



THE COURTROOM IS HIS LIVING ROOM

Since he left the district attorney's office in 1990 to enter into private practice, **Rusty Hardin** has had an uncanny knack for getting involved in high-profile cases. He has represented Roger Clemens, Victoria Osteen, and Warren Moon. Whether a case makes the front page of the *Houston Chronicle* or is a more "typical" case that lacks such headline-grabbing potential, the way in which Hardin approaches every lawsuit on his docket has been shaped by the lessons he learned as a prosecutor. Everything about Hardin — his reluctance to take much discovery, his manner of questioning, his calculated risks at trial, and even his wardrobe — reflects his experience in the DA's office and his singular focus on making sure that jurors feel at ease and trust him.



Former Harris County prosecutor Rusty Hardin says the goal is to make jurors feel comfortable.

Hardin started his career in the Harris County District Attorney's Office in 1975, shortly after earning his law degree from Southern Methodist University. During his 15 years prosecuting cases, Hardin never lost a single one of his 100-plus felony jury trials, and tried 14 death penalty cases. In 1989, shortly before he moved to private practice, Hardin was named Texas Prosecutor of the Year.

Today, Hardin heads a team of 10 lawyers at Rusty Hardin & Associates, P.C. The practice is varied: While the majority of the practice is civil, the docket contains about 15 percent criminal defense work. "We are all over the ballpark representing people and institutions that have a problem in civil and criminal courts," Hardin explains.

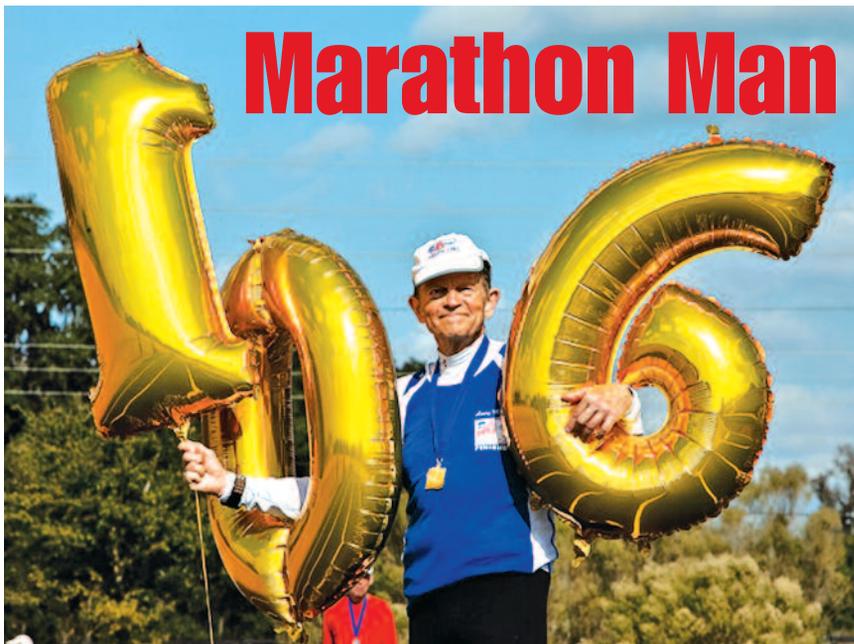
When Hardin describes his trial strategies, he refers to the "living room" as often as he does the courtroom. His goal is for jurors to feel as if they were guests in his living

room, enjoying a relaxed, unforced conversation instead of enduring an orchestrated, formal proceeding. As he sees it, Hardin's job as a trial lawyer is to inform, then persuade, a group of strangers. At all times, the lawyer's focus should be on giving the jurors information they will want as they decide a case. Hardin wants the jury to conclude that he has been fair to them, fair to the witnesses, and fair to the other side.

The goal to make jurors as comfortable as they would be in a living room affects not only Hardin's approach to voir dire and cross-examination — it even has had an impact on what is hanging in his closet. Hardin has developed a reputation as a flashy dresser, and is usually seen in pastel hues and light-colored suits. His wardrobe is not simply a product of personal taste, but represents yet another effort to engage with jurors. In the DA's office, Hardin wanted to fight against the perception of conservative government lawyers with dark gray suits and close-cropped haircuts — hardly the type of person who would make a juror feel at ease. He asked himself, "If my goal is to make jurors feel as comfortable as if they were in a living room, why would I wear the kind of dark suits that most people only wear to formal events like funerals and weddings?" So, in an effort to foster a more relaxed setting, he started wearing light-colored clothes to the "living room," and the rest is history.

He did not realize just how far his reputation for colorful suits had spread: Recently, a Washington, D.C. courthouse employee in a light-colored suit recognized Hardin and called out to him, "Hey, look, I'm wearing my Rusty Hardin suit today!" ✪

This article is excerpted from a longer article written by **Geoff Gannaway**, a partner in Beck, Redden, Secrest, L.L.P. in Houston and editor of the State Bar Litigation Section's *News for the Bar* e-newsletter. The article was originally published in the Fall 2010 issue of *News for the Bar*. Past editions of the newsletter are available on the Internet (www.litigationsection.com/news_for_the_bar).



San Antonio lawyer Larry Macon holds the world record for most marathons run in a single year.

In 2009, I goofed off,” says San Antonio lawyer and runner **Larry Macon**. “I only ran 94 marathons.” In 2010, Macon got serious. On his 66th birthday, he competed in his 106th marathon of the year, breaking his own world record for most marathons run in a single year.

“Running marathons is a lot of fun,” says Macon. “It’s a personal challenge to see how you deal with pain. And it’s great therapy.” Macon began running about 12 years ago. “I was with a bunch of lawyers talking about our weekends and I just blurted out, ‘I’m training for a marathon.’ And then people said, ‘Oh, we’ll have a party for you when you finish.’ — and then I was trapped.”

After racing his first 26.2 miles, Macon had found his passion. “I started with one a year, then two, and then just started to pick up the pace a little,” he says. In this case, “picking up the pace a little” meant running two marathons the next year, then 30, then 50, then 79, and then 93. “After I ran 93, I contacted Guinness. An Italian woman had once run 100 marathons in a year,” Macon says. “I’d never been injured or anything, so I thought, ‘I could do that.’”

And he did. Macon ran 105

marathons in 2008. In 2010, power walker Yolanda Holder contacted Macon about breaking his world record together. After eight marathons in eight days, they crossed the finish line side-by-side at the Savage Seven Marathon in Las Vegas, Nev.

For Macon, the hardest part is the travel. He is a 12-time member of the “50 States Club,” a group for runners that have completed a race in every state. He travels almost every week, once going from California to Vermont back to California in a single weekend. A partner in Akin, Gump, Strauss, Hauer & Feld, L.L.P., he works late most weeknights and has even taken a conference call during the Boston marathon.

Macon, who has run more than 700 marathons in total, says the most rewarding part of running is the people he meets. “Runners are unquestionably the most optimistic people in the world,” he says. “You’d have to be crazy to run that much. No sane person would do it.” However, Macon can’t answer the question that’s on everyone’s mind: What will he do next year? “I take it as it comes,” he says. “It’s a lot of fun. It’s my passion.” ❖

TEXAS PEOPLE

Bob L. Craig, a senior partner in Craig, Terrill, Hale & Grantham, L.L.P. in Lubbock, was elected vice chair of the Texas State Board of Education. The agency is an elected 15-member board charged with overseeing the public education system of Texas in accordance with the Texas Education Code.



Sonya D. Hoskins, a co-founder and partner in Robinson & Hoskins, L.L.P. in Dallas, was presented the C.B. Bunkley Community Service Award by the J.L. Turner Legal Association in recognition of her many years of service and contribution to the legal profession. She was also elected first vice chair of the Dallas Black Chamber of Commerce.



Barbara Scharf-Zeldes, who serves as in-house counsel to San Antonio police officers and firefighters, was named the first female chair of the board of the San Antonio Lighthouse for the Blind (SALB). Scharf-Zeldes has been a member of the SALB board since March 2007 and has served as chair and vice chair of the Committee on Directors.



Bridget Fuselier, associate professor of law at Baylor Law School, received the inaugural Section Award presented by the Real Property, Trust and Estate Law Section of the American Bar Association for her article “Pre-embryos in Probate: Property, Person or Something Else?” The article appeared in the September issue of *Probate & Property*. An excerpted version appears on page 224.

