



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

TADC E-Update

January 21, 2010

Your TADC Board of Directors held its first meeting of the year in Beaumont on January 15, 2010. The Association makes a practice of holding its board meetings in different locations around Texas to have the opportunity to dialogue with local members and discuss issues of importance to them and their area. This practice has been wonderfully successful and in fact, the Beaumont membership was invited to attend a function with the board and over 60% attended!

TASK FORCE ON EQUAL ACCESS TO JUSTICE

The TADC continues to actively participate as a member of the Texas Access to Justice Commission Supreme Court Task Force to Expand Legal Services Delivery. The Task Force met in December of 2009 and the TADC was represented by Pamela Madere with Clark, Thomas & Winter, P.C. in Austin. One of the many issues the Task Force is evaluating is the manner in which pro bono hours are reported because strong pro bono participation improves the State Bar's ability to secure funding from the legislature. Currently, the primary method of tracking pro bono hours is by self reporting the hours on the State Bar website. The Task Force is interested in whether groups such as the TADC are able to track pro bono hours by its members. TADC has agreed to help the Task Force with this effort. The TADC will begin distributing a "Pro-Bono Hours Self Reporting" worksheet at all Association functions to assist the Task Force in their mission. The TADC is the first group to put a formal process in place [CLICK HERE](#) for a copy of the reporting form. Please fill in the requested information and return the form to the TADC. It will only take a few minutes and the future benefits will be great.

PROGRAMMING & EVENTS

CLE programming in 2010 begins with the Winter Seminar, January 27-31, at the Vail Cascade Resort in Vail, Colorado. There is still room if your schedule permits you to attend and flights to Denver and Vail are still available. Program Chairs Gayla Corley with Langley & Banack, Inc. and Troy Glander with Davis, Cedillo & Mendoza, both in San Antonio, have put together an outstanding array of speakers for a program containing 9.0 hours of education and over 2.0 hours of ethics. [CLICK HERE](#) for registration materials.

TADC's 28th Annual Trial Academy will be held in Galveston on April 23-24, 2010. Academy Chairs Fred Raschke, with Mills Shirley, L.L.P., in Galveston and Mike Hays, with Hays, McConn, Rice & Pickering, P.C. in Houston are assembling presentation and break-out faculty to rival any program of its kind in the state. The Trial Academy is an *excellent opportunity* for 1-6 year lawyers to gain powerful skills in courtroom advocacy and an inexpensive alternative to many other programs.

Staffed by seasoned trial attorneys who act as instructors, this intense two-day program offers instruction in Cross & Direct Examination of witnesses, Voir Dire, and Opening & Closing Statements, all in a courtroom setting.

A young attorney *can earn nearly 1 full year of CLE* at a very reasonable registration fee and the program is outstanding. This year's problem is commercial in nature. Registration materials will be mailed in early February but are available now by **CLICKING HERE**. Be sure to register early, space is extremely limited and registration is on a "first come, first served" basis.

The TADC 2010 Spring Meeting will be held at the fabulous Hotel del Coronado in San Diego, April 28-May 2. Chairs Carol Traylor, with Cantey & Hanger, L.L.P. and Greg Blaies with Blaies & Hightower, L.L.P. in Fort Worth offer a program with over 11 hours of education. Registration materials will be mailed in mid-February.

A complete listing of 2010 meetings and seminars is below. SPECIAL NOTE: Make your flight arrangements now to take advantage of low airfares.

Southwest Airlines is currently running an amazing special on airfares to Denver and San Diego. Fares are tracking as low as \$180.00 from select cities. BOOK NOW while the rates are LOW.



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 – Galveston, Texas
Fred Raschke & Mike Hays, Co-Chairs

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, Texas
- September 22-26, 2010 **TADC Annual Meeting (50th Anniversary of TADC)**
Hyatt Hill Country Resort – San Antonio, Texas
Christy Amuny & Jane Haas, Co-Chairs

LEGISLATIVE/RULES & POLITICS

The Texas Rules of Disciplinary Procedure have recently undergone a massive review and a proposal with suggested changes has been sent to the Supreme Court for consideration. Statewide bar groups and legal associations were urged to comment on the proposed changes. TADC President Greg Curry appointed Luke Ashley with Thompson & Knight, L.L.P. in Dallas to formulate the TADC response. On December 31, 2009, TADC's comments were hand-delivered to the Supreme Court Rules Attorney Kennon Peterson. To see a copy of the proposed changes to the disciplinary rules, [CLICK HERE](#). To see TADC's response and comment on the proposed changes, [CLICK HERE](#).

We reported in early December that Interim Charges had been released by the Speaker's office for House Committees. The TADC Legislative Committee, under Vice Presidents Mike Hendryx with Strong, Pipkin, Bissell & Ledyard, L.L.P. and Michele Smith with Mehaffy Weber, P.C. is working to provide both written and oral testimony around the state before any committee and on any charge relevant to the civil justice system.

As it currently stands, the committee with the most charges that would affect the civil justice system are in front of the House Committee on the Judiciary and Civil Jurisprudence, chaired by Rep. Todd Hunter (R-Corpus Christi). This Committee will begin a series of monthly meetings next week on a variety of issues of interest. The initial hearing on January 27 is devoted to arbitration, and TADC Vice President K.B. Battaglini, with Greenberg Traurig, L.L.P. in Houston has been invited to testify on behalf of the Association, along with representatives of the plaintiff's bar, arbitration industry, consumer groups, and business community. Future hearings will include paid and incurred in March, mesothelioma in April, and judicial campaign finance issues after that. The committee will also meet jointly with the House Business and Industry Committee on workers' compensation issues, but those meetings have yet to be scheduled.

The TADC Legislative Committee is busy reviewing all the charges of the committee and preparing analyses for use by the legislature. The latest analysis prepared by TADC discusses Committee Charge #6, a review of 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. TADC East Texas Vice President Don Kent, with Kent, Good,

Anderson & Bush, P.C. in Tyler prepared the analysis on behalf of the TADC. To read TADC's response, [CLICK HERE](#).

The big legislative issues for 2011 will be the budget and redistricting. Several major agencies are also up for sunset review, including the Texas Department of Insurance, Texas Department of Transportation, and Public Utility Commission. The workers' compensation system is also subject to review and will get plenty of attention in the next session.

Politically, recent polling data suggests that the Republican primary for governor is headed for a runoff between Gov. Rick Perry and Senator Kay Bailey Hutchison. Perry has consistently run about 10-12 points ahead of Hutchison in most polls, and the most recent Rasmussen survey confirms that. A third candidate, Debra Medina, has surged in recent weeks and now demonstrates double digit support. While she is not likely to draw more than 12-15% of the vote, her presence in the race could help down-ballot "Tea Party" Republicans in several contested House primaries (there are 17 in all). This could well have consequences for some Republican incumbents in March. On the Senate side, the sudden withdrawal of Sen. Kip Averitt (R-Waco) from his re-election campaign leaves a Republican challenger, insurance broker Darren Yancy, as the only active candidate in the race. Averitt will still appear on the ballot, however, creating the possibility that he could still win the primary and then withdraw from the race again. If that happens, the county chairs in the senatorial district will choose someone else to fill Averitt's ballot position.

With respect to other statewide races, former Houston Mayor Bill White faces a well-funded businessman, Farouk Shami, in the Democratic primary. White is expected to win the primary and will be a formidable candidate in the fall. Down the ballot looks very tough for Democrats, particularly in light of the general nationwide political trends evidenced in Massachusetts and elsewhere. All in all, most observers believe the Republicans will hold the statewide offices and increase their margin in the Texas House of Representatives by a few seats (it's currently 77-73). This should position Speaker Joe Straus very well for re-election as speaker when the House convenes next year.

The TADC will begin scheduling Legislative Luncheons in your local area beginning in the summer of 2010 and continuing into the fall. You will be notified of the date, time and location once scheduling is confirmed.

MEMBERSHIP

REMINDER

*TADC membership dues are due and payable on or before January 1, 2010. If you have not yet done so, please renew your membership in the largest defense organization in the country and the **ONLY** voice of the defense bar in Texas!*

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 L.L.P. 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:

- Business Development: The opportunity to connect with other similarly situated defense counsel and create 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.

[CLICK HERE](#) for a TADC membership and sign up a new member today!

YOUNG LAWYERS COMMITTEE

TADC Young Lawyer Committee Chairman, Greg Binns with Thompson & Knight, L.L.P. in Dallas has reconstituted the committee for 2009-2010. The committee has numerous charges and special projects planned for 2010 including a special newsletter written by young lawyers, for young lawyers. The Young Lawyers Committee provides the perfect opportunity for new attorneys to get experience by working on CLE programs and writing legal articles for publication. The committee will be working with the TADC and local bar groups to set up

events around the state. If you would like to set up a local event, contact the TADC office or the TADC Young Lawyer representative in your area.

If you are a young lawyer and would like to become involved, or if you have a young lawyer in your firm you would like to become involved, contact Greg Binns (Gregory.binns@tklaw.com) or the TADC office.

PAST PRESIDENTS REFLECTION

It has become customary for a TADC Past President to speak to the board on each day of the meeting to reflect on what TADC has meant to them through the years and how the Association has affected their practice and its impact on the civil justice system. Dewey Gonsoulin with Mehaffy Webber, P.C. in Beaumont and TADC President in 1978-79 addressed the board's Friday afternoon session. Mr. Gonsoulin described the legal climate in the mid-seventies and how the TADC made significant strides in involving itself in the political process. He advised that the formation of a PAC and legislative activism was necessary as the Trial Lawyers Association had been doing it effectively for years and the defense bar needed to respond. Mr. Gonsoulin praised the Association for the monumental contributions it has made towards the improvement of the civil justice system through the years.

Fred Raschke with Mills Shirley, L.L.P. in Galveston and TADC President in 2007-08 addressed Saturday's session. Mr. Raschke described the valuable friendships and business contacts he had made through the years and that no matter where business took him around the state, he could always count on a TADC member to help with local legal issues, act as local counsel or simply to provide a conference room for a meeting. He made sure to point out how TADC members were there to help fellow members during times of crisis such as Hurricanes Ike, Rita and Katrina. During his presidency, Mr. Raschke made an effort to travel around the state to meet with TADC members, not only the major metropolitan areas, but the smaller communities as well. He advised that the support for the Association and its mission was overwhelming.

The message delivered by both past presidents was clear: the TADC is an esteemed organization with amazing benefits to the membership, both professionally and personally as well as a true guardian of the civil justice system.