



TADC *e-Update*
The Texas Association of Defense Counsel, Inc.

TADC E-Update

December 11, 2009

The TADC began its 50th year of service to the civil justice system with the first meeting of the 2009-2010 Board of Directors in mid-November in McKinney. President Greg W. Curry, with Thompson & Knight LLP, called the meeting to order.

The TADC continues to be actively involved in the administration of justice through its Amicus Curiae Committee. The committee, chaired by Roger W. Hughes with Adams & Graham, L.L.P., has been extremely active in the past year, authoring numerous briefs on behalf of the TADC. In the past quarter, the committee has authored four briefs and has authorized the submission of a fifth.

TADC President Elect, Keith O'Connell with O'Connell & Benjamin, L.L.P. represents the Association as a member of the Supreme Court Equal Access to Civil Justice Task Force. The TADC has participated in pro bono activities for the past several years with the Houston Bar Association and Corporate Counsel groups and has plans to continue these activities in other cities around Texas in the coming year. A "plan of action" has been submitted to the Task Force outlining the Association's commitment to the goals of the committee.

The TADC will have numerous seminars and programs in 2010 beginning with the Winter Seminar in late January at the Vail Cascade Resort in Vail, Colorado, and culminating with the 2010 Annual Meeting and 50th Anniversary Celebration in late September at the Hyatt Hill Country Resort in San Antonio. President Curry has appointed a special 50th Anniversary Committee comprised of longtime members and Past Presidents and chaired by Executive Vice President Thomas E. Ganucheau with Beck, Redden & Secrest, L.L.P. The committee has been working on programming and special events for the Annual Meeting, including tag lines, slogans and special publications.

REMINDER - Register Now For the

2010 TADC WINTER SEMINAR

January 27-31, 2010 - Vail Cascade Resort & Spa - Vail, Colorado

Don't miss this Great Seminar *(program link below)*

TADC'S GROUP HOTEL RATE IS TRULY AMAZING - SKI-IN/SKI-OUT AT THE CASCADE AND AIRFARES ARE INCREDIBLY LOW RIGHT NOW!

A 9.0 hr (with 2.25 hrs ethics) CLE Program featuring such topics as:

"Trial Tactics: Creating Your Own Champagne Powder"

"Thar's Gold In Them Thar Hills: Obtaining Information From Corporate Employees"

"Navigating Black Diamonds: Expert Challenges"

"Are You Smarter Than The Average Coverage Lawyer?"

And many more!

Vail, Colorado is an amazing destination with winter events and activities for individuals, couples and families!

[CLICK HERE](#) for registration. Sign up today, space is filling fast!

A complete listing of 2010 meetings and seminars is below. Please make flight arrangements now to take advantage of low airfares.

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| January 15-16, 2010 | TADC Board Of Directors Meeting Elegante Hotel – Beaumont, Texas |
| January 27-31, 2010 | TADC Winter Seminar Vail Cascade Resort – Vail, Colorado Gayla Corley & Troy Glander, Co-Chairs |
| April 23-24, 2010 | TADC Trial Academy Galveston Courthouse/San Luis Hotel Fred Raschke, Chair |
| April 28-May 2, 2010 | TADC Spring Meeting Hotel Del Coronado – San Diego, California Carol Traylor & Greg Blaies, Co-Chairs |
| July 14-18, 2010 | TADC Summer Seminar Westin Los Cabos – Cabo San Lucas, Mexico Patricia Alvarez & Ed Carlton, Co-Chairs |
| August 6-7, 2010 | Budget/Nominating Committee Hyatt Regency on Lake Lady Bird - Austin |
| September 22-26, 2010 | TADC Annual Meeting (50th Anniversary of TADC) Hyatt Hill Country Resort – San Antonio, Texas |

POLITICAL

With election season in full swing, the TADC PAC anticipates being active in a number of key races in 2010. The field of candidates, especially for open Supreme Court seats, is extremely crowded and unless a compelling reason presents itself, most Associations, TADC included, will likely wait until after the March Primaries to participate, when the field for most races is less crowded. The TADC PAC has seen great successes in past election cycles and has worked, with positive results, to help elect and retain in office, qualified candidates for the Texas Legislature and Texas Supreme Court.

All eyes in Austin are fixed on the March 2, 2010 primary election. By the time it's over, the heavyweight bout between Governor Rick Perry and Senator Kay Bailey Hutchison will be far and away the most expensive primary in Texas history. Each side is likely to spend upwards of \$20 million in the race, leaving other candidates scrambling for what few crumbs escape the gubernatorial maw.

As of today, most polls give Governor Perry a five or six point lead, although one poll (Rasmussen) gives the Senator a narrow advantage. All polls show both candidates with very high positives with Republican voters (over 70%) and only about 15-18% are undecided at this point. Perry is particularly strong on the Gulf Coast, in Houston and surrounding suburbs, and along the border; Hutchison runs best in the western Metroplex (Fort Worth and environs) and is relatively even with the incumbent elsewhere. If current trends hold, Perry's strong lead in Houston should be enough to deliver a victory in March, especially if the social conservatives that make up the GOP base stay with the Governor. Hutchison, although she is working hard to appeal to the conservatives as well, is hoping for a higher than usual turnout in the primary, with the possibility of drawing Independents and some crossover Democrats. One thing is clear: the gloves are off, and this race is shaping up to be the bitterest Republican primary since the party's resurgence in the late 1980s.

With all the attention on the Republicans, it's easy to overlook the fact that a pair of Democrats is also squaring off for the privilege of being a heavy underdog in November. Bill White, soon to be former Mayor of Houston, will face Houston businessman Farouk Shami in the Democratic primary for Governor. White is a formidable candidate in terms of experience and financial resources; Shami plans to spend \$10 million of his own money in the race. At this point, White is a prohibitive favorite in the primary and will make a serious general election candidate against either Republican candidate. The only other Democratic candidates who have actually filed for a place on the ballot at this point are Barbara Radnofsky, a Houston attorney who is running for Attorney General, and Hank Gilbert, a rancher who is making a second campaign for Commissioner of Agriculture.

LEGISLATIVE

Legislatively, Interim Charges have been released by the Speaker's office for House Committees and the Lieutenant Governor has not yet released charges for the Senate. The TADC Legislative Committee under Vice Presidents Mike Hendryx with Strong, Pipkin, Bissell & Ledyard, L.L.P. and Michele Smith with Mehaffy Weber is ready to provide both written and oral testimony around the state before any committee and on any charge relevant to the civil justice system.

In the House, the Judiciary and Civil Jurisprudence Committee, chaired by Rep. Todd Hunter (R-Corpus Christi), received the following charges:

1. Study current barratry laws in Texas and make recommendations as to their adequacy in protecting citizens from unscrupulous behavior.
2. Study and make recommendations regarding the use of arbitration in Texas and the effect such practices have on state jurisprudence.
3. Review the burden of proof and damage calculation models for certain causes of action to determine appropriate applicability in Texas law.***
4. Study and report on third-party liability issues involving workers' compensation, including the frequency and success rates of third-party litigation, the relationship, if any, between third-party litigation and jobsite safety, the adequacy of compensation and reimbursement to workers, and the economic costs of third-party litigation and equitable and contractual subrogation in construction activities. Joint Interim Charge with House Committee on Business and Industry.
5. Study the human and sex trafficking problem in Texas. Make recommendations on best practices in the areas of investigation, prosecution, and tracking of the victims of these crimes. Study whether victims of these crimes are allowed to adequately recover from their attackers in a civil cause of action. Joint Interim Charge with House Committee on Criminal Jurisprudence.
6. Review the Texas campaign finance law in judicial races in light of the recent United States Supreme Court decision *Caperton v. Massey*. Joint Interim Charge with House Committee on Elections.
7. Monitor the agencies and programs under the committee's jurisdiction.

***We understand that this charge covers at least three topics: causation in mesothelioma asbestos cases, paid or incurred, and liability for the treatment of Lyme's disease.

MEMBERSHIP

The TADC makes membership a priority and is focused on new members, as well as retention of existing members. The Membership Committee is chaired by Jackie Robinson with Thompson & Knight LLP in Dallas and Pamela Madere with Clark, Thomas & Winters, P.C. in Austin. The extraordinary benefits of being a TADC member are numerous, but include the following:

- The opportunity to connect with other similarly situated defense counsel and creating an environment that encourages networking between counsel to address issues statewide.
- An outstanding expert bank for members that is cost effective, very efficient and substantive.

- Outstanding CLE – Texas law and Texas topics such as how to reorganize your practice after a major, catastrophic event, i.e., hurricane, tornado, flood, etc.
- TADC’s Program Vice Presidents focus on current issues that are relevant and useful for our attorneys’ immediate utilization in their practices.
- TADC maintains close contact with and involves its past presidents as motivators for young attorneys and reminds them of the value of friendships which are made by involvement in TADC.
- TADC offers a \$50.00 incentive to each new member and the person who recruited the new member for use at an upcoming TADC CLE. TADC also provides a discount birthday certificate on each member’s birthday for use at an upcoming TADC CLE.
- Finally, TADC has a vibrant young lawyers’ committee wherein we encourage the participation by young attorneys who are future leaders of the organization and the bar.

Please join us at TADC activities as we celebrate our 50th Anniversary. And please feel free to contact any TADC Board member for any questions or comments.

CORRECTION

By now you all will have received your Fall edition of the TADC Magazine. In the memorials section, it was reported that longtime member Sid H. Davis practiced in Fort Worth. Mr. Davis in fact practiced in Dallas. We apologize for the incorrect information. The corrected memorial is as follows:

Sid H. Davis with the Dallas law firm of Touchstone, Bernays, Johnston, Beall, Smith & Stollenwreck, L.L.P. passed away in an untimely manor due to complications with the swine flu. Mr. Davis had been a TADC member since 1984.