not present.

Attorney No. 4: Put that down. He’ll know who he is.

And he did, too, when I called him. Old What’s His Name, Mr. Willie Ben “Bill” Daw III, is a practitioner in Houston.



### A CASE OF MISTAKEN IDENTITY

I had a delightful conversation recently with Judge Michael “Mike” J. Nelson of Belton about the following true story, an incident that lives on in the annals of local courthouse lore. Originally submitted by former Bell County Attorney Richard J. Miller, Judge Nelson reports that he still finds the whole thing highly amusing. In a divorce hearing in Gatesville, when then-attorney Mike Nelson, an African-American gentleman, stood up to announce “ready,” the court reporter had a most unusual reaction.

Court Reporter: Black Mike! Black Mike!  
 Mr. Nelson: Yes, I am Mike and I am black.  
 Court Reporter: No, no, I meant speak into the *black microphone!*

Judge Nelson says the court reporter was absolutely mortified! And she was a lovely woman whom he enjoyed knowing for many years to come.

### A CASE OF MISTAKEN PATERNITY

Also from Judge Michael J. Nelson and on the same theme. From his days as a legal aid attorney in Bell County, a woman testified thusly in a suit brought by the state to collect delinquent child support.

Q: Ma’am, can you please tell us, who’s the father of your child?

W: Why, yes, I can. He’s the Attorney General.

Q: Jim Mattox? The Attorney General of the State of Texas, he’s the father of your baby?

W: Oh. Well, I thought you were talking about *who’s my attorney.* [Whew!]

### I GUESS EVERYBODY HAS A BAD APPLE

Litigants who harbor no ill feelings? A pro se plaintiff who sued his employer for racial discrimination only to be welcomed back to work with open arms? Impossible! And yet, Joseph Galagaza of Houston saw it happen in this strange-but-true tale. His client was a large industrial baker, and Joe had expected a slam dunk at the plaintiff’s deposition. After all, the plaintiff had prior felony convictions which he’d concealed during his initial hiring. But the man proved to be an “honest thief” with his own unique kind of charm.



A: ... *I used to have a thing about stealing cars, what every kid go through.* Now I got too many cars. I got six. ... But ... when I was a teenager, I had a thing about stealing cars and loved to do it. *I guess everybody have a bad apple.*

... I could not pass up a pretty car, but never would steal from an individual. Had to be brand new, off the lot. *I’m being honest.* ...

The pro se plaintiff intuitively argued a statute of limitations defense about those priors.

A: ... But you should have caught it then if you wanted to. ... They were trying to bring it back on me, it was too late. This man been here 13, 14 years. Why didn’t you caught it back then?

And here’s another clue about the unusual affection in this case between plaintiff and defendant: the man’s description of his work.

A: ... [The employer] had people coming off the street. ... *There’s like a hundred and—they hired nine of us.* I was a good worker. It would be like 110 degrees downstairs with the pans, heat on top of it, and *out of all nine of us I’m the only one stayed.* They had people passing out. ... That’s how hot it got in there. ... I was the only one stayed. Take my shirt off and just wring it off. More than 16 hours ... *I’m just a pan shaker.* And that’s what I wanted to do, and I always said, “When I ever get that job, I’m going to keep it. ...”

And he did, too. Moral of the story: an employee that good, you don’t let go simply because the man happened to sue you. **TBJ**



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