

# The Judge's Daughter: Thank Goodness That's Not My Case!

BY PAMELA BUCHMEYER

*Thank goodness that's not my case!* Do you remember the first time you said that? I do. It was a \$2 attempted theft case—not even a successful criminal. And I wasn't the lawyer, I was the victim. I'd been feeling a bit stir crazy at home on maternity leave so I made the dubious decision to cart my newborn downtown to meet the courthouse crew for happy hour. Did I mention it was raining? And I was bare-legged in shorts, wrestling with an umbrella, diaper bag, child carrier, and purse when a disheveled looking fellow demanded that I give him \$2 cash for parking.

"No," I said. "Absolutely not." I knew the scam. This was after-hours parking, and the fellow didn't really work for the parking lot. If I gave him my only cash instead of shoving it into a numbered slot on a payment box, my car would get towed. I couldn't dare risk it. The guy reacted badly and when I saw a passing patrol car, I quickly waved it down.

The officers raced to assist, only they were transit police and had no jurisdiction over the parking lot. They summoned backup. Two more police cars arrived with full lights and sirens. From the back seat of a black and white with my baby on my lap, I watched as my friends traipsed past me intent on devouring chips and guacamole.

"Ma'am, we're going to need you to press charges," one officer said.

"No," I said. "Absolutely not." I knew the routine. Some poor innocent lawyer like myself would get appointed to defend the guy on a \$2 crime. I declined to prosecute with the phrase rolling around my head, *thank goodness that's not my \$2 case!*

On a more serious note, thank goodness, too, that my Florida home was spared any serious hurricane damage. So many other folks in Texas and Florida were not so fortunate. I know that you join me with thoughts and prayers and charitable donations for disaster victims.

I am also deeply grateful this November for the opportunity to carry on the tradition of my late father, Judge Jerry L. Buchmeyer, who for 28 years wrote a humor column for the *Texas Bar Journal*. Please feel free to contact me at [pambuchmeyer@gmail.com](mailto:pambuchmeyer@gmail.com).

## 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.*

### Thank goodness for my health

Beware the wills and estate practice—it might be hazardous to your health! Mailed in by Marcus E. Faubion Jr., of Houston, a contested hearing in probate court where Marcus was called upon to question the daughter of the decedent about her late father.

Attorney: What did he die of?

Witness: *Probate cancer.*

(Long pause)

Attorney (hopefully): Prostate?

### Grateful this wasn't my offspring

Brazos County has no shortage of good parents. I know this despite having read the following excerpt sent in by Norbert C. "Norb" Mahnke, of Bryan. From a pre-sentencing exchange between a judge and a defendant.

Judge: You 25 years old still?

Defendant: Yes, sir.

Judge: And are you married or single?

Defendant: Single.

Judge: *Live with a woman?*

Defendant: *No.*

Judge: *Who do you live with?*

Defendant: *My mother.*

No wonder the poor lad was in a huge heap of trouble.

### Grateful for the *hole* truth

James Michael "Mike" Morrison, of Frisco, reminds us that lawyers are indeed different from police officers. Lawyers focus on chicken fried steak and lunchtime, rather than tasty bakery treats and breakfast. For the record, the attorney below did agree to having his name published, *I just didn't have the stomach for it.* From an adversary proceeding in bankruptcy court in Sherman:



Attorney: Were you ever involved in sales before then?

Witness: Broadcast advertising.

Attorney: Any other type of sales?

Witness: Fuller brush, doughnuts.

Attorney: *What do you mean by "doughnuts"?*

Witness: Little things that you eat in the morning with a hole in the middle....

Attorney (undaunted): *Where did you sell those?*

Witness: At a doughnut shop.

Attorney (leaving no stone unturned): How old were you then?

Witness: ...Fourteen maybe.

Attorney: How old are you now?

Witness: Thirty-eight.

Proving once again that one should never take a deposition when hungry.

Mary Belle Rogers of Fayette County also had a run-in with a *tasty doughnut analogy in court*. Mary Belle's client, a teenage girl, was testifying in a will contest involving her grandmother's estate. The girl was an heir as well as her 40-year-old cousin who sought to be appointed temporary administrator. The older cousin had also accused the teenager of having unduly influenced the elderly testator. The questioning attorney hoped to intimidate and confuse the young witness, in Mary Belle's opinion, a tactic which ultimately failed.

Attorney: Now, young lady, why in the world would you have any objection to Mr. Smith being in charge while this matter is before the court?

Witness (pauses to think): Well, sir, if you had two little children arguing over one doughnut, you wouldn't give the doughnut to one of them to hold while you left the room to get a knife to cut it in half? Would you?

Attorney (stunned silence):

Whereupon Mary Belle could be heard muttering under her breath, "out of the mouth of babes." Give that witness a cruller, a bear claw, or a chocolate éclair—whatever she wants!

### Poetic Justice and the case of Old Bingo

And finally, I am grateful for the holiday spirit of Frank M. "Brick" Mason, of Longview, who sends us a truly remarkable *rhyming* motion that was originally filed in Rusk County and penned by William K. Gleason, a former district attorney of Marion County who is now retired and living in Jefferson. The plaintiff was hosting a backyard poolside cookout when the defendant rode up on his horse Bingo and the horse insisted on joining the party by making a big splash. Who says lawyers can't wax poetic?



*Plaintiff's Motion for Summary Judgment*  
(factual background)

It weren't quite Christmas two years ago  
There weren't any ice, weren't any snow  
Defendant was checkin' the weather outside  
Put a bridle on "Bingo" and went for a ride.

Old Bingo (now dead) was a 'tankerous horse  
Headstrong and heavy and horeshoed of course  
He'd bite at the bridle and bay at the moon  
And he'd soon be treadin' some water fore noon

Defendant and others, both cowgirl and male  
Belonged to a club that rode on the trail  
They'd drink in the glory of nature so dear  
And drink in the sunshine and six packs of beer

Now defendant knew plaintiff, not friends but acquaints  
They weren't neither sinners but nor were they saints  
And defendant kicked Bingo up through the backyard  
With no malice aforethought but to say "howdy pard."

Plaintiff was doin' some burgers out back  
To stave off the chill and a big mac attack  
When out of the shadows defendant rode in slow  
Like a chubby Clint Eastwood astride old Bingo.

Plaintiff flipped patties and thought "what the heck"  
As defendant loped Bingo up onto the deck  
Of concrete, quite slippery surrounding the pool  
And thought either horse or the rider's a fool.

Then quick as a gunfight with thunder and fire  
As quick as a S.O.S. sent out by wire  
As quick as a kid turns a bedroom to trash  
Old Bingo decided to go for a splash.

With poor rider, defendant, hanging on for dear life  
Bingo did a gainer, swan dive and jackknife  
Finished off with a ripple before he went in  
Difficulty ranked seven, but form got a ten.

The plaintiff stood helpless, his burgers ablaze  
While defendant and Bingo were trapped in the maze  
For logic and horse sense could certainly shout  
That it was easier for Bingo to get in than get out.

So horseshoes were slashin' and runnin' amuck  
The pool looked like it was hit by a truck  
While defendant was choking and gaspin' for air  
Knowin' St. Nicholas wouldn't soon be there.

Now the damage is done and plaintiff seeks relief  
For his pool and his pride and his burgers and grief  
And the torment he's suffered cause a trespassin' fool  
Rode a darned buckin' bronco smack dab in his pool. **TBJ**



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