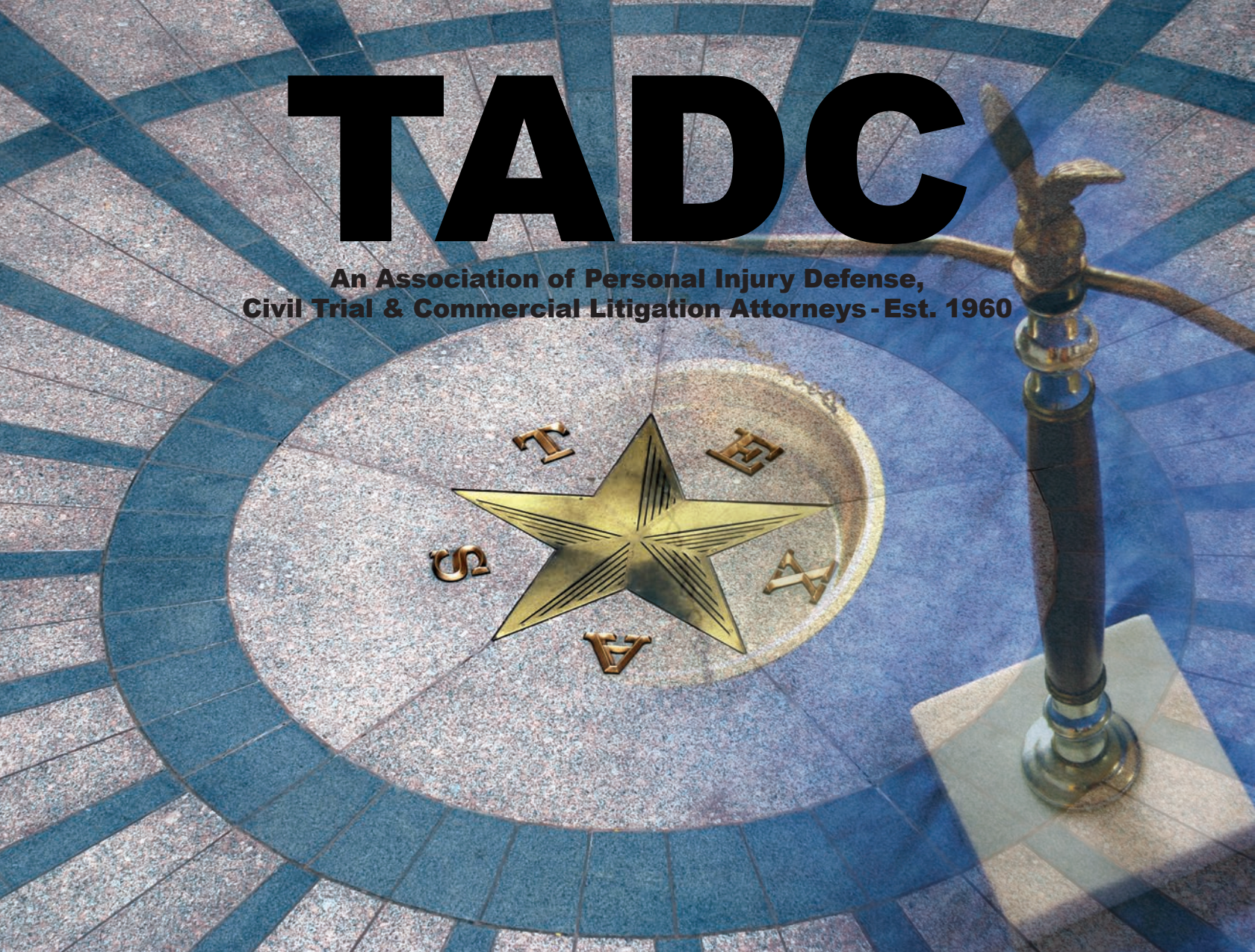


# TADC

**An Association of Personal Injury Defense,  
Civil Trial & Commercial Litigation Attorneys - Est. 1960**



C O M M E M O R A T I V E I S S U E

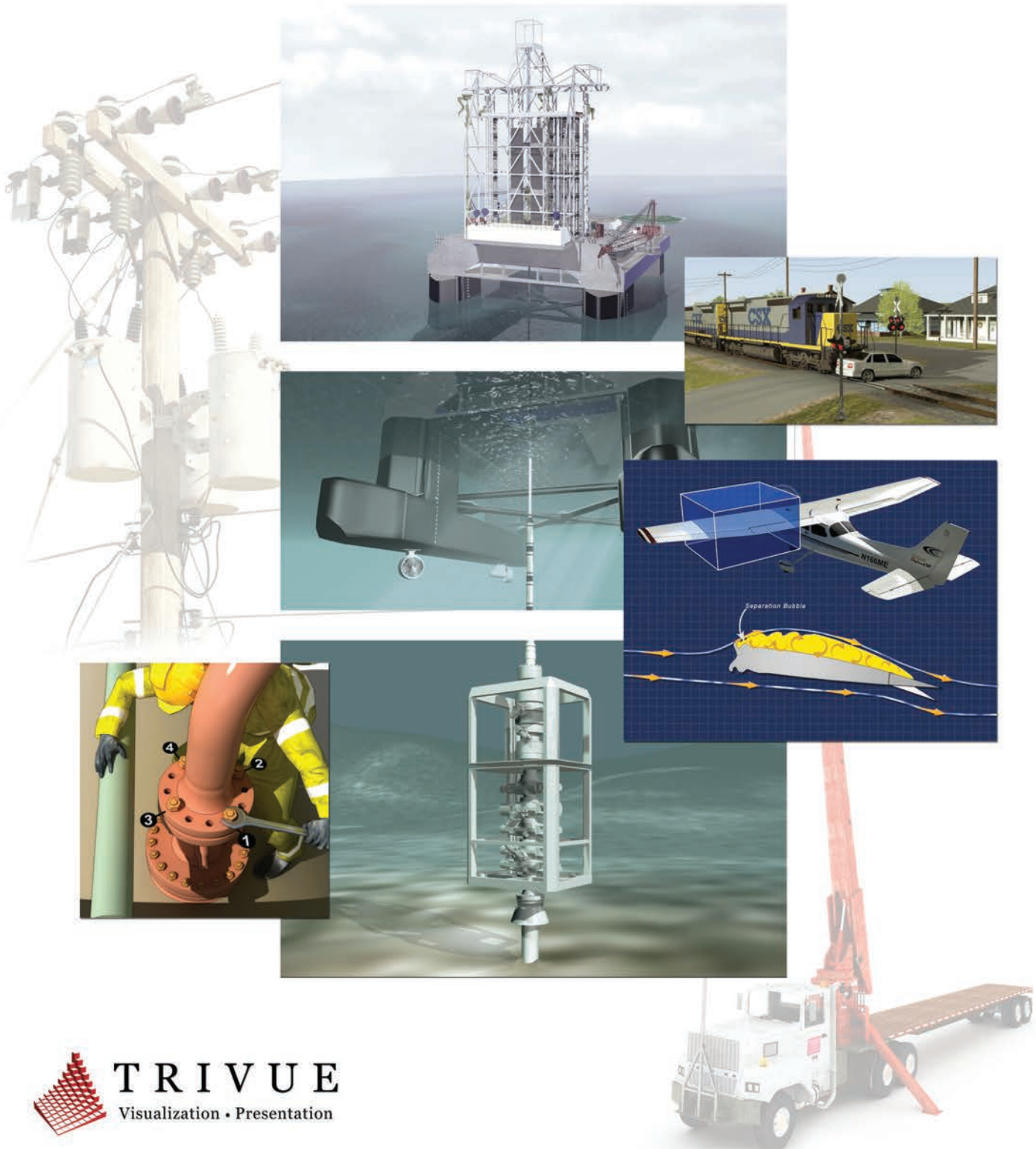




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# *2010 Annual Meeting*

September 22-26, 2010 San Antonio, Texas

## **HONORS TADC'S PAST PRESIDENTS 50th ANNIVERSARY**

Texas Association Of Defense Counsel, Inc.  
1960-2010

1960-61	JOHN C. WILLIAMS, Houston (deceased)
1961-62	J.A. GOOCH, Fort Worth (deceased)
1962-63	JOHN R. FULLINGIM, Amarillo (deceased)
1963-64	PRESTON SHIRLEY, Galveston (deceased)
1964-65	MARK MARTIN, Dallas (deceased)
1965-66	TOM SEALY, Midland (deceased)
1966-67	JAMES C. WATSON, Corpus Christi (deceased)
1967-68	HOWARD G. BARKER, Fort Worth (deceased)
1968-69	W.O. SHAFER, Odessa (deceased)
1969-70	JACK HEBDON, San Antonio
1970-71	JOHN B. DANIEL, JR., Temple (deceased)
1971-72	L.S. CARSEY, Houston (deceased)
1972-73	JOHN M. LAWRENCE III, Bryan
1973-74	CLEVE BACHMAN, Beaumont (deceased)
1974-75	HILTON H. HOWELL, Waco (deceased)
1975-76	WILLIAM R. MOSS, Lubbock (deceased)
1976-77	RICHARD GRAINGER, Tyler
1977-78	WAYNE STURDIVANT, Amarillo (deceased)
1978-79	DEWEY J. GONSOULIN, Beaumont
1979-80	KLEBER C. MILLER, Fort Worth
1980-81	PAUL M. GREEN, San Antonio (deceased)
1981-82	ROYAL H. BRIN, JR., Dallas
1982-83	G. DUFFIELD SMITH, JR., Dallas (deceased)
1983-84	DAVID J. KREAGER, Beaumont (deceased)
1984-85	JOHN T. GOLDEN, Houston
1985-86	JAMES L. GALLAGHER, El Paso
1986-87	J. ROBERT SHEEHY, Waco
1987-88	J. CARLISLE DeHAY, JR., Dallas (deceased)
1988-89	JACK D. MARONEY II, Austin
1989-90	HOWARD WALDROP, Texarkana (deceased)
1990-91	JOHN H. MARKS, JR., Dallas
1991-92	LEWIN PLUNKEIT, San Antonio
1992-93	JAMES H. "BLACKIE" HOLMES III, Dallas
1993-94	JAMES D. "BO" GUESS, San Antonio
1994-95	JOSEPH V. CRAWFORD, Austin
1995-96	RUSSELL B. SERAFIN, Houston
1996-97	JOHN H. MARTIN, Dallas
1997-98	THOMAS C. RINEY, Amarillo
1998-99	PATRICIA J. KERRIGAN, Houston
1999-2000	DAVID M. DAVIS, Austin
2000-2001	E. THOMAS BISHOP, Dallas
2001-2002	D. MICHAEL WALLACH, Fort Worth
2002-2003	ROBERT R. ROBY, Dallas
2003-2004	J. DENNIS CHAMBERS, Texarkana
2004-2005	DAVID E. CHAMBERLAIN, Austin
2005-2006	L. HAYES FULLER III, Waco
2006-2007	JAMES R. OLD, JR., Beaumont
2007-2008	FRED D. RASCHKE, Galveston
2008-2009	TOM HENSON, Tyler

# TEXAS ASSOCIATION OF DEFENSE COUNSEL INC.

400 West 15th Street, Suite 420, Austin, Texas 78701 512/476-5225 Fax 512/476-5384

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TADC Executive Director  
Bobby L. Walden, Austin

TO: TADC MEMBERSHIP

Dear Members,

This book is our way of recognizing and honoring the Past Presidents of the Texas Association of Defense Counsel for their service to the organization, and to recognize the Association itself for 50 years of service to the civil justice system.

We owe a debt of gratitude to those who are Past Presidents of the TADC for providing their talents and giving selflessly of their time in order to lead this Association. The TADC has been nationally acclaimed for its innovative programming, legislative activity and dedication to the preservation of the jury system. What began with a hand-full of defense attorneys in 1960 has grown in 50 years to one of the foremost associations of legal professionals in the United States.

As the TADC prepares for the future, we look to the past for guidance and leadership from our Past Presidents, and we say thank-you for your service and dedication.

The TADC now heads into the next 50 years continuing to represent the defense bar and profession of law with honor and commitment and to continue fighting for the preservation of the civil justice system.

Very truly yours,



Greg W. Curry  
President 2009-2010





## JOHN C. WILLIAMS

Fulbright, Crooker, Freeman,  
Bates & Jaworski;  
Houston, Texas

### FIRST PRESIDENT OF TADC - 1960-1961

TADC's first annual meeting was held in Austin, Texas, September 28-30, 1961. The Chairman was Bill Griffis, Jr. of San Angelo. It was an outstanding success as nearly half of the membership was in attendance, most of whom brought their wives. The address before the student body of the University of Texas School of Law was excellent and very well received. At the Friday luncheon, eight guests were members of the Supreme Court of Texas with several other judges and a number of law school professors from the University present as well. On the recommendation of the Finance Committee, an increase in dues to \$25.00 per annum was to be effective January 1, 1962. It was unanimously approved, as were amendments to Sections 4 and 6, Article VII, of the By-Laws.

## J.A. "TINY" GOOCH

Cantey, Hanger, Gooch,  
Cravens & Scarborough;  
Fort Worth, Texas

### PRESIDENT 1961-1962

TADC Bank Balance on  
March 15, 1962 = \$ 2,541.07



The Mid-Winter Meeting was held in San Antonio, Texas, on March 23, 1962. The minutes of that meeting reflect ...'the next item on the agenda was the discussion of a policy decision of whether or not we should hold ourselves out as an organization within the State Bar of Texas'. However, it was decided that the association should hold itself out as a working group of defense lawyers. It was further decided not to have a TADC newsletter as 'busy trial lawyers had more than they could read now'. Present at this meeting were representatives of Ike Southwestern Insurance Information Service, Inc. It was made clear to these gentlemen by President Gooch that the two organizations were separate and distinct, and that there was a possibility that there would be matters which both would not see eye-to-eye on. It was emphasized that the Texas Association of Defense Counsel was composed of independent practicing attorneys. Tom Sealy, Chairman of the Legislative Committee, made his report. Among other

things, he reported that campaign funds were scarce this year and that small contributions would be more effective than ever before. The need for the election of prudent, conservative legislators sympathetic to the legitimate aims and aspirations of the Texas Association of Defense Counsel was emphasized. The Fall Meeting was held October 4-6, 1962, in Austin.



## JOHN R. FULLINGIM

Simpson, Adkins, Fullingim &  
Hankins; Amarillo, Texas

### PRESIDENT 1962-1963

The Mid-Winter Meeting was held on February 28, 1963, in Corpus Christi, Texas. The Luncheon Speaker was the Honorable Jack Pope, Associate

Justice of the Court of Civil Appeals, San Antonio.

The Third Annual Meeting was held in Dallas, Texas, October 17-19, 1963. The Chairman of that meeting was Eugene Jericho and the registration fee was set at \$35.00. One of the speakers at the 1963 meeting was Mark Martin. His topic was Defective Use of the Legal Effort.

## PRESTON SHIRLEY

McLeod, Mills, Shirley &  
Alexander; Galveston, Texas

### PRESIDENT 1963-1964

The Spring Meeting was held March 5-7, 1964, in Galveston, Texas. Russell Talbot served as Chairman. TADC Membership Report showed that as of December 1963 there were 328 members. Action taken by the membership:

(1) RESOLVED, that in order to maintain the high standards of the judiciary of Texas, the Texas Association of Defense Counsel reaffirms and readopts its prior stated position that it is in favor of judicial pay raises as recommended by the Judicial Section of the State Bar of Texas, and that the Chairman of said Judicial Section be informed of the support of this Association and that the appropriate committee of this Association work with said Judicial Section to accomplish this result.



(2) RESOLVED, that persons who are members of the National Association of Claimants Attorneys or the Texas Association of Plaintiffs Attorneys shall not be eligible for membership in the Texas Association of Defense Counsel.

The following members of the association were present at the Mid-Winter Meeting:

Alexander, Robert W.  
Kreager, David J.  
Bachman, Cleve  
Ladon, Bernard  
Bland, David  
Lawrence III, John M.  
Blanton, Jr., W.N.  
Leonard, Jr., George W.  
Boyd, Douglas  
Lockett, Leslie S.  
Boyland, Herbert  
Martin, Mark  
Brown, C.A.  
McLeod, V.W.  
Brown, M. Hendricks  
Mills, Ballinger  
Bunton, Lucius D.  
Moore, Johnny M.  
Cantey, Jr., Craig C.  
Moss, W.R.  
Carsey, L.S.  
Murry, James  
Chambers, H.D.  
O'Brien, Chilton  
Cobb, Charles L.  
Patterson, W.B.  
Cobb, Howell  
Porter, Craig  
Cox, Bascom  
Ramey, Jr., Tom B.  
Cruse, Sam W.  
Rehmet, Vincent W.  
David, William B.  
Sealy, Tom  
DeHay, Jr., J. Carlisle  
Shafer, W.O.  
Eckel, John  
Sherrod, Jr., Eugene  
Eidman, Knit  
Shirley, Preston  
Evans, William H.  
Smith, Cullen  
Fahey, Edward P.  
Smith, Jas. T.  
Foy, Joe H.  
Stein, C.A.

Fullingim, John R.  
Stokes, Jr., Richard E.  
Gooch, J.A.  
Sturdivant, Wayne  
Gracey, Joe E.  
Talbott, Russell  
Gwin, Lawrence P.  
Trout, C.M.  
Hartman, Ralph  
Underwood, Toll  
Harvin, William C.  
Walker, Jerry V.  
Heard, Wyatt H.  
Watson, James C.  
Hebdon, Jack  
Weatherly, Thomas B.  
Hodges, Quinnan H.  
Weller, George A.  
Jericho, Eugene  
White, William H.  
Johnson, Carl Wright  
Williams, James A  
Jones, Charles S.  
Williams, Jon C.  
Kemper, W.L.  
Wilson, E. Wayne  
Koliuss, Gus  
Winters, J. Sam  
Weber, Jr., Louis J.

The Fall Meeting was held October 29-31, 1964, in San Antonio. Russell Talbott was again Chairman. TADC membership was reported at 365 members. The TADC bank balance was \$ 13,383.80. The following action was taken:

(1) RESOLVED, that the dues of each member of the Texas Association of Defense Counsel shall be Twenty-Five (\$25) during the year 1965.

(2) RESOLVED, that the Texas Association of Defense Counsel strongly urge the Supreme Court and the Board of Law Examiners of the State of Texas to require all candidates for a law license in the State of Texas to be examined thoroughly on the subject of legal ethics.

(3) RESOLVED, that the Texas Association of Defense Counsel defray the cost of mailing "For The Defense" to all district and appellate courts in the State of Texas.

(4) RESOLVED, that the officers of the Texas Association of Defense Counsel shall continue the Association's effort to obtain pay raises for the Judges of the district and appellate courts of Texas and shall continue to cooperate with other



organizations seeking to effect said pay raises and to spend reasonable sums of the Association's funds in connection therewith.

(5) RESOLVED, that the Texas Association of Defense Counsel stand firmly against further limitation of the right of trial by jury in all forms of litigation including, but without limitation to Workmen's Compensation and personal injury litigation, and that the officers of the Association are hereby directed to take such action as they deem proper to defeat all efforts made to effect any such limitation.

(6) RESOLVED, that the Texas Association of Defense Counsel increase the amount of the awards given to the student authors of the Law Review articles at the University of Texas, Southern Methodist University, Baylor University, the University of Houston, St. Mary's University and the South Texas College of Law from One Hundred Dollars (\$100) to Two Hundred Dollars (\$200) per year, and that the subject of legal ethics be added to the existing subjects qualifying for such awards.



### **MARK MARTIN**

Strasburger, Price, Kelton, Miller & Martin; Dallas, Texas

#### **PRESIDENT 1964-1965**

The Spring Meeting was held March 1-3, 1965, in Brownsville, Texas. Chairman of that meeting was David T. Duncan. Tom Sealy, Chairman of the Legislative

Committee, advised the Board that the Judicial Pay Raise Legislation was making good progress. He also updated the work of individual members of TADC in opposition to House Bill 54, an amendment to the Workmen's Compensation Act. Mr. Sealy further reported on other bills of interest in the Legislature.

1. Informing the jury of the effect of their answers.
2. Selecting physicians by plaintiffs in compensation cases and the pay thereof by the carrier.
3. Bill concerning self insurance provisions.

President Mark Martin directed the Secretary-Treasurer to study finances and report by the Fall Meeting as to whether the dues should be increased.

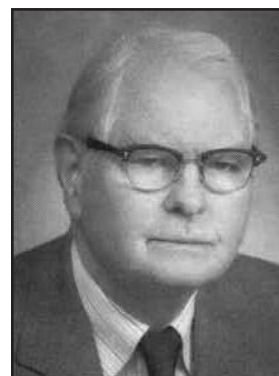
Chairmen Howard Barker and John C. Williams conducted the Fall Meeting September 23-25, 1965, in Houston, Texas. President Martin emphasized the importance of a

positive legislative program rather than just a negative one. He envisioned the drafting of proposals of bills to submit to the legislature. Tom Weatherly was commended for the fine program he had conceived for this meeting. Sam Winters of the Legislative Committee pointed out that 1965 was a critical election year as the entire Senate was running. Both the House and Senate had been redistricted for a far heavier urban representation. Mr. Winters urged that the members give active support, including financial, to those candidates whose views merited it. Secretary-Treasurer, Jack Little, reported a pre-convention bank balance of \$17,741.28.

### **TOM SEALY**

Stubbeman, McRae, Sealy & Laughlin;  
Midland, Texas

#### **PRESIDENT 1965-1966**



The Spring Meeting was held in March 17-19, 1966, in Corpus Christi, with Tom Weatherly as meeting chairman, TADC Membership was reported at 451 members. The following action was taken at this meeting:

WHEREAS, it has come to the attention of the Texas Association of Defense Counsel that the State Bar Committee on Continuing Legal Education is reviewing the desirability of publishing an impartial trial guide covering special issues, special instructions and definitions and other pertinent data of interest to the trial bar; and

WHEREAS, it is the opinion of the Texas Association of Defense Counsel that an impartial trial guide of the type under study by the State Bar Committee on Continuing Legal Education will serve the needs of the trial bar in Texas, as well as the bench; and

WHEREAS, it is the opinion of the Texas Association of Defense Counsel that a trial guide of the type under study by the State Bar Committee on Continuing Legal Education is a proper project for the State Bar of Texas to undertake in its program on continuing legal education.

BE IT THEREFORE RESOLVED in convention assembled that the Texas Association of Defense Counsel urges that the State Bar Committee on Continuing Legal Education, and the State Bar of Texas publish a trial guide, impartial in nature and thorough in scope, seeking in its preparation the advice and counsel of all segments of the trial bar in Texas.

PASSED in Corpus Christi, Texas, on the 17th day of March, 1966,

John Williams suggested that consideration be given to holding meetings out of state. An invitation had been received from the Louisiana Association of Defense Counsel.

The Fall Meeting was held September 15-17, 1966, in Austin, with Sam Winters as Chairman. Mark Martin reported that the Defense Research Institute now had a legislative program to draft and disseminate model bills to defense lawyers. Any individual lawyer who is a member of DRI could correspond with them relative to that. Mr. Martin also reported that he would have a memorial resolution for John Fullingim. Mr. Winters relayed that Governor Connally's address at the TADC Saturday meeting would deal with highway safety and he proposed that the association go on record in support of his proposal.



### **JAMES C. WATSON**

Keys, Russell, Watson &  
Seaman; Corpus Christi, Texas

#### **PRESIDENT 1966-1967**

The Spring Meeting was held May 11-13, in El Paso, Texas. Schuyler B. Marshall served as Chairman. President James C. Watson called the meeting to order and submitted a report to

the Board of Directors on the activities of the Association during last three months, including Law School Awards, the DRI Liaison work, and the activities having to do with the TMA's Workers Compensation Bill. The Board moved to accept the invitation to meet in New Orleans, on December 14, 1967, with the Louisiana Association of Defense Counsel. Lev Hunt then reported to the Board of Directors that the administrative burden on the officers of this Association was substantial and suggested that the Association was in need of a permanent headquarters, perhaps located in Austin. Furthermore, he suggested that serious consideration be given to hiring either a part-time or full-time Executive Director who would share in the administrative work as well as perform a number of other activities. After discussion, it was moved that a committee be appointed to explore the matter.

### **A SPECIAL MEETING OF THE BOARD OF DIRECTORS - AUSTIN, TEXAS**

SEPTEMBER 30, 1967

President James C. Watson called the meeting to order and requested that Thomas G. Gee, Chairman of the Committee on Permanent Headquarters, report about opening a permanent office for the Texas Association of Defense Counsel in Austin. Mr. Gee suggested several possibilities. There was discussion about the cost involved and the work to be done. Subsequent to the report, it was agreed that Mr. Gee would continue searching for an office location as well as personnel to staff it. Spurred by the discussion of the costs of the Austin office and the expanded activities of the Association, Howard Barker made a motion, seconded by Wayne Wilson, that effective January 1, 1968, the dues of the Texas Association of Defense Counsel would be \$50 a year and that the dues of persons making an application for membership in the Association after July 1, would be one-half the amount of annual dues.

The Fall Meeting of President Watson's term was held December 14-16, 1967, in New Orleans, Louisiana. Subsequent to Mr. Gee's updated report on a permanent headquarters, discussion again arose concerning the cost of such an endeavor. Mr. Gee was instructed to continue his work on this project.

### **HOWARD G. BARKER**

Cantey, Hanger, Johnson,  
Scarborough & Gooch;  
Fort Worth, Texas

#### **PRESIDENT 1967-1968**

Effective January 1, 1968, TADC dues were increased to \$50 per year. The January 1968 financial records showed a bank balance of \$12,000.00.



### **A SPECIAL MEETING OF THE BOARD OF DIRECTORS AUSTIN - JANUARY 27, 1968**

Dues income received for January equaled \$15,000.00. Tom Gee reported that there was talk among members of the Austin Association about a permanent home for TADC in Austin. This was discussed and while it was the general sentiment of the Board that such an office was desirable, it was decided to defer any action at that time. President Barker announced to the Board that he had received a letter from a committee chaired by Senator Mauzy concerning governmental immunity. He announced that the committee



had given the Texas Association of Defense Counsel an opportunity to appear at 3:00 p.m. on Friday, February 13th. W.O. Shafer moved that President Barker appear and make a statement to the committee. In effect, Barker was to appear only as a representative of the Board. He would report that the Board was in favor of the relinquishment of the doctrine of governmental immunity within reasonable limits. This motion was seconded by John Wood and passed unanimously. Sam Winters reported on the Keaton-O'Connell plan being studied by various boards and groups in the Federal Government.

The Spring Meeting was held May 2-4, 1968, in Dallas, with J. Carlisle DeHay, Jr. and John Estes acting as co-chairmen. It was reported that the TADC membership was at 473 members as of May 1968, and TADC had approximately \$21,000.00 in funds. Cullen Smith reported on the Law School Program and awards were given as follows: Texas Tech \$700 (used to supplement scholarship program); SMU \$700; Baylor University \$700 (to editors of Law Journal and to the student writing a special article appearing in the Law Review); St. Mary's \$350 (to student who writes best appellate brief in advocacy); South Texas \$200; University of Houston \$700 (Law Review). A short discussion was held concerning Texas Tech's new law school. Bob Dickinson motioned for Tom Sealy and Rush Moody to act as a committee to discuss with the Dean of Texas Tech's Law School the use of a donation from TADC. Carlisle DeHay then motioned that the present program of donations to the law schools should continue. Jack Hebdon seconded the motion. The motion carried unanimously. John McBryde read a report made by Lev Hunt concerning the review of the Court of Appeals opinions from a defense standpoint. The directors discussed the need for a central office. A motion was made by Jack Hebdon that one meeting each year be held out of state starting in 1969. The motion carried.

The Fall Meeting was held September 26-28, 1968, in Lubbock, Texas, and Charles B. Jones acted as chairman. The financial report given at that meeting showed a TADC bank balance of approximately \$14,000.00. Royal Brin presented a report CD Article 4610 and its implications. President Barker appointed a Nominating Committee consisting of James Watson, Tom Sealy and Mark Martin. Jack McConn, Jr. presented a report concerning a future convention. A poll was taken of the membership with a majority favoring Acapulco. Las Vegas ran second. A discussion then followed concerning going to Las Vegas for the 1969 Spring Meeting. W.O. Shafer requested a poll of the Board of Directors. Eleven present were in favor, five were opposed.



## W.O. SHAFER

Shafer, Gilliland, Davis, Bunton  
& McCollum; Odessa

### PRESIDENT 1968-1969

The Spring Meeting was held April 17-19, 1969, in Tyler, Texas. C. Richard Grainger was chairman. According to the financial report, TADC had a bank balance of \$28,000. A report was given by President-Elect Jack Hebdon and by Max Osborn on the first national convention of defense attorneys held at the University of Chicago on April 5, 1969. A discussion concerning the problems facing the defense bar across the nation followed. A report by the Liaison Committee was given by Mr. Shafer. It highlighted the changes in the Workmens Compensation Act, the proposed legislative negligence bill which had passed the Senate and was pending in the House, proposals to repeal the Guest Statute, provisions for less than unanimous verdicts, and informing juries of the effect of their answers to special issues. A resolution was proposed, seconded and passed authorizing the President of the association to appear for the Association with regard to proposed legislation being considered by the Texas Legislature. There was a lengthy discussion on the proposed Comparative Negligence bills pending in the Legislature and the position to be taken by the association. A motion by John Daniel, seconded by Bernard Ladon, that the Texas Association of Defense Counsel be of record as opposed to comparative negligence, and authorizing the President to represent the best interest of the Association with regard to such legislation, was passed by the members.

The Fall Meeting was held September 25-27, 1969, in McAllen, Texas. Asa Bland acted as chairman. The financial report showed a bank balance of approximately \$20,000. The business of the Fall Meeting was to amend the bylaws of TADC.

Article IV, Section 1(a) was amended to read:

Any member who shall be in default in payment of his dues for a period of seventy-five (75) days after the same shall become due and payable shall be suspended automatically.

Article VII, Section 6 was amended to read:

"There shall be an Executive Committee which shall consist of the President, Past President, President-Elect, Executive Vice-President and Secretary-Treasurer. The Executive Committee shall have and exercise such of the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors..."

Article III, Section 2, regarding Membership, was amended to read:

“(d) shall not be a member of any plaintiff or claimant oriented association, group or firm; and (e) shall not handle plaintiffs’ claims or suits to such an extent that such member becomes incompatible with the purposes of this Association.”

## **JACK HEBDON**

Grace, Locke & Hebdon;  
San Antonio

### **PRESIDENT 1969-1970**

The Spring Meeting was held April 16-18, 1970, in Galveston, Texas. Preston Shirley acted as chairman. The financial report indicated approximately \$55,000 in total funds. It was reported that TADC membership was at 405 members. President Hebdon appointed the following committee to consider changing the name of the association: Chairman Dick Davis, John H. Wood, Jr., and Max Osborn. The meeting was advised of the Board’s recommendation that a representative be employed to keep the association members informed on legislation and to maintain an office in Austin.

The Fall Meeting was held September 24-26, 1970, in Amarillo, Texas, with Wayne Sturdivant acting as chairman.

#### **COMMENTS FROM JACK HEBDON - 1995:**

##### **WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?**

“The leadership is much more widely spread today than it was in my term.”

##### **WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?**

“W.O. Shafer, John Williams, Preston Shirley, Mark Martin and John Lawrence III were the TADC members most influential in my life.”

##### **IS THERE A DRAMATIC INCIDENT THAT YOU WOULD LIKE TO RELATE?**

“One great event I recall is the group trip that John & Peggy Lawrence led TADC on to Japan.”

##### **OTHER COMMENTS:**

“TADC is really a great organization today. My compliments!”



## **JOHN B. DANIEL, JR.**

Daniel, Brown & Tarver;  
Temple, Texas

### **PRESIDENT 1970-1971**

It was reported during this year that TADC had 876 members and approximately \$31,000.

The Spring Meeting was held April 29-May 1, 1971, in Beaumont, Texas, and was chaired by Cleve Bachman.

The Fall Meeting was held September 30 October 1, 1971, in Houston, and was also chaired by Cleve Bachman.

#### **COMMENTS FROM JOHN DANIEL - 1995:**

##### **WHAT WAS YOUR BIGGEST CHALLENGE?**

“One of the biggest challenges during my term as President was the big push by TTLA of tort reforms favoring the plaintiffs. I spent all or part of 40 days during my term in attendance on legislative matters and attending legislative hearings.”

##### **WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?**

“In the legislature TADC was facing TTLA liberalization of the tort system, primarily the matter or contributory negligence as a defense. With the help and assistance of some conservative senators, contributory negligence was retained. But two years later contributory negligence was put to bed.”

##### **WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?**

“Today’s TADC membership is better organized. Many members are now willing to go to bat for conservatism through attendance at committee hearings in the legislature and in the contribution of some money to fight TTLA’s plans. PAC’S were unheard of in those days but the membership, in general is more in focus about the issue of liberalization vs. conservatism.”

##### **WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?**

“The TADC members who were most influential in my life were Preston Shirley, John Williams, Mark Martin, Tom Sealy, James C. Watson and W.O. Shafer. All of whom are now deceased.”



## **L.S. CARSEY**

Fulbright, Crooker & Jaworski;  
Houston, Texas

### **PRESIDENT 1971-1972**

The Spring Meeting was held May 5-6, 1972, in Texarkana, Texas. Howard Waldrop and Carol Wheeler served as co-chairmen.



The Fall Meeting was held November 9-11, 1972, in Waco, Texas, with Joe Westbrook as chairman. The financial report was delivered at the Fall Meeting showing TADC's bank balance as \$46,000. The Membership Committee report, presented by Dewey Gonsoulin, reflected an overall increase in the membership of the association. The Board of Directors then unanimously commended Mr. Gonsoulin on the outstanding job he had performed in increasing the membership by 87 members.



## **JOHN M. LAWRENCE III**

Lawrence, Thornton, Payne &  
Watson; Bryan, Texas

### **PRESIDENT 1972-1973**

The Spring Meeting was held April 5-7, 1973, in Corpus Christi. Lev Hunt acted as chairman of the meeting.

The Fall Meeting was held September 27-29, 1973, in El Paso, with Schuyler B. Marshall as chairman. Cleve Bachman, Chairman of the TADC Budget Committee, reported that there was no real pattern in past budgets. His committee recommended a \$12,500 budget, but stressed that there was no real basis for its recommendation. After much discussion, it was the general consensus of the Board of Directors that the recommended budget was arbitrary and unreasonable. Ultimately though, Charles Oldham moved to adopt the recommended budget, with a \$6,000 back-up for unforeseen expenses. In the confusion that followed, the motion was seconded by David Kreager and apparently passed.

COMMENTS FROM JOHN LAWRENCE - 1995:  
HOW WOULD YOU CHARACTERIZE THE  
CHALLENGES OF YOUR YEAR AS PRESIDENT?

"Since we had such strong leadership prior to 1972-73

and such wholesome growth in our membership, my main challenge was to try to live up to their example. They were giants."

### **WHAT WAS YOUR BIGGEST CHALLENGE?**

"Probably my greatest challenge was the legislative year of 1973. We finally agreed on a ten-point tort reform plan and much of it was adopted. All other proposed plaintiffs legislation was eliminated by their leadership as agreed."

### **WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?**

"John C. Williams, Preston Shirley, Mark Martin and James C. Watson, God Bless Them, were great influences for good in my life both personally and professionally."

### **IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?**

"The entire Guadalajara Meeting must be mentioned. Just ask any member who was there. This was the first time TADC ventured out of the country. The wonder was that we all got back in good shape."

### **OTHER COMMENTS:**

"Be sure that Jack Hebdon and John Daniel will be at this meeting so that a young fellow like me will not be the senior Past President there."

## **CLEVE BACHMAN**

Orgain, Bell & Tucker;  
Beaumont, Texas

### **PRESIDENT 1973-1974**



The Spring Meeting was held April 18-21, 1974, in Guadalajara, Mexico, with Tom Sharp acting as chairman. The financial records of TADC showed a bank balance of approximately \$ 62,000. Mr. Bachman reported that he, Richard Grainger and Hilton Howell had attended the 7th National Conference of Local Defense Attorneys in Charleston, South Carolina. At that conference, an invitation was issued by the National Conference to their 1976 meeting in San Antonio. Much discussion was directed toward setting up a permanent bookkeeper and a permanent representative in Austin; continuity being the main problem to be solved. Addressing themselves to this problem were Charlie Porter, Jim Hubbard, Jack Maroney, J.P. Word, Otto Ritter and Jim Williams. The meeting reconvened and at that time Bill Moss motioned to engage a representative in Austin on a minimal basis. The function of

this representative was to act as a conduit as well as manage a bookkeeping office in Austin. This action was reported at the membership meeting where Bill Moss again motioned and was seconded by Damon Ball. Paul Green issued a special invitation for everyone to attend the 1975 Fall Meeting in San Antonio, at which the Louisiana Defense Bar would be the association's guests.

The Fall Meeting was held in October 3-5, 1974, in Austin, with Jack Maroney as chairman of the meeting. The financial showed TADC's profit on the budget year as \$10,000. President Bachman delivered a report advising members that TADC had leased 150 square feet of office space at Room 4 of the American Bank Tower. The location was acquired through an agreement with the State Bar of Texas. It was noted that TADC would pay the State Bar \$500 per month for this space and that the State Bar would provide a secretary on a part-time basis. There was also discussion concerning TADC publishing a newsletter.



### **HILTON H. HOWELL**

Naman, Howell, Smith & Chase;  
Waco, Texas

#### **PRESIDENT 1974-1975**

The Spring Meeting was held April 17-20, 1975, in Las Vegas, Nevada. The new TADC office secretary, Mrs. Fredericks, gave a general financial report to be

confirmed in detail at the next meeting. Royal Brin reported on his serving as Chairman of the Special Task Force on Rules of Civil Procedure. President Hilton Howell reported on a request from TADC member David Beck, on behalf of the State Junior Bar of Texas, proposing that TADC present an award on alternate years with YFLA to the best law advocate for law schools in the region of Texas, Oklahoma and Arkansas. The award was approved.

The Fall Meeting was held September 25-27, 1975, in San Antonio, with Paul Green as chairman. President Howell made a brief statement to the effect that our legislative year was successful. No bill that TADC opposed passed the legislature. A political action committee, comprised of the Texas Committee and the Executive Committee, was appointed by President Howell to study the feasibility of establishing a fund solely for political purposes.

### **WILLIAM R. MOSS**

Crenshaw, Dupree & Milam,  
Lubbock, Texas

#### **PRESIDENT 1975-1976**



The Spring Meeting was held April 27-30, 1976, in Brownsville, with David T. Duncan acting as chairman. It was reported that membership had increased by 46 new members. A \$5,000 donation to the Law Center building in Austin had been made upon approval of the Board of Directors and this prompted TTLA to make a like contribution. A motion was duly made and passed appointing Wayne Sturdivant to investigate the feasibility of a political action committee. Additionally, the following motions were passed:

1. That there be an annual audit of TADC.
2. That the Executive Committee be authorized to begin meeting with various representatives in preparation for the upcoming legislative session.
3. That the judges and members of the legislature be invited to the State Bar luncheon at our expense,
4. That a committee be formed to study legal specialization.

After much discussion, it was voted that the major thrust of our legislative work will be in the following areas:

1. The Collateral Source Rule
2. Avoidable Consequences
3. Limitations
4. Admissibility of evidence of remarriage for all purposes
5. Workmen's Compensation

The Fall Meeting was held October 28-30, 1976, in Lubbock, with John A. Flygare serving as chairman. J.P. Word, TADC Legislative Counsel, was complimented for his work. Mr. Sturdivant reported on his study of the proposed dues increase and a discussion followed. A motion by Wm. Drew Perkins that dues be increased to \$75 per year passed unanimously.

#### **COMMENTS FROM BILL MOSS - 1995:**

##### **HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?**

"The challenge of my term was consolidating the initial 15 years of work as an Association into an organization recognized nationally, as the foremost Defense Counsel organization in the United States and as a most effective exponent of the defense philosophy."



#### WHAT WAS YOUR BIGGEST CHALLENGE?

"My biggest challenge, though was successfully meeting the challenges of the Plaintiff's bar, judicially, legislatively and politically"

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"What we faced in the legislature as my term of President was much the same as present, except very strong problems in Workmen's Compensation and to defeat the push for no fault liability."

#### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"The much larger membership, to some extent prevents the close relationship of members and families that prevailed for so many years. The Association is much more sophisticated in its CLE, the Trial Academy, the legislative program and the meetings and seminars held at more exotic sites."

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"The members most influential in my life were Cleve Bachman, W.O. Shafer and Dewey Gonsoulin"

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"For several years, we endeavored to employ and retain a full-time Executive Secretary and we had some difficulty. The first Executive Secretary was terminated because Association funds disappeared from our account. This loss was discovered while the Association was meeting in Las Vegas and this particular Executive Secretary was there carrying the Association checkbook. The attempt to get the checkbook from her became an interesting scenario for Hilton Howell and other officers. The second Executive Secretary was terminated after showing on one occasion, an inordinate interest in the Association President and not realizing at the time that his wife was seated close by."

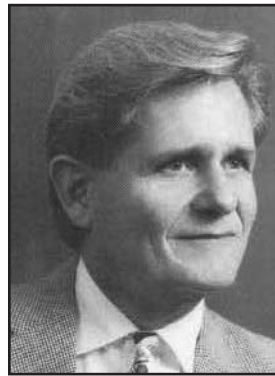
"At a Corpus Christi meeting a suite being held for a former President was occupied early by one of our raconteur members (and guest). The activities required to obtain possession of the suite became an interesting drama in which Wayne Sturdivant played a starring role, along with the guest and suave raconteur."

#### OTHER COMMENTS:

"Without question, the Texas Association of Defense Counsel is known as the foremost Defense Counsel organization in the United States. It is very influential over the nation and certainly in the State of Texas. It has the broadest and most active program of any of the State Defense Organizations and is the leader in most endeavors. TADC has always had great leadership and has received

massive voluntary support from its members in building its great reputation."

"In addition, TADC has been blessed with the most outstanding guidance and leadership from Martha Miller, Executive Secretary for 20 years. Her enthusiasm, initiative, diplomacy, good humor, common sense, intelligence, sound judgment, loyalty, kindness, pleasant demeanor, executive capability and innate ability to get along with everyone has been a major basis for the success of the Association. A most outstanding Executive Director and dear friend to us all, Martha is the heart and soul of the organization."



#### **RICHARD GRAINGER**

Ramey, Rock, Hutchins,  
Grainger & Jeffus; Tyler, Texas

#### **PRESIDENT 1976-1977**

The Spring Meeting was held May 5-7, 1977, in Corpus Christi. Lev Hunt acted as chairman of the meeting. It was reported that TADC membership was at 682 members. A proposal concerning the furnishing and decoration of the TADC office was presented and discussed. A motion approving expenditures up to \$13,500 was made by Paul Green, seconded by Asa Bland, and duly passed. A motion for equal scholarships to all law schools was made by Jim Wray, seconded by John Golden, and duly passed. Bill Moss suggested the possibility of putting on a trial seminar around the state, TADC Legislative Consultant, Gregg Hooser, presented a detailed discussion of the status of legislation of interest to the association. Preston Shirley presented a resolution on the death of John C. Williams, one of the founders of TADC and its first President.

The Fall Meeting was held November 3-5, 1977, in Houston, and was chaired by William H. Payne. The proposed Products Liability Position Paper was presented by Jim Sales and accepted. Upon motion of Bill Griffis, and seconded by John Golden, authorization was given to print the paper in booklet form for distribution. Wayne Sturdivant presented the proposal for a Political Action Committee. On a motion made by John Flygare and seconded by Dewey Gonsoulin, the proposal passed unanimously. Paul Green read a "press release" by the paper industry praising President Grainger and naming him consumer of the year.

## COMMENTS FROM DICK GRAINGER 1995:

### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"Challenges included moving into our new offices in the State Bar building. We had challenges in the legislature. It was a legislative year and as I recall, one of the big things was whether to abolish contributory negligence as an absolute bar to recovery, and adopt the fifty-one percent rule. We also set a precedent at the time for paperwork. We made a point of getting people more involved and more informed and that necessitated a lot of paperwork and Martha Miller called me at that time 'The Paperwork President'."

### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"The people who had the most influence on me in my life were John Williams, Preston Shirley and Bob Carsey. I miss good friends like Hilton Howell, Duffield Smith and Carlisle DeHay."

## WAYNE STURDIVANT

Gibson, Ochsner, Adkins, Harlan  
& Hankins; Amarillo, Texas

### PRESIDENT 1977-1978

A special meeting of the Board of Directors was held in Austin. By Board approval, a Political Action Committee was formed. The name was JUST-PAC.

The Spring Meeting was held April 8-12, 1978, in Cancun, Mexico. David J. Kreager was chairman of the meeting. After a discussion of Just-Pac activities, Paul Green presented a motion authorizing the Trustees to become involved in judgeship races on the appellate level in the upcoming election. Jim O'Leary, Chairman of the TADC Redistricting Committee, recommended that the number of Vice Presidents be increased to twelve and serve staggered two-year terms. John Marks, Chairman of a Subcommittee on Redistricting, presented a proposal drawing districts in regards to member activity and member population.

The Fall Meeting was held October 26-28, 1978, in Dallas, with Duffield Smith acting as chairman. Dewey Gonsoulin gave the Budget Committee report. A motion was passed to raise TADC dues by \$10 to \$85, and to publish a TADC Roster every other year. The Board of Directors recommended that the 1983 Spring Meeting be held in London.

## COMMENTS FROM WAYNE STURDIVANT - 1995:

### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"Stimulating --- made more so by the fact that now US District Judge Lucius D. Bunton was a Director who was never caught without an opinion. The biggest challenge, though, was getting our MC off of the ground."

### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Everybody is younger -- I don't understand what happened!! Seriously, though, the present officers and members seem to be more prepared to accept and resolve the many challenges confronting the legal profession today than we were at an earlier date."

### WHAT TADC MEMBER(S) WERE INFLUENTIAL IN YOUR LIFE?

"The TADC members who were most influential in my life were John Williams, John Fullingim, John Lawrence and Herbert Boyland."

### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"We were meeting in Corpus Christi. Bill Moss was President. He had invited the State Senator from Wichita Falls to be a guest of the Association and had arranged a suite for him and his wife's accommodation. In some manner, still unknown to me one of our members and his "lady friend" ended up in the suite. Having expressed his reluctance to President Moss to vacate, President Moss called on me to persuade the reluctant couple to vacate. Recognizing that President Moss was not only an officer and a gentleman, via Texas A&M, and a Korean veteran, I took this as a superior's order and promptly moved to obey. I undertook the mission at approximately 10:00 am, knocked on the door of the suite, was invited in, and shared a light breakfast with the couple. I was dressed in a suit and tie, the member and his lady were dressed (or undressed) in the same attire as when born. It was a pleasant breakfast and I was able to persuade the couple to vacate (after they completed their al fresco breakfast) so all was well that ended well."

### OTHER COMMENTS:

"I was fortunate to have been an associate of Mr. Fullingim's, one of the founding members, when TADC was organized so I had the pleasure of knowing all those who have gone before. It has been a source of quiet pride and satisfaction during my professional life to be associated with and call "friend" a vast number of TADC lawyers whom I consider the very finest known to the profession."







## DEWEY J. GONSOULIN

Mehaffy, Weber, Keith &  
Gonsoulin; Beaumont, Texas

### PRESIDENT 1978-1979

The Spring Meeting was held April 26-28, 1979, in El Paso, with Jim Gallagher acting as chairman. Mr. Gonsoulin reported that 50 new members had joined since January. He reminded the Board that 1980 would be TADC's 20th year and suggested that the older members be honored.

The Fall Meeting was held September 27-29, 1979, in Lakeway, Austin. Jim O'Leary was commended for the two excellent programs that he put together for El Paso and Lakeway. Appreciation was expressed as well to both Milton Bankston and Charlie Dye for the success of this particular meeting.

### COMMENTS FROM DEWEY GONSOULIN - 1995:

#### WHAT WAS YOUR BIGGEST CHALLENGE?

"The greatest challenge facing the TADC in 1978-79 when I was President was to be a viable opposition to the TTLA in the Texas legislature during the 1979 legislative year. The TTLA had a vastly larger membership than the TADC, were heavily funded by the plaintiffs attorneys, and had had tremendous successes in the previous sessions of the Texas legislature, enacting legislation such as the Deceptive Trade Practices Act, the Comparative Negligence Bill of 1973, changes in the Texas Workers' Compensation Statute, etc. However, with the aid of many stalwart TADC members who went to the legislature on numerous occasions to speak in opposition to TTLA-sponsored legislation, we were successful in blocking every major bill proposed by the TTLA in the 1979 legislative session. This turned out to be a watershed year because buoyed by our success, the TADC began organizing various business groups to oppose the TTLA. The TADC's success in opposing the plaintiff's bar became a model for defense associations in other states and started DRI into becoming more than just a research organization."

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"After their success in blocking TTLA-sponsored legislation in 1979, the TADC began concentrating on electing conservative members to the Texas legislature and thinking about legislation that was good for our business clients, which became the forerunner to tort reform."

"After the TTLA legislative efforts proved unsuccessful in 1979 and subsequent legislative sessions, the TTLA changed their focus and began electing candidates to the Texas Supreme Court in the early 1980's who were willing to ignore the doctrine of stare decisis and make wholesale changes to the judicial law in Texas. This led to the famous CBS 60 Minutes documentary on the Texas Supreme Court entitled 'Is Justice for Sale in Texas?' The TADC then began to focus on electing qualified, intelligent candidates to the Texas Supreme Court in the late 1980's and early 90's who were receptive to the doctrine of judicial restraint."

#### OTHER COMMENTS:

"The TADC has grown in size and influence in the past 15 years and I believe that our efforts in the 1979 legislature were one of the major turning points in this change. Many of these changes were due to the enthusiasm and tireless efforts of such TADC stalwarts as Bill Moss, the late Duffield Smith, Bob Sheehy, the late Hilton Howell and Paul Green who 'lead the charge' in opposing the TTLA. The mantle of their leadership has been passed on to their worthy successors who have helped to make the TADC the outstanding defense organization in the United States."

## KLEBER C. MILLER

Shannon, Gracey, Ratliff &  
Miller; Fort Worth, Texas

### PRESIDENT 1979-1980



The Spring Meeting was held May 2-9, 1980, in London, England. Jack Little acted as chairman of the meeting. Michael Musick, Chairman of the Amicus Curiae

Committee, was asked to prepare a policy on the types of cases to be considered by his committee. Sharon Stagg and Jo Ben Whittenburg, Co-Editors of the TADC Deceptive Trade Practices Act Newsletter, reported on the first issue. Dewey Gonsoulin reported for James Weber, Chairman of the Site Selection Committee, that the Fall Meeting was proposed for the Sea Island Hilton, Padre Island, Texas. President Miller announced that Dan Price of Austin was to be retained as Legislative Consultant for TADC.

The Fall Meeting was held September 18-20, 1980, in Padre Island, Texas, with Gary Gurwitz serving as chairman of the meeting. It was reported that TADC membership was at 850 members. The Board approved the change from the calendar year to the fiscal year November 1 through October 31. Under new business, a file with respect to expert witnesses was to be set up in the Austin office.

WHAT TADC MEMBER(S) WERE INFLUENTIAL IN YOUR LIFE?

"At the time TADC was founded, I was working under the mentorship of Allen Crowley, a former President of the State Bar of Texas and a great trial lawyer. He was one of the founders of TADC and persuaded me to join as a young charter member of the organization. Other older lawyers to whom I looked for guidance in TADC were W.O. Shafer of Odessa, Pat Patterson of Dallas, Preston Shirley of Galveston, and Howard Barker of Fort Worth. They were all "dyed in the wool" TADC advocates, and certainly helped me in the evolution of my ideas about TADC and the practice of law."

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"It is difficult for me to segregate which were particularly significant in my year as President as opposed to the years before and after. They all seem to run together in my mind. Some of the challenges which I recall as most significant were:

1. Whether or not the privilege of membership should be extended to in-house counsel, as well as lawyers engaged in the private practice. I can remember many significant debates in open meetings and in bull sessions over this issue, and I was strongly in support of TADC remaining an organization for private practitioners only.
2. Whether or not TADC should have meetings in state, or should meet on occasions outside the State of Texas. Carlisle DeHay and I were among the dinosaurs who wanted to remain in Texas and not meet outside the State. We were wrong, and subsequent meetings proved that. Fortunately, others had the wisdom to overrule us.
3. How to make the organization meaningful for helping and training young lawyers. I believe that the idea of the Trial Academy was one of the few original ideas I advanced. It was planned during my year and put on subsequently, and I had the pleasure of serving as Director of the first Trial Academy. The faculty for the first Trial Academy were all members of the American College of Trial Lawyers, and the stature of the faculty helped the Trial Academy to gain a foothold and become a regular fixture of the TADC program.
4. The achievement of a balance between activities for the practicing lawyer and activities in the Legislative and Judicial arenas which involved politics and political fund raising through JustPAC. My own interest has always been more on the side of programs in the "how-to" area,

although I recognize and believe in the TADC activities in other areas.

These are some of the issues I recall over the years. One of the challenges of my administration was to lead in the selection of a lobbyist who would be paid more and who would spend significantly more time in JustPAC activities. We interviewed a number of prospects and selected Dan Price. This turned out to be a good choice, and Dan served the TADC well for many years prior to his untimely death."

"TADC was in its 20th year when I was President and it was acting like a twenty-year old. It was beginning to 'feel its oats' and enter a more mature stage wherein it could continue to grow and achieve maturity. One of the more significant factors in the growth of TADC has been the wonderful job Martha Miller did and continues to do, for the TADC. I know that every one of us who has leaned on her for help and support realizes that it wouldn't have been the same, had it not been for her."

"There is one other person I could not talk about TADC without mentioning. That's Dave Kreager. I couldn't count the times that Dave and I sat in the hospitality room, talking about the affairs of TADC and how to better the organization. I don't believe anybody has ever cared more about TADC than Dave Oreager. I never go to a TADC meeting without thinking about him. Many a night Dave closed the hospitality room, played bridge all night with Pearl Williams and others, and was the first one in the meeting the next day. I never knew how he could do it."

WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"I see tremendous differences in TADC today from the time when I went to the first organization meeting where John Williams was installed as President and Tiny Gooch as President Elect. From a "good ol' boy" organization, it has grown into a well-organized group of members with ambition and purpose, who are doing more for the profession, their clients, and the public than the founders ever dreamed of. The organization continues to grow and mature, and there is simply no telling what great things the future holds. I have been, and am, a member of a number of organizations. TADC is my favorite. There is no greater group of lawyers anywhere than are found in this organization. I am extremely proud to have been a small part of its history."



## PAUL M. GREEN

Lang, Cross, Ladon, Boldrick & Green; San Antonio, Texas

### PRESIDENT 1980-1981

The Spring Meeting was held April 23-25, 1981, in The Woodlands, Texas, with John Golden as chairman.

The Fall Meeting was held in September 17-19, 198, in San Antonio. Allan DuBois acted as chairman. Paul Green was authorized to execute a lease for the TADC office in the Texas Bar Center. It was reported that TADC membership stood at 954 members.

#### COMMENTS FROM PAUL GREEN - 1995:

##### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"One challenge of my year as President, in addition to the fact that it was a legislative year, was to manage the growing pains of TADC and still retain its quality, unity and camaraderie. I also wanted to make sure that we didn't end up with a huge budget surplus. In the latter respect, we certainly succeeded. Complimentary wine on the banquet table -- wow!"

##### WHAT WAS YOUR BIGGEST CHALLENGE?

"Not surprisingly, the biggest challenge was the image that TADC would portray in the 1981 legislative session and for years to come. We had formed a loose legislative coalition with business trade associations and took the offensive on product liability reform. The coalition disintegrated, the TADC membership split, and the Executive Committee decided to kill a bill we had proposed after it became so changed in the legislative process that it would have haunted the defense community for years to come. With the help of stout members, many friends in the business community, some loyal senators, and a magnificent effort by the late Danny Price, we didn't quit and were able to get the job done. (These events were chronicled with reasonable accuracy [considering the source] in a Texas Monthly article following the 1981 session. One of these business community friends, an attractive, vivacious articulate, blond lobbyist named Cathy Obriotti, is now my best friend and wife for the past 12 years."

##### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"What differences do I see in TADC some 15 years later? Membership has increased dramatically. That membership is younger, more diversified and highly talented. It is better

organized and has become far more effective at coalition-building; as evidenced by changes in the Supreme Court and the current legislative climate. I hope that our stand in 1981 laid the groundwork to some extent, for that change. Our CLE is much improved and, amazingly, we still have fun."

##### WHAT TADC MEMBER(S) WERE INFLUENTIAL IN YOUR LIFE?

"There are many TADC members who have been influential in my life. I couldn't begin to name them all. However, one of our founders, my deceased partner and mentor Beb Ladon, taught me that we're not elite in the TADC --just some of the best lawyers in Texas with whom you shared a special bond, mutual goals, and, at all costs, avoided the consumption of cheap whiskey."

#### OTHER COMMENTS:

"In closing on a personal note, I can't think of anyone who did more for me during my term of office or for the organization since I joined it in the mid-60s than the capable, charming and witty Martha Miller."

## ROYAL H. BRIN, JR.

Strasburger & Price;  
Dallas, Texas

### PRESIDENT 1981-1982



The Spring Meeting was held May 19-23, 1982, in Ixtapa, Mexico, with Lewin Plunkett as chairman. Paul Green recognized Jim Besselman for his diligence

in pursuing an appropriate contribution made to JustPAC prior to the Ixtapa meeting. In recognition, Mr. Besselman was presented with a decorative name tag. The Fall Meeting was held September 30 - October 2, 1982, in Kerrville, Texas. Lewin Plunkett was again chairman.

#### COMMENTS FROM ROYAL BRIN - 1995:

##### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Then we were mostly in a defensive posture in the legislative arena, and now are able to push positive reforms."

##### WHAT TADC MEMBER(S) WERE INFLUENTIAL IN YOUR LIFE?

"The TADC members most influential in my life were Mark Martin and Preston Shirley."



#### OTHER COMMENTS:

“During my term, we were awarded one of our many Exceptional Performance Citations from DRI.”



#### **G. DUFFIELD SMITH, JR.**

Gardere, Porter & DeHay;  
Dallas, Texas

#### **PRESIDENT 1982-1983**

The Fall Board of Directors meeting was held on October 30, 1982, in Dallas. In the area of unfinished business, the issue of a

Venue Bill was addressed in attempts to reach an agreement solving prospective problems based on the then current version.

A Board of Directors meeting was held on February 5, 1983, in Dallas. Upon a report from Steve Roper, it was resolved that the Board of Directors of the TADC would wholeheartedly endorse the proposed changes to the State Bar Administrative Rules, and encourage all members of the State Bar, and particularly all members of TADC, to vote in favor of the non-partisan election of judges. James Weber proposed an amendment to the bylaws to provide for honorary membership in the Association for members age 65 and older, who have been members in good standing for ten consecutive years. The motion passed. Lewin Plunkett reported on the large volume of material which had been accumulated for the Expert Witness Index. Bob Sheehy reported on the overwhelming acceptance on the part of membership to participate in the activities of the Texas Committee. The Texas Civil Code was to be up for consideration in the year's session of the legislature. Mr. Sheehy requested all members to keep abreast of the status of this legislation. The matter of a dues increase was discussed by the Board in light of (1) the cost of added services, (2) the fact that rent on the TADC office space was to increase in September, (3) the probable additional costs to be incurred in the event the association decided to utilize a computer, and (4) the added costs in general of operating the association. Upon a motion duly made and passed, a dues increase was authorized and a recommendation regarding the amount was to be made at the Fall Meeting.

The Spring Meeting was held March 24-27, 1983, in Hilton Head, South Carolina. Chairman of the meeting was Bob Mow. Kleber Miller reported on the success of the Trial Academy, held in San Antonio. The Board expressed its appreciation to the Trial Academy Committee, which

included Jim Besselman, Allan DuBois, Kleber Miller and Tom Sharp, and to the TADC faculty which included Carlisle DeHay, Ray Weed, Hilton Howell, Dewey Gonsoulin and Paul Green. Also recognized were Jerry Gibson, Joe Meador and Melvin Krennek. Duffield Smith brought to the Board's attention the need for a larger office for association headquarters and the fact that the TADC had been told by the State Bar that it may have to vacate within the next 6-12 months. There was space available at the Texas Association of Principals and Supervisors Association (TAPSA) at 501 E. 10th Street. Upon motion by William Fly, it was moved that negotiations begin for the use of 1,266 square feet for the next five years. The Executive Committee was given authority to buy "nice" furniture in the event of a move.

The Fall Meeting was held September 29- October 1, 1983, in Dallas, with James H. "Blackie" Holmes III as chairman. President Duffield Smith recommended the need for a dues increase because of the growth of TADC activities, computer needs, larger office space, and additional office help. A two-tier dues increase was approved: (1) for those members who have been licensed for five years or less, the dues would be \$100; and (2) for those members who have been licensed for more than five years, the dues would be \$150. James Weber reported on the membership campaign and the need for a general membership brochure describing the activities of TADC. David Keltner reported on the TADC Cocktail Reception during the State Bar Convention in Fort Worth. Dan Price, TADC Legislative Consultant, presented his report on "General Legislation Affecting Civil Litigation Attorneys", as well as the new Supreme Court rules affecting venue (effective September 1, 1983). The Fall Meeting also honored the TADC founding members. Tom Ramey, Jr., President Elect of the State Bar of Texas, discussed the IOLTA program, which the State Bar was recommending. It was resolved that TADC would endorse the program. The financial report showed an annual budget amount of \$140,000. An addition to the TADC bylaws was made:

ARTICLE VI. The Chairman of the Nominating Committee shall be a person who has served as President of the Association during one of the immediately preceding five (5) years prior to serving as Chairman.

## DAVID J. KREAGER

Orgain, Bell & Tucker;  
Beaumont, Texas

### PRESIDENT 1983-1984



Notes taken at the Board Meeting in October 1983: John Marks and Jim Gallagher were to develop a professional seminar on defense tactics for lawyers who have been practicing for six (6) years or less. President David J. Kreager announced that the seminar would begin the day before the Spring Meeting. A discussion as to whether or not the cost of the hospitality room should be included in the TADC registration fee for the Spring Meeting followed. Carlisle DeHay suggested that an Expert Witness card be included in every newsletter. Charlie Dye would serve as Chairman of the Texas Committee for 1983-84. Mike Hatchell would serve as Chairman of the TADC Amicus Curiae Committee. President Kreager announced that the following day would be devoted to a 'Think Tank Session' identifying problems of the defense attorney. Discussion was held as to the lack of public awareness regarding legislative and judicial changes. It was also noted that TADC added Kelly Ecklund as a new employee in the fall.

Items discussed during the January 1984 Board Meeting: Joe Crawford, Treasurer, reported that the audit was complete and all tax returns have been filed. The TADC savings account totaled \$48,000. TADC was operating on a fiscal year of November 1 through October 31. Bob Sheehy was congratulated on the fine work done in connection with the legislative counsel's redrafting of the Civil Code. Mr. Sheehy thanked David Kreager, John Golden and B. Lee Ware for their efforts in this regard. President Kreager reported on the Select Committee on Judicial Selection appointed by the legislature. Richard McCarroll had appeared on behalf of David Kreager. The position presented to the Committee on behalf of TADC suggested the adoption of a system of merit selection of judges by a judicial commission. Tom Coghlan and Jim Gallagher agreed to chair a committee on the economics of the defense law practice.

The Spring Meeting was held May 10-12, 1984, in El Paso, with Schuyler B. Marshall III acting as chairman. A capital expenditure was authorized for TADC to purchase its own computer. Membership was reported at 1,126 members. It was announced that Charlie Smith of San Antonio was the new President-Elect of the State Bar of Texas. The issue of the certification of questions of law from the Fifth Circuit to the Texas Supreme Court was taken up. After some discussion, Philip W. Johnson moved, and Royal Furgeson seconded, that the Board of Directors recommend to the

membership that President Kreager have the authority to take whatever steps to study the proposal and endorse, oppose, or be neutral with respect to the proposition. The motion carried. This action was presented to the membership at their Saturday morning meeting. A motion was made and passed directing Mr. Kreager to notify various interested groups that TADC was opposed to the consideration of this issue at the special session of the legislature.

Minutes taken at the July 1984 Board of Directors Meeting: President Kreager addressed the Board as to the need for a continued exchange of ideas and information between the members. Damon Ball next reported to the Board on the recent activities of the Affirmative Legislation Committee. Henceforth, this committee was to be called the Tort Reform Committee.

The Fall Meeting was held September 26-30, in Corpus Christi, with James W. Wray, Jr. acting as chairman. President John T. Golden presented a brief eulogy in memory of TADC President Kreager who died unexpectedly on September 7, 1984. Duffield Smith proposed that the Chairman of JustPAC should be the current TADC President Elect. TADC membership was reported at 1,150 members. President Golden announced that he would appoint a committee to study and report to the membership on a possible name change for TADC.



## JOHN T. GOLDEN

Vinson & Elkins;  
Houston, Texas

### PRESIDENT 1984-1985

The Spring Meeting was held April 18-21, 1985, in Galveston. John Eckel was chairman of the meeting. TADC membership was reported at 1,207 members. The financial report indicated TADC's budget at \$165,000.

The Fall Meeting was held October 2-6, 1985 in Quebec, Canada, with Larry Funderburk as chairman. Paul Green announced that the resolution passed during the State Bar Convention/TADC Meeting concerning the name change was not unanimously passed by the committee. Dan Price reported on activities in the legislature and spoke in detail regarding the tort reform coalition and the Texas Civil Justice coalition headed by George Christian and funded primarily by TMA. TADC contributed \$5,000 to their efforts. Tom Riney proposed that the TADC Board of Directors en-

dorse the continuing legal education proposal by the State Bar of Texas. The motion passed unanimously.

#### COMMENTS FROM JOHN GOLDEN - 1995:

##### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"A necessity of getting the attention of and explaining to, the business and industrial community how the economic impact of businesses in the state was caused by the erosion of legal defenses from decisions out of the Texas Supreme Court that resulted in escalating jury verdicts in tort and insurance cases and how to combat this growing problem."

##### WHAT WAS YOUR BIGGEST CHALLENGE?

"Establishing an effective program of TADC members for speakers available to civil and business organizations throughout the state to speak on business and economic problems resulting from 'justice for sale' decisions by the Texas Supreme Court, how the problem should be addressed by them, and the necessity for initiating tort reform awareness."

##### WHAT WAS THE TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"The 'seatbelt' defense was struck down by the Texas legislature, though actively opposed by TADC. Oddly supported by the insurance industry in an unwise compromise with TTLA as an effort to prevent injuries by requiring the use of seatbelts without giving up the right to collect for injuries in automobile accidents for failure to use them."

"A plan for judicial merit selection was presented by TADC to the judiciary committee of both the Texas Senate and the House of Representatives, though it did not get out of committee. Fortunately, the merit selection idea did not die. Our plan was the same as that later proposed at various times by Chief Justice Tom Phillips, Ex-Chief Justice John Hill and currently pushed by tort reform groups in Texas."

##### WHAT DIFFERENCE DO YOU SEE IN TODAY'S ORGANIZATION?

"Ten years ago, looking forward, it would have been difficult to perceive the services provided by TADC to both the membership and the legal community CLE programs, newsletter, political awareness, etc. Effective committees are now doing the work that a few selected individuals were earlier called upon to do."

##### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"Thomas B. Weatherly and B. Jeff Crane, both of whom helped found the Association, insisted that participation and involvement with the organization and membership

would result in an 'esprit de corps' that could not be found in other legal groups. How right they were!"

##### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"The most dramatic would seem to be when a small delegation from TADC met with Judge Raul Gonzalez in Corpus Christi and were instrumental in persuading him to become a candidate for the Texas Supreme Court. That was our first successful step in any Supreme Court race. History has justified our decision in backing him."

##### OTHER COMMENTS:

"David J. Kreager was President during the 1983-84 year. He died in 1984 shortly before his term was completed. It is doubtful that anyone influenced the path that the TADC now takes as David did, through the sheer force of his personality during his tenure in his office. He was almost solely responsible for the drastic change of personality in TADC from an organization bordering on 'quasi-social/legal' to that of an aggressive, activist association with the purpose of bringing needed changes to the Texas Supreme Court and the existing tort system. David would be proud that we have continued with the energetic programs he proposed and envisioned we should conduct. Our year ended up in Quebec, Canada where we were treated to a great array of bright colors in the surrounding countryside, exquisite French cuisine, and a most entertaining musical and dancing show put on by a group of young people known as 'The Cloggers.' The following week we were back home and most of us in trial again."

### JAMES L. GALLAGHER

Scott, Hulse, Marshall, Feuille,  
Finger & Thurmond;  
El Paso, Texas

#### PRESIDENT 1985-1986

The Spring Meeting was held May 1-3, 1986, in San Antonio.

B. Lee Ware was chairman of the meeting. The budget of TADC was reported at \$169,000. Bob Sheehy discussed the need for a restructuring of the size of districts and a need to delineate and delegate specific responsibilities to officers and directors of TADC.

The Fall Meeting was held September 17-21, 1986, in San Francisco, California, with Steve Roper as chairman. President James L. Gallagher reported on the existing





TADC Speaker's Bureau and the continuing need for qualified speakers to volunteer their services to speak to various business and professional groups.

#### COMMENTS FROM JIM GALLAGHER - 1995:

##### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"By inviting comments from the Past Presidents of TADC, someone has exhibited great courage, but questionable judgment. This opportunity, seriously, gives one pause for reflection. Schuyler Marshall III was my mentor. Had it not been for Schuyler, I might never have joined and certainly would not have been active in TADC. Once I began to get involved, I believed that the boundless enthusiasm and good humor of Duffield Smith convinced me that his was an organization worth my time. I thank God that reprobates like Bob Sheehy, Jim Besselman, Steve Roper, John Marks and John Golden have had little influence on my life."

##### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"In thinking back to the challenges, my toughest job was clearly my first. Schuyler was hosting a TADC meeting in El Paso and, taking advantage of my innocence, asked me to help. I was to be responsible for managing the hospitality room at this my first meeting. The job sounded simple enough, however, little did I realize the intensity of the opposition I would face. My foes, consisting of Ralph Zeleskey, and his band of east Texas Robinhoods were intent on redistribution of the hospitality room inventory. The battle ended at approximately 4:00 am when, with the help of another young lawyer, I was finally able to recapture a case or two of whiskey and return the last of the enemy to their hotel rooms. After that encounter, such things as judicial races, legislative battles, publications, board meetings, nominating committees and annual meetings were a piece of cake."

"Thinking back, Dewey Gonsoulin was our Paul Revere, issuing the wake-up call when most of the organization was sound asleep. I can recall my earliest board meetings with Dewey, like the voice of a prophet in the wilderness, calling us to involvement in the political arena. TTLA was beginning to promote its legislative agenda and pour obscene amounts of money into the judicial selection process. In those days, most of our members were concerned only about being good lawyers and representing our clients. Our meetings were typically more social than business and many, myself included, saw all this concern about the politics as a way to ruin a perfectly enjoyable meeting. Fortunately, Dewey was persistent and wise beyond his years. I would note that he has since caught up in the latter area. Once the battle lines were drawn, in my opinion, the unfortunate loser

was our profession itself. It became clear that we had no choice, we could either sit back and content ourselves with our own pleasures, or attempt to preserve a system where the responsibility of the individual remained a significant factor, and in which damage awards bore some reasonable resemblance to the injury sustained."

"I hope someone will also mention Duffield Smith. Did anyone light up our meetings more than Duffy? Although many were involved, Duffield had a major role in taking TADC to national prominence. While his charm and good humor opened the doors, it was his organizational skills, his tireless energy, enthusiasm, and ability to get the job done that earned our organization great respect in the national defense groups. By the time I got involved, the whole country was asking "What is Texas doing?" Almost without exception, our organization already had in place virtually everything that was being done in any other state. Duffield always enjoyed a good time, but only after the work was done. Probably no one other than Carlisle DeHay focused so much attention on the young lawyer, the lifeblood of our organization. He never missed an opportunity to make the new member feel special. My father-in-law, a man of humility and good humor, would jokingly comment to family members or friends on parting "I'm glad you got to see me." I'm sure that I speak for many others when I think back and say 'Duffield, I'm glad you got to see me.'"

##### WHAT WAS THE TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"This tort reform talk brings back many memories. Tort reform and the selection of judges were the focus of our efforts in the mid-1980's. Clients in the business community were finally beginning to realize that no matter what legislation might say, the interpretation of that legislation by the courts could be critical. The Texas Medical Association was watching its hard-earned legislative victory dissected and held unconstitutional clause by clause. For a number of years our clients had somewhat selfishly focused only on their own problems. After several years of life under the Texas Deceptive Trade Practices Act and other decisions, they finally began to realize that some united front was needed and the Texas Civil Justice League was formed. Our members were asked what needed to be done by way of tort reform and assisted in drafting and analyzing proposed legislation. Late in the process, a compromise was struck. Critical provisions such as abolition of joint and several liability did not have the votes to pass. While some meaningful changes were accomplished, our fears that future efforts at tort reform would be met with the argument that it had been tried and failed, were well founded, at least for several years."

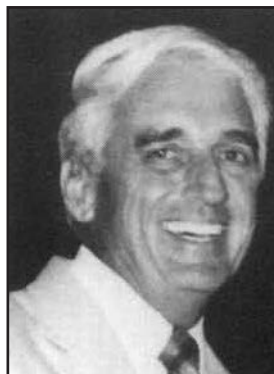
“In many circles, including the Texas Supreme Court itself, largely through the efforts of Chief Justice John Hill, the selection of judges was a matter of concern. Many voices were heard on the issue. At that time, the Republicans, who had not elected a judge since Reconstruction days, were beginning to make headway in judicial elections, particularly in the lair cities. For this reason, both major political parties were unwilling to yield their turf. As a result our judicial elections have taken on the nature of mud wrestling or roller derby.”

“As I look back I wonder what our tort system is all about. Clients from Europe or Japan shake their heads in disbelief once they understand the potential consequences of doing business in our country. While no one could deny that some of our products are made safer than they were some years ago, and while the standards of care of professionals may have changed, for the better, what has been the cost? As a young lawyer, every town in west Texas had an airport covered with private airplanes. Now only a handful are all that remain. An industry that made the finest single engine aircraft in the world has been destroyed in a few short years. While we can all sympathize with the families of crash victims, one must wonder about the thousands of people whose jobs involved the design, manufacture, sale or service of these airplanes, and what the loss of their jobs must have meant.”

#### OTHER COMMENTS:

“Internally, I think that Bob Sheehy particularly deserves our thanks. The most significant change in our organization today, from a decade ago, its administrative stature, particularly the addition of administrative vice presidents with responsibility for major areas of TADC activity.”

“I am an optimist by nature, however, I see things that are personally disturbing. Increasingly, the attitude of our society seems to be that the end justifies the means and that any tragedy, regardless of its cause, deserves compensation. The oath seems to have become a mere formality and many of our trials and lawsuits are being won in which the prevailing party has been clearly shown to be a liar. As a young lawyer a lie was my best defense. It seems as if deception has almost become an accepted way of life in some circles, not only in the courtroom, but also in government and industry. Greed seems to be the seed from which deception sprouts.”



## BOB SHEEHY

Sheehy, Lovelace & Mayfield;  
Waco, Texas

### PRESIDENT 1986-1987

The Spring Meeting was held April 29-May 3, 1987, in Nassau, Bahamas, with Howard Waldrop as chairman. The financial records indicated that TADC's budget was at \$200,000. Jim Guess moved that the Board formally recognize Bob Sheehy and Dan Price for their work on tort reform. The motion was seconded by Don Flannery and passed. Jo Anne Christian was hired by TADC as Legislative Coordinator to indicate which legislative bills would be of importance.

The Fall Meeting was held October 1-3, 1987, in Fort Worth. Bill Bogle acted as chairman. Bob Sheehy commented on the need for new facilities in Austin. There was also a proposed TADC bylaw change for organization. Each Program Vice President would be assigned a general area of responsibility. Under this plan, the following Program Vice Presidents were assigned: John Marks, Legislative Vice President; Howard Waldrop, Program Vice President; Lewin Plunkett, Membership Vice President; B. Lee Ware, Publications Vice President. Eight Regional Vice Presidents would be assigned to a specific region to be under his/her supervision and to work with the Directors from the same region. Under this organization, District Directors were to be responsible for the activities of TADC in his/her district. Points of responsibility include membership and area meetings. Bob Sheehy presented the proposal that TADC move its offices into a space in the United Bank Tower at 15th & Guadalupe streets.

The TADC Rookie Seminar was instituted in 1987 by Joe Crawford for young lawyers who have been licensed for 5 years or less.

#### COMMENTS FROM BOB SHEEHY - 1995:

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

“There were two challenges that the TADC Board was facing when we took office in October 1986. First was the realization that TADC had grown tremendously over the previous years with no change in its organization to handle the larger membership. The second was how and to what extent TADC would participate in the fledgling Texas Civil Justice League and the fight for tort reform in the 1987 legislative year.

### WHAT WAS YOUR BIGGEST CHALLENGE?

"Perhaps the greater of the two challenges was the reworking of the TADC organization to provide the framework for handling the ever increasing projects and services of TADC while at the same time obtaining the maximum involvement by the TADC members. Prior to the first Board meeting the officers had agreed upon a new method of using the officers and directors as a trial during 1986-1987 without changing the bylaws. The result as to divide the Vice Presidents into two groups; five were to head up geographic areas and work with the directors in their area and the other four were each assigned specific program areas. The goal was to delegate authority to carry out projects with assigned areas, thus relieving the Executive Committee to deal with special programs such as tort reform. The entire Board of Directors accepted their responsibilities willingly and TADC enjoyed one of its best years.

### WHAT WAS THE TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"The second challenge, tort reform, had mixed success. First on the negative side, TADC was discouraged that effective tort reform was not accomplished in spite of tremendous efforts by the Civil Justice League, TADC and numerous other statewide groups. However, the organization of the Texas Civil Justice League, bringing together for the first time the many different groups that had similar legislative agendas, provided the mechanism for united effort. TADC can be proud of its part in organizing and helping TCJL grow and become more effective over the years."

"It is satisfying to look at the TADC today and see how it has continued to grow and mature as an organization. The structure put in place in 1987 has now been fine-tuned to allow the expansion of programs, services and activities that make TADC the envy of defense groups across the nation. It has proven the premise on which the reorganization was grounded - when you get TADC members involved with specific goals and give them the authority and creative freedom to go forward there is little that cannot be accomplished."

### WHAT TADC MEMBER(S) WERE INFLUENTIAL IN YOUR LIFE?

"During my years on the Board and as an officer, there were so many that influenced what we were able to do that it would be impossible to begin naming them. However, there are two I must mention. First is Duffield Smith, who convinced me to get more involved, especially in the legislative area. The second is John Golden who, being assigned the task of informing me that the Nominating Committee had selected me to become the President for 1986-1987, managed to convince both my wife and me that he sincerely thought I could do the job."

### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"For a year of hard work there were also lighter moments. There were the sand figures in the sand of the Bahamas, the moving of the 1987 convention from one hotel to another two weeks before the meeting, the sometimes terrible jokes that the current President (then officer) kept trying and many others. I would be remiss if I didn't remember the unfailing good humor and willingness always to go the extra mile by Martha and Kelly. Every President realizes that Martha's attitude and devotion to TADC makes it possible for us to move forward."

"But most of all there was the satisfying pleasure to work with the best trial attorneys as well as to have a sense of pride in being part of what TADC accomplished then and is still accomplishing. Lastly, there are the friendships that have been made over the years which continue to enrich Zoe Ann's and my lives."

### J. CARLISLE DEHAY, JR.

DeHay & Blanchard;  
Dallas, Texas

### PRESIDENT 1987-1988

TADC Membership stood at 3,640 members. The financial records showed a budget amount of \$201,000.



The following minutes were recorded at the January 1988 Board Meeting: Wayne Prescott, Treasurer, reported that income exceeded expenses as of December 1987. Robert Frost reported on the Spring Meeting in Vancouver, Canada. Pat Kerrigan reported that she was working with Brock Akers and Tom Davis to host a cocktail reception in the form of a "Meet the Candidates" night in Houston. The TADC office by then had two full-time employees, plus Kelly Ecklund who worked 30 hours a week. Martha Miller reported that she was working on a TADC Policy Manual.

The Spring Meeting was held April 27 - May 1, 1988, in Vancouver, Canada, with Robert H. Frost as chairman. Jack Maroney reported that a five year lease had been executed for 2,100 square feet of office space in the First State Bank Building. A move-in day of May 15, 1988, was planned.

The Fall Meeting was held September 29 - October 1, 1987, in Padre Island, with Ernest "Skip" Reynolds III as chairman. Tom Riney reported that TADC was averaging



one Professional Newsletter per month. Allan Dubois reported on the TADC family picnic held in San Antonio which 84 people attended. Larry Funderburk reported on the recent "Meet the Candidates" night held in Houston which a large number of TADC members attended. John Martin reported on a successful Defense Counsel meeting held in Dallas. Vic Anderson reported that the TADC program in Fort Worth was also a success.



## **JACK D. MARONEY II**

Brown, Maroney, Rose, Barber & Dye; Austin, Texas

### **PRESIDENT 1988-1989**

At the Fall 1988 Board of Directors meeting, it was reported that membership was at 1,804 members. The TADC budget amount was \$249,000. There was discussion concerning the TADC Professionalism Committee. It was pointed out that Blackie Holmes wrote the creed that was adopted by the Dallas Bar Association. All former Presidents of TADC and Frank Baker were on the committee. Joe Crawford reported on the Rookie Seminar scheduled in Austin and those that could be held elsewhere in the state. It was decided to enforce the provision that the Trial Academy was not to be attended by persons with more than five years experience. Concerning membership, President Jack Maroney indicated that he would be visiting with members around the state in the next several months in an effort to build up the membership of TADC.

Items from the January 1989 Board Meeting included a discussion on the need for a committee to study a name change for the Association.

The Spring Meeting was held April 26-30, 1989, in San Diego, California, with Louis M. Scofield, Jr. as chairman. John Marks reported that 600 legislative bills had been reviewed. Of the 196 that were being followed, 52 were being supported.

During the Board of Directors meeting held in San Antonio during the State Bar Convention, \$7,000 was authorized for TADC to purchase a computer for the office. President Maroney reported on discussions with TTLA concerning the draft of the Lawyer's Creed. TADC adopted a policy not to include commercial vendors at its functions.

The Fall Meeting was held September 28-30 at Las Colinas, in Irving, Texas, with John H. Martin acting as chairman.

President Maroney announced that the Creed passed by the TADC Board and the Board of TTLA was given to Justice Cook. President Maroney also reported that Kevin Keith, Chairman of the Amicus Curiae Committee, had been very active and done a fine job. President Maroney went on to review the '89 year in which TADC gained 200 new members.

### **COMMENTS FROM JACK MARONEY - 1995:**

#### **HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?**

"Combating the Rambo-type conduct; working to seek acceptance of the Lawyers Creed; proffering an olive branch to the Texas Trial Lawyers Association -- narrowing the issues and seeking agreement in an effort to level the playing field with meaningful tort legislation and workers' compensation reform; and through our programs, newsletters and public recognition, enticing more eligible members into our ranks."

#### **WHAT WAS YOUR BIGGEST CHALLENGE?**

"Attempting to gain cooperation and participation of the TTLA to join the TADC's efforts to combat those lawyers employing Rambo-type tactics in the practice of our profession and adopting an appropriate creed of ethical conduct."

#### **WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?**

"Conservatives were in the initial process of making inroads, but liberals in the tort arena still dominated both houses of the legislature."

#### **WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?**

"TADC has become much more sophisticated with computer capability to promptly receive copies of bills filed during the legislative session and not only be more timely apprised of hearing schedules, but we have become increasingly able to react and come forward with impressive testimony on legislation of interest to the Association."

#### **WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?**

"This question, to be accurately answered requires a multitude of names. Clearly, Mark Martin, Cleve Bachman, Bill Moss, Dewey Gonsoulin, Kleber Miller, Paul Green John Golden, Bob Sheehy and Carlisle DeHay, of those that preceded me in the presidency. Since my term of office, every one of the subsequent presidents were and have been close friends and outstanding leaders."

## IS THERE A DRAMATIC OR HILARIOUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"The single most dramatic incident was the obtaining of agreement with the TTLA to join with the TADC in recommending to the respective memberships acceptance of the "Lawyer's Creed" of ethical professional conduct."

## OTHER COMMENTS:

"For the opportunity to 'rub shoulders' for an entire year with TADC's national treasure ... Martha Miller. Enough said."

## HOWARD WALDROP

Atchley, Russell, Waldrop & Hlavinka; Texarkana, Texas

### PRESIDENT 1989-1990



The Spring Meeting was held May 2-6, 1990, in Orlando, Florida. The Meeting Chairman was Vic Anderson. Publication Vice President, Pat Kerrigan, reported that most of the TADC's professional newsletters had been submitted and that she expected them all to be mailed together. John Marks reported that the product liability and merit selection bills were dead. JustPAC had a balance of \$20,000 after contributions of \$40,000. Including the request for JustPAC contributions with the dues statements had proved to be very helpful.

The Fall Meeting was held September 20-22, 1990, in Corpus Christi, with Gaston Broyles acting as chairman. Membership dues were increased to \$125 for those members licensed five years or less, and \$200 for those licensed more than five years. Membership stood at 1,985 members. Tom Riney reported on the Trial Academy and the three Rookie Seminars, all of which had made a profit.

## COMMENTS FROM HOWARD WALDROP - 1995:

### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"The organizational structure of TADC was drastically altered by Bob Sheehy during his years as President-Elect and President. I felt that it was my challenge to continue that organization structure, and to build upon it and to improve upon it. In that, I believe we were successful. Additionally, we were trying during my year and the preceding years and succeeding years, to rotate various able younger members through the various Administrative Vice Presidents jobs so as to have an on-going training program, albeit informal,

for our top leadership."

### WHAT WAS YOUR BIGGEST CHALLENGE?

"Our greatest challenge was to meet the goals that we had set to be accomplished by the time my year as President closed. The greatest and most important goal in my recollection was that we were to break the 2,000 member barrier insofar as membership was concerned. You will recall that we did indeed, crash the 2,000 membership barrier just before my term of office ended."

### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"My term, fortunately, did not fall during a legislative year. It was in an election year. Our greatest challenge was trying to help in increasing the number of friendly faces in the legislature, but more importantly, to try to consolidate the gains that we felt conservative forces had made insofar as the membership of the Supreme Court was concerned. I believe that we were immensely successful in all of these."

### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Insofar as differences in today's organization, I can't see that there is really that much difference. I feel that the stratagems that we used in trying to train on-coming leaders for top positions in the organization have paid dividends, and that TADC simply goes on to greater and grander things."

### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"Any number of TADC members have been, and continue to be, influential in my life. I hesitate to mention any of them for fear of slighting some who have had an influence in my life. John Williams, Dave Kreager, Duffield Smith and Carlisle DeHay all were close friends who were very influential in my life and whose friendship and association I treasure greatly. Bob Sheehy, Jack Maroney, John Marks Blackie Holmes and Lewin Plunkett I consider to be very close friends who, with their charming wives, I continue to look forward to seeing on a regular and recurring basis."

## OTHER COMMENTS:

"Let me just say that it is an honor for me to be able to make these comments. The 30-plus years that I have enjoyed membership in this organization has been very enjoyable and rewarding to me. The opportunity to serve as President of this organization was perhaps the greatest honor of my life."



# *TADC 50th Anniversary Celebration.*





# *TADC 50th Anniversary Celebration.*





# *TADC 50th Anniversary Celebration.*





# *TADC 50th Anniversary Celebration.*





# *TADC 50th Anniversary Celebration.*



## *A Special Thanks to the TADC 50<sup>th</sup> Anniversary Celebration Planning Committee*

Thomas E. Ganuchau, Beck, Redden & Secrest, L.L.P., Houston – Chair; Christy Amuny, Bain & Barkley, Beaumont; Gregory D. Binns, Thompson & Knight, L.L.P., Dallas; David E. Chamberlain, Chamberlain♦McHaney, Austin; J. Dennis Chambers, Atchley, Russell, Waldrop & Hlavinka, L.L.P., Texarkana; Joseph V. Crawford, Wright & Greenhill, P.C., Austin; Chantel Crews, Ryan Sanders & Gluth, L.L.P., El Paso; Jane Lea Haas, Hays, McConn, Rice & Pickering, P.C., Houston; John H. Marks, Locke, Lord, Bissell & Liddell, L.L.P., Dallas; James R. Old, Jr., Germer Gertz LLP, Beaumont; Lewin Plunkett, Plunkett & Gibson, Inc., San Antonio; Kenneth C. Riney, Hermes, Sargent & Bates, L.L.P., Dallas; Bobby L. Walden, TADC Executive Director, Austin



## JOHN H. MARKS, JR.

Strasburger & Price;  
Dallas, Texas

### PRESIDENT 1990-1991

The Spring Meeting was held May 1-5, 1991, in Williamsburg, Virginia. James H. Blackie Holmes III was chairman of the meeting. Past President

John Golden presented a recommendation for a set of awards to be given to members each year. Included in his recommendation were a President's Award, to be given during the year for outstanding service to TADC, and a Founders Award, to be given to a member(s) whose work had attracted favorable attention and produced positive changes and results in the work of the organization. Richard Griffith and Mike Hays were to serve as co-chairmen of the first TADC Law Office Economics Seminar.

The Fall Meeting was held September 19-21, 1991, in El Paso, with Jim C. Curtis as chairman. A memorial contribution to the University of Texas School of Law was made in Preston Shirley's name. A review was given of TADC's first Law Office Management Seminar held at Las Colinas. Lou Scofield reported on the proposed TADC bylaw revisions. John Marks announced that leaders of the states' defense associations had been invited to meet in Dallas in June.

#### COMMENTS FROM JOHN MARKS – 1995:

##### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"Maintaining the status quo legislatively and continuing the effort to change the make-up of the Texas Supreme Court."

##### WHAT WAS YOUR BIGGEST CHALLENGE?

"Two years before my term, which began in 1994, we started organizing the TADC legislative program. The greatest challenge of the year was successfully implementing this new program. It required a lot of help from Martha Miller and Jo Anne Christian."

##### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"The defeat of single member district legislation."

##### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Today, I see more of our leadership being involved in the work of the TADC. I also see a better organized, more effective and more proactive association, with a high degree

of credibility in the legislative process."

##### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

Paul Green, Duffield Smith, Bob Sheehy, John Golden and Bill Moss.

##### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"Yes, there were humorous incidents, mostly involving Blackie Holmes and mostly unrepeatable in polite company, but nothing real bad."

## LEWIN PLUNKETT

Plunkett, Gibson & Allen, Inc;  
San Antonio, Texas

### PRESIDENT 1991-1992



The Spring Meeting was held April 22-26, 1992, in Cancun, Mexico. Allan DuBois was chairman of the meeting. The first Winter Meeting was scheduled for February 27 - March 1, 1993, in Crested Butte, Colorado. Michael Wallach was to be chairman of that meeting. John Wilson, Treasurer, reported that TADC was well ahead of the budget for the 1991-92 fiscal year. Jim "Bo" Guess was asked to draft a change to the TADC bylaws to allow the DRI State Chairman, providing that he or she is a TADC member, to serve as a voting member of the Board of Directors. The Board requested that the rules for the membership drive be published in the June Newsletter. President Lewin Plunkett was to write to the Texas Judges informing them that the magazine For The Defense was being sent to them by TADC. The creation of a Law School Scholarship fund was approved and the contribution made in memory of W.O. Shafer was to be the first deposit into it. John Estes reported that the Preston Shirley painting for the University of Texas School of Law would be on display at the TADC Fall Meeting. Membership Vice President, Russell Serafin, announced that TADC had 66 new members as of April.

The Fall Meeting was held September 30 - October 2, 1992, in San Antonio, with Wade Shelton as chairman. John Wilson reported that TADC was then currently 9% below budget in expenditures. Jim "Bo" Guess reported that California had been very successful in raising money for its PAC by asking members to give one billable hour. The winner of the TADC Membership Drive was Scott Hooper of Vinson & Elkins in Houston.

## COMMENTS FROM LEWIN PLUNKETT - 1995:

### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"I wish all challenges were so easy."

### WHAT WAS YOUR BIGGEST CHALLENGE?

"How to recognize so many good people."

### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

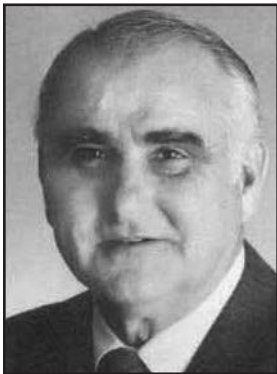
"How to even out the playing field."

### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"There are so many. The quality of our leadership historically has been outstanding."

### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"The Ixtapa meeting generated so many stories. Braniff folded leaving us all on Mexican airlines. The hotel ran out of water alternatively with electricity. Royal Brin was President and couldn't get there and Martha Miller was injured and missed it. It was still a lot of fun."



## **JAMES H. "BLACKIE" HOLMES III**

Burford & Ryburn; Dallas, Texas

### **PRESIDENT 1992-1993**

At the Fall 1992 Board of Directors meeting, it was reported that membership stood at 2,160 members. The amount budgeted for TADC expenditures was \$370,000. Martha Miller, Executive Secretary, reported that TADC had a proposed lease at the same location which would increase the office space to 2,700 square feet. Membership applications received from individuals who were not employed in the "private practice of law" would be denied and returned to the applicant.

The Spring Meeting was held April 22 - May 2, 1993, in Charleston, South Carolina, with Jim Zeleskey serving as chairman. The Preston Shirley plaque with the names of those who contributed to the painting had been hung in the TADC office. Vice President Russell Serafin presented President Blackie Holmes with the background information for the speakers scheduled for the TADC program. President Holmes added that he already knew a great deal about the

Charleston speakers as he was related to most of them.

The Fall Meeting was held September 16-18, 1993, in Austin, and co-chaired by Joseph V. Crawford. Bo Guess reported on the requirements of TADC's Incorporation. TADC member Joe Loiacono reported on the lease for TADC's office space. George Scott Christian, TADC Legislative Consultant, reported to the Executive Committee on expected legislation.

## COMMENTS FROM BLACKIE HOLMES - 1995:

"It was the biggest honor of my life to serve as President of the TADC for the 1992-1993 term. To be chosen to represent such a fine group of lawyers who possess the courage, character, professionalism and skill unmatched by any other organization was, indeed very humbling yet very rewarding in a way words cannot express."

"In looking back on my membership in the TADC since I joined in 1965, there are memories of events and members I will always treasure. Judy and I attended our first meeting of the TADC in 1965 which was held at the Fort Brown Motor Hotel in Brownsville with our dear friends John and Melba Estes, and John's cigars. I will always remember the warm and gracious reception the younger members received from older stalwarts such as John Williams, Preston Shirley, Mark Martin, Tom Sealy, W.O. Shafer and Jack Hebdon. I would hope we older members of today can make our younger peers feel as welcome."

"I will never forget my close association with Duffield Smith, who asked me to be his chairman for the Spring Meeting in 1983. It was Duffield who got me interested and started in my TADC work and I will always be grateful for his untiring friendship and dedication to the work of the Association."

"Of course, I will never forget the call I received from Jack Maroney on a Saturday morning in my office advising me I had been nominated as Executive Vice President for 1990. Jack advised me if I behaved myself, I could become President for the 1992-93 term which would place my service in a legislative year. Apparently, an angel sat on my shoulder for the next two years, and I was fortunate enough to become your President and serve during the 1993 legislative session. It was a tremendous challenge reviewing all of the bills in which the TADC had a potential interest. It was accomplished with tremendous support from the office staff Jo Anne Christian, the Executive Committee and the late Danny Price. Needless to say, one of the biggest changes I have observed in the workings of the TADC is what has been brought about through the recent retention of George Scott Christian and his work in the legislative effort."



"Lastly, I will never forget being John Marks' meeting chairman for Williamsburg when we nearly had to cancel the convention because of problems with site selection and Sally Marks, Judy Holmes and my ability to make the necessary arrangements six weeks prior to the convention, while attending a DRI meeting that allowed John to rest easier. I get a kick out of John's statement on Saturday night after the convention was over following dinner in Williamsburg. "Blackie, we had a great convention," I thought a minute and said "John what is this 'we' stuff?"

"What a group of folks the TADC is. A group of real and personable people, superb lawyers and congenial and wonderful spouses led by a great Executive Secretary, Martha Miller."

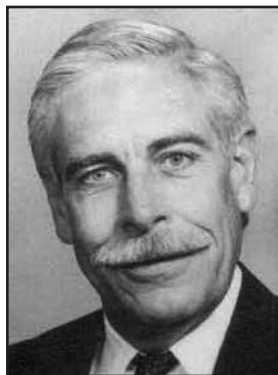
"To everyone, thanks for all you do."

## **JAMES D. "BO" GUESS**

Groce, Locke & Hebdon;  
San Antonio

### **PRESIDENT 1993-1994**

The TADC budget amount was set at \$345,550. Membership stood at 2,224 members.



The Spring Meeting was held April 27 - May 1, 1994, in Maui, Hawaii, with Russell Serafin as chairman. Treasurer John C. Wilson reported that the then current budget report indicated that 45% of the budget had been spent. Joe Crawford, President Elect, reported on the upcoming elections in November. P. Michael Jung, chairman of the Amicus Curiae Committee, reported that ten or more briefs have been filed or were going to be filed.

The Fall Meeting was held September 29 - October 1, 1994, in Galveston. S.R. "Stretch" Lewis, Jr. was chairman of the meeting. Treasurer Wilson reported that TADC was 83% into its budget year and had expenditures of 80%. President Guess announced that the incorporation procedure of TADC had been completed. Legislative Consultant, George S. Christian, reported on current election issues.

### **COMMENTS FROM JIM GUESS - 1995:**

#### **HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?**

"As a direct result of the efforts of Martha Miller and

her staff, Kelly Ecklund and Bobby Walden; an excellent Executive Committee; a dedicated and hardworking group of officers and Board of Directors; my year as President was a very easy and enjoyable year."

#### **WHAT WAS YOUR BIGGEST CHALLENGE?**

"My biggest challenge was trying to measure up, as a leader and as a person, to the tremendous example of all of the great lawyers who preceded me as President."

#### **WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?**

"Correcting certain abuses in the trial area; tort reform for the 90's; reform of judicial selection; preserving the jury trial system; maintaining fairness in the rules of civil procedure, as many revisions were being proposed."

#### **WHAT DIFFERENCES TO YOU SEE IN TODAY'S ORGANIZATION?**

"Since my year was less than a year ago, I cannot comment on differences between now and then. However, this organization is the finest defense organization in existence. Its membership is comprised of strong leaders and great trial lawyers. This organization now has tremendous influence on the development of the civil justice system and that influence will continue to grow as this organization searches for and meets the challenges of the future."

#### **WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?**

"There are too many TADC people who have been influential in my life to try to name them! By way of example, however, I would like to express my appreciation for Bob Sheehy, Jack Maroney, John Marks and Lewin Plunkett."

#### **IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?**

"Who can forget Jim Besselman introducing himself as "Pam Plunkett" from the luau stage in Maui just before demonstrating a swivel hipped hula!"

#### **OTHER COMMENTS:**

"I am extremely proud of the honor of being a TADC Past President!!"



## JOSEPH V. CRAWFORD

PRESIDENT 1994-1995

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

The 1987 Legislature started Tort Reform in Texas. Mark White had been swept out of office after a single term as Gov. by Bill Clements, whom he defeated in 1982. The mood was business conservative and even the liberals in the Legislature knew they would have to do something. That's when it started."

WHAT WAS YOUR BIGGEST CHALLENGE?

"In 1994-95 Bush had defeated Ann Richards after her single term as Gov. and again, the mood in Texas was business conservative and this time - so was the majority in the Legislature. TADC wanted to restore some fairness into the trial courts that had been missing for some years, for instance correcting the very unfair results of unlimited joint and several liability. We soon saw that another important task we would have in that session would be to act as the voice of moderation to keep the "go-for-broke" tort reformers from killing the tort system totally. Often since then I've heard many say unfairly that TADC did too much to hurt the tort system in 1995 - always in very vague and general terms. Those who were on the front lines day after day: Bob Sheehy, John Marks, Brock Akers, Russell Serafin, Tom Bishop, Pat Kerrigan and Many Others were working mightily to try to prevent the Tort Reform groups from throwing out the baby with the bathwater. TADC was a powerful and respected voice of reason in this process. For the first time ever, we actually worked WITH TTLA on some issues - AFTER the TTLA finally realized that they were going to go down the tubes in an even bigger way unless they stopped playing Kamikaze Pilot and started working with us. Remember this: The Mold was Cast and Tort Reform was coming with a conservative Legis. and Bush as Gov. The TADC worked hard to keep some of the extreme stuff out of the mix by showing and explaining how those things were going to hurt everyone."

WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

See above

WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Everyone is younger, slimmer, smarter and better looking. Youth is wasted on the young. Seriously, today TADC is a well-tuned Cadillac. In 1994-95, we were a Chevy Impala doing quite well, but striving to be better."

WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"Tibby Wright, Milton Bankston, John Marks, Bob Sheehy, John Golden, Jack Maroney, Blackie Holmes, Cleve Bachman, Tom Sealy, Bill Moss, Dewey Gonsoulin and many many others. David Kreager scared me to death."

IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

When Bill Browder (Midland) told one of the Tx. Supreme Court Judges at a cocktail party in the 1970's - soon after the new discovery rules - interrogatories etc. had been in force for a few years - and he was very serious: "You know, you SOB's have just about made it impossible to hide evidence any more!"

OTHER COMMENTS:

"No past president would ever forget to mention the wonderful lady, Martha Miller! And Bobby is doing a bang-up job of filling her shoes - but his are much more masculine."

## RUSSELL SERAFIN

PRESIDENT 1995-1996

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"The challenges in my year as President from 1995-1996 actually commenced with the 1995 legislative session. Sweeping changes in the name of tort reform were passed during that session and included amendments in the areas of venue, proportionate responsibility, punitive damages, deceptive trade practices, medical malpractice and governmental immunity. A statute was also passed to help eliminate the filing of frivolous pleadings and motions. Although great strides were taken in an attempt to bring fairness and impartiality to those areas above, it was obvious that more changes were going to be proposed during the 1997 legislative session."



Some of us questioned the wisdom of those changes and the motives of the groups that were seeking them. Therefore, the first challenge facing the officers and directors while I was President was to educate our membership on what had occurred in the 1995 session and what was being proposed for the 1997 session. The second challenge was the continuing battle to raise money for the TADC PAC. Our message was that we needed more contributions from a higher percentage of our membership in order to give to qualified candidates in the Legislature. These contributions were necessary in order to gain accessibility to the members in preparation for the 1997 session to protect the rights of the citizens of Texas.”

#### WHAT WAS YOUR BIGGEST CHALLENGE?

“Convincing Martha Miller that I had the authority to purchase a big screen television for the office out of my discretionary fund.”

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

“As indicated above, TADC was facing sweeping changes in all areas of the civil justice system. These changes immediately affected the practice of the members of our association and the far reaching effects of the 1995 and subsequent sessions are being felt today.”

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

“First and foremost was my mentor, Mr. Preston Shirley. As everyone knows, Mr. Shirley was one of the founding fathers of our association and served as the fourth president from 1963•1964. When I joined Mills Shirley in 1972, it was not only a requirement that every member of the firm be a member of TADC, but also that we participate and attend all meetings, at firm expense. That requirement allowed me to meet the finest defense lawyers in the country and make friendships that have endured to this day.”

“Thanks to Mr. Shirley’s lead, I had the opportunity to meet and become dear friends with John and Mildred Golden, John and Sally Marks and “Blackie” and Judy Holmes. I would be remiss if I did not mention these three gentlemen, all past presidents, as TADC members who were influential in my career and life. A special thanks to all three of them for also educating me on fine wines, single malt scotch and fresh vodka.”

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

“Obviously, there were many down through the years, but the one that comes to mind that was both dramatic and humorous was a proposal for marriage to Martha Miller in Lake Tahoe. For details, please contact John Marks, “Blackie” Holmes or John Golden.”



## JOHN H. MARTIN

PRESIDENT 1996-1997

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

My year as President was 1996-97. We had a fairly new staff member named Bobby Walden who was a real challenge, but somehow we managed to get through it. The legislative session occurred during my year as President. There wasn’t much in the way of tort reform during that session, but we had to oppose an attempt to impose what amounted to an income tax on lawyers.”

#### WHAT WAS YOUR BIGGEST CHALLENGE?

“During the critical part of the planning stages for the program for my Spring meeting at the Sawgrass Marriott Resort, my carefully selected Program Chair had to resign from TADC because he went to the plaintiffs side of the bar. Mike Wallach immediately stepped forward and volunteered to take over the program, and did an outstanding job. Thus, my biggest challenge disappeared almost immediately.”

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

“We made some attempts to get judicial selection reform, and I recall some meetings with Chief Justice Phillips on that subject. We were not successful, but we did successfully oppose the legislature’s attempts to impose an unfair tax on law firms.”

#### WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?

“Defense lawyers today are more worried about the future of their business, and there is more competition for law business due to the downturn in litigation.”

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

“Of course, I must start with my father, Mark Martin, who was a founder of TADC and a Past President. Others are quite numerous, but the ones who were really great mentors to me were John Marks, Blackie Holmes, and Carlisle DeHay.”

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

“The most dramatic, and at the same time humorous, incident I have experienced with TADC actually occurred during David Chamberlain’s year as President, when the Hil-



ton hotel in New York City caught on fire. I had returned from a walk on Saturday afternoon, and Betty was up in our room taking a nap. I saw smoke billowing out of the top of the hotel, so I rushed inside and called our room to suggest rather strongly that she get out as soon as possible. She assured me that everything was alright on her floor, and that she was going back to sleep. Upon assessing the situation further, I called back a few minutes later, and this time I was adamant that she really needed to get out of there. She went down the stairwell that was so filled with smoke that she had to back up to a higher floor, find another stairwell and make her escape. Of course, she finally made it to safety. Meanwhile, Martha was standing outside dressed to the nines, looking like she was about to go on stage at a formal TADC event. She was chatting with a couple wearing bathrobes who had just come out of the spa, and Martha commented that she had always believed that it was best to stay properly dressed at all times when staying in a hotel.”

#### OTHER COMMENTS:

“As I visited many other state organizations during my tenure as a DRI officer, I became more convinced than ever that TADC is number one.”

## THOMAS C. RINEY

PRESIDENT 1997-1998

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

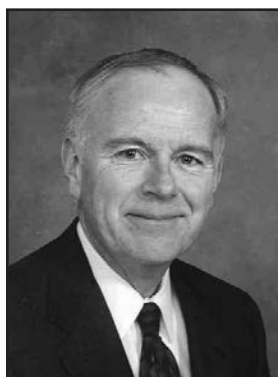
“Most of the challenges during my year as President arose from changes in the nature of the defense practice and particularly the deterioration of the relationship between insurers and defense lawyers.”

#### WHAT WAS YOUR BIGGEST CHALLENGE?

“The biggest challenge was determining the organization’s role in responding to the changes in the defense practice, particularly with respect to handling guidelines, flat fees and the corporate practice of law by insurance company employees/lawyers.”

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

“No fault insurance was being discussed again and TADC joined with TTLA to successfully oppose such legislation. We also worked closely with the Supreme Court on the modification of the discovery rules.”



#### WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?

“A much smaller percentage of our members’ practices is related to insurance defense litigation than when I joined. TADC continues to provide much more in the way of membership services.”

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

“Far too many to name. Some of the main ones were Wayne Sturdivant, Tom Morris, Mike Musick, Bill Moss and Carlisle DeHay, John Marks and Bo Guess. I think all of us have been positively influenced by the outstanding work and example of Blackie Holmes on professionalism.”

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

“I attended the Fall Meeting in New York during the presidency of “Disaster Dave” Chamberlain. I decided to go for a run in Central Park on Saturday afternoon. As I came back down the Avenue of the Americas towards the New York Hilton (where we were staying), I noticed that it was surrounded by fire trucks and a large crowd of people. There had been a fire and the building was evacuated. We were not allowed back into the hotel for several hours. All I had was my running clothes – no money, no identification, etc. A group of concerned TADC members decided that the only thing to do was to take me under their wing and we sat it out in a bar across the street from the hotel. It was a lot of fun but I did not have any money to pick up any part of the tab. I think Dennis Chambers may have actually picked up the tab, for once.”

#### OTHER COMMENTS:

“I had the benefit of the greatest Executive Committee possible: John Martin, Pat Kerrigan, David Davis and Larry Funderburk. They were great leaders and great friends.”



## PATRICIA J. KERRIGAN

PRESIDENT 1998-1999

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

“There were a number of serious, almost daunting, challenges which faced our organization and the profession as a whole during my term. These issues didn’t pop up over night but had simmered for some time.

What stands out in my mind the most about those challenges is not so much the substance of them as the TADC's willingness to confront these challenges and develop a strategic and unified response. These challenges included the issues of guidelines and audits by insurance carriers which attempted to control and impede the independent judgment of counsel, the ethical issues surrounding the emerging concept of a multi-disciplinary practice and the developing conflict between our clients or their carriers and counsel on the issue of tort reform."

#### WHAT WAS YOUR BIGGEST CHALLENGE?

"The biggest challenge was to develop a reasoned and strategic response to the restraints being imposed by insurance carriers on the lawyer's independent judgment. The issues surrounding this problem had been developing for a number of years and during my term as President I drafted a letter, with the able assistance of my executive committee, Tom Riney, David Davis, Tom Bishop and Larry Funderburk, to the Texas Ethics Commission requesting an ethics opinion on audits and guidelines. Opinions were released approximately two years later providing attorneys with some guidance and which were the basis for 2 bills introduced in that Legislative session, SB 1653 and 1654. Neither Bill was enacted. Because of the significance of these issues, the Board of Directors unanimously passed a Resolution reaffirming our commitment to the foundational principal in the practice of law, the independent judgment of an attorney. As part of that resolution, the Board reaffirmed that TADC membership would not be extended to in-house counsel thereby ensuring that TADC remained an organization in which our members could continue to freely discuss, challenge and seek solutions to conflicts and ethical issues unique to the civil trial lawyer in private practice."

#### WHAT WAS THE TADC FACING IN THE LEGISLATURE OR THE POLITICAL ARENA?

"Tort reform had moved from offering reasonable and necessary legislation to correct imbalances which had developed in the tort arena over many years of legislation and case law development to the point where during the legislative session in my year as President we had concerns that the expansion of tort reform was moving beyond the point of achieved balance. The tort reform efforts beginning in 1997 and reaching into 1999 were viewed as edging towards repressing or chilling litigants rights to redress wrongs in the courtroom. TADC never put its members' economic needs ahead of measures which the legal system needed to get in balance but the legislation, post 1995, was viewed as potentially destroying balance reached by the earlier reform of 1995. Our concern was that eventually the pendulum would be pushed too far. Our response was to not support tort reform measures which

were introduced during that legislative session. We were pressured by clients and business and by the Plaintiffs' Bar to take certain actions supporting their goals. We, however, refused to align ourselves, particularly to accept the strong urging of the TTLA President to link arms in solidarity with TTLA and stand united with them against business and insurance companies. At the time, my decision to reject the invitations of TTLA in that regard was because of reality that a joinder with TTLA by TADC on these issues would only threaten our members' relationships with their clients. We were able to stand back that session without any major conflict developing with our clients but the problem simmered until in later years it became a more significant problem for us."

At the same time the multi-disciplinary practice issue was gaining widespread support and, in fact, was being touted by the American Bar Association as the future of the practice of law. Based on various strong ethical considerations, which later during the Enron era proved to have been well-founded, the TADC took a strong position against multi-disciplinary practice which we believed had inherent irresolvable ethical and conflict issues for lawyers. As part of our stance, I traveled to the American Bar Association meeting in Atlanta and testified against multi-disciplinary practice. Our position was rejected by the ABA and other groups who discounted the ethical and conflict concerns which we strongly believed would have jeopardized the integrity of the profession. The passage of time has proven us to have been in the right place on that issue, although it was a lonely place at the time."

#### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"The TADC has always been active and vital but it seems to have reached out to a younger and more diverse group of lawyers over the last 25 years. The one thing that hasn't changed is that the "greats" keep coming into the organization providing nationally recognized leadership.

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"There have been many and I am sure I will leave out some of the people who made my membership in the TADC one of the most valuable experiences of my life, both in my legal career and for me personally. Among those who stand out for me are Blackie Holmes, Bob Sheehy, Howard Waldrop, John Marks, Joe Crawford, Tom Riney and those who are counted as special friends, David Davis, Gina Benavides, Tom Bishop, and Larry Funderburk. I also want to mention B. Lee Ware who introduced me to the TADC when he asked me to speak on a program at the 1986 San Antonio meeting. I was hooked immediately."

IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"There are many but they usually happened late at night in the hospitality suite so I'm not sure I could recount them with any accuracy. Rather than defame the innocent on some of the more humorous incidents, I will mention one of my most cherished incidents was to see the creation of the Martha Miller award and the great tributes given to Martha then and at the time of her anniversary of her 25<sup>th</sup> year with the TADC. As the first woman President of the TADC, I learned so much about my role by seeing Martha gently lead and direct the great men of the TADC who had been President before me. Martha is a great woman and was a great example for me as I saw her artfully perform as Executive Director with discretion, humor and intelligence. I'd also like to thank Martha for the pillow which she bought for me when I became President. Whenever I traveled to Austin for a meeting it was always placed on my chair, simply embroidered with the words "It is great to be Queen."

## DAVID M. DAVIS

PRESIDENT 1999-2000



HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"Our theme was "Recapturing the Momentum" as there was a feeling that defense attorneys had been unfairly treated by insurance carriers, tort reform and the legislature (billing guidelines, third party audits, captive counsel, etc.). We were determined to emphasize our professionalism and independence. It was also a year where technology was becoming increasingly a part of our law practices with the "Y2K" crisis looming at the beginning of the new millennium.

WHAT WAS YOUR BIGGEST CHALLENGE?

"Initially our biggest challenge was dealing with the anticipated crisis in computers at work and at home related to the turn of the century and millennium. Once that challenge had proven on January 1<sup>st</sup> to be a tempest in a teapot we turned our attention to insurance companies through cooperative efforts with DRI and other SLDOs in the Region; in particular, the Louisiana Association of Defense Counsel. My biggest personal challenges were the death of my Dad in the spring and the six medial jury trials I had during my year."

WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"The biggest issue was related to the independence of the defense attorney with efforts nationally to approve of partnerships between attorneys and accountants and other professions in Multi Disciplinary Practices and in Texas insurance company employee attorneys defending third parties in personal injury cases. Ethics opinions, the attorney general and legislation were all being proposed, authored and responded to."

WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Technology: interactive web site; email / e-report communications related to TADC activities and political issues; on-line availability of materials all have made TADC more nimble and responsive."

"State and National: TADC is involved throughout all aspects of the state through its officers, executive director and representatives at the highest levels and in the executive, administrative, legislative and judicial processes and is involved in all aspects of DRI which has concomitantly enhanced the reputation of the defense lawyer in all aspects of the civil justice system; greater cooperation and coordination with other SLDOs; and, greater coordination with other organizations protecting the civil justice system."

WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"Pat Kerrigan who preceded me as President. She was an outstanding example of an inclusive and attentive leader."

"Tom Riney, Dick Griffith, John Martin, Bo Guess and Bob Sheehy who "introduced me" to the benefits of being active in DRI."

"The ten future TADC presidents, future DRI president (John Martin) and future law partner (Junie Ledbetter) who served as officers, board members and DRI State Rep my year."

IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"Dramatic:

Awarding Martha Miller the first Martha Miller Award at 40<sup>th</sup> Anniversary Annual Meeting."

"My outgoing President Award of a donation to the Aimee Melissa Davis Memorial Scholarship."

"Humorous:

Designing Martha's glass award with the help of her artist friend "in secret" and getting the award delivered to Galveston in time for the ceremony."



“Honoring Past Presidents at the 40<sup>th</sup> anniversary annual meeting and the Past Presidents who kept talking, and talking, and talking.....”

“Salee’s gift to the outgoing First Gentleman, Philip Werner, which included condoms, chocolate and champagne so that he and President Kerrigan could get to know each other again after her year!”

#### OTHER COMMENTS:

“I didn’t ask Martha if or when she intended to resign before or during my year: A lesson I had learned well from previous TADC Presidents; despite the “night sweats” that came on when I even contemplated that possibility occurring on “my watch”!



### E. THOMAS BISHOP

#### PRESIDENT 2000-2001

#### 2001: “IT WAS THE BEST OF TIMES, IT WAS THE WORST OF TIMES”

“In many ways, the year 2001 was among the greatest in the history of the TADC. Our membership soared. Our meetings were a universal success. We were graced by such dignitaries as John Cornyn at our Winter ski meeting, who openly and passionately expressed his support for our efforts to protect the independent practice of law through legislation. In Las Vegas at our Spring Meeting, we were joined by Elvis Presley and Wayne Newton impersonators, who made a grand entrance to the dismay of Dennis Chambers during his CLE presentation to the membership.”

“During our Summer meeting in Lake Tahoe, the legendary Judge Mills Lane spoke to us on things significantly more far-reaching than winning or losing an argument. Speaking from the heart about what makes America great and what makes its judicial system the best in the world, Judge Lane drew a standing ovation from a packed conference room, which included passers by who were swept in by the power of his eloquence (and quite frankly, the loudness of his voice).”

“Even Board meetings were from time to time pleasantly surprised with a guest speaker, such as Spike Dykes, former Texas Tech football coach, who talked about achievement, commitment, and putting one’s heart and soul into life.”

“It was one of the worst of times our Association has ever

experienced because of the attack on our nation which occurred on September 11, 2001. All air travel was halted. A blanket of fear came over our nation. Although our meeting was scheduled to take place a mere two weeks following the life-changing event which destroyed the Twin Towers in New York City and took over 4,000 lives in the United States, the Executive Committee of the TADC voted unanimously to go forward with the meeting, and our choice was (as demonstrated below) the right one.”

“The City of New Orleans, a bastion for travel and tourism, literally shut down after September 11, that is until the TADC arrived. Portions of hotels that had been closed for several weeks were reopened, cleaned, and made comfortable for our members. Service was sometimes one-on-one between staff and TADC attendees. At a special meeting called to discuss legislative successes and travails, then State Senator David Bernsen spoke to a packed room of members who gave him a five-minute standing ovation for carrying TADC legislation to protect the independence and professionalism of lawyers from usurpation by insurers and third-party auditors.”

“Perhaps the most stunning moment of 2001 was at our closing dinner in New Orleans at one of its five star restaurants. After the speaker’s program commenced, wait staff, TADC members, TADC leaders, the restaurant management team, and even passers by who were walking down the street at the time all stood and unanimously began singing – without cue or coaching – “God Bless America,” in support of our nation as it dealt with one of its darkest hours.”

“In the Texas Legislature, the TADC introduced groundbreaking and far-reaching legislation through Representative Jim Dunham in the Texas House and Senator David Bernsen in the Texas Senate. The legislation prohibited insurers from interfering with the independent exercise of professional judgment by lawyers for insureds through the use of Draconian billing and litigation guidelines, as well as arbitrary and capricious third-party audits utilized to strip attorneys of fees they had earned. This legislation overwhelmingly passed the Texas Senate and the Texas House, and was sent to the Governor’s office as the Legislature adjourned. In what has come to be known as the “Father’s Day Massacre,” Governor Rick Perry held the approved legislation until the Legislature had adjourned, and then vetoed it, effectively thwarting TADC’s work throughout the legislative session. The TADC bill was reported to be the victim of a kill veto for which then lobbyist (and later Rick Perry’s Chief of Staff) Mike Toomey was paid by the insurance industry to lobby the Governor for a veto. As matters turned out, the TADC’s heart-fought legislation was not the only bill that went down with the stroke of the Governor’s veto pen. Over 100 bills

were vetoed by Perry, many of which had met with little or no opposition in the Legislature, but ended after “kill veto” lobbying in the Governor’s office.”

“Although the legislation gallantly sponsored by the TADC was vetoed, its efforts were not in vain. The spirit of unity, commitment, and passion that fueled TADC membership and garnered overwhelming support in the Texas Senate and Texas House of Representatives left an indelible mark on our Association. Anything can be done when perseverance meets opportunity, when being right and being ready coincide, and when good has a chance to confront and defeat evil.”

“Not long after the Governor’s veto, the Defense Research Institute, which would later have as its President former TADC leader John Martin, adopted with the cooperation of attorneys and insurers, model litigation guidelines, which attempted to recognize the independent duty owed by lawyers hired by insurers to represent individual insureds. Although imperfect, the guidelines represented a major step toward stopping the arbitrary practices that had developed, and which the TADC’s legislation squarely and specifically addressed.”

“Both our nation and the TADC were knocked down in 2001, in one instance by terrorists and in another instance by a Governor who vetoed over 100 pieces of legislation on Father’s Day night. But more importantly, both our nation and the TADC got up again, stood tall, faced the challenges presented, and continued to make a difference in the lives of our country’s citizens and our organization’s members and their clients.”

## **D. MICHAEL WALLACH**

**PRESIDENT 2001-2002**

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT? WHAT WAS YOUR BIGGEST CHALLENGE? WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

RESPONSE:

“I have combined these three questions because they all relate to the same challenge, i.e. internally divisive, external issues. The two issues which were roiling at the



time were the judicial and legislative challenges to the use of captive counsel by insurers in defending third party claims and impending tort reform. The judicial challenge to captive counsel had started prior to my year as President but remained unresolved in the appellate process. Thus, we had members of the association on both sides of the representation in the courts and the Association actively taking an amicus position adverse to the insurers’ position. The Association had also taken in the preceding legislative session, and was going to again take in the next session, a legislative position adverse to the insurers on the dispute. Thus, there was a great deal of division within the ranks of the TADC, which also drew a great deal of outside pressure on members from clients and business interests.”

“The second issue was the impending legislative debate on tort reform. This was another issue which had strong advocates on both sides of the issue with in the membership and which carried a great deal of pressure from clients and business interests.”

“However, despite these controversial topics, we had a great year in terms of membership, CLE and camaraderie. Our annual “out of state” meeting was held in Washington, D.C. and there is too much to do there during one short meeting. However, everyone took in as much as they could, e.g. the halls of Congress, the Smithsonian Museum, Washington, Lincoln and Jefferson Memorials and the Korean and Vietnam War Memorials, Arlington Cemetery and the Holocaust Museum, to name just a few. We also had great meetings in Lake Tahoe (winter), Durango (summer) and Fort Worth (fall).”

**WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?**

“As personal injury litigation has diminished in volume, the association has re-focused a fair share of its CLE activities and membership, as well as its image, to business and commercial litigation.”

“We also have new administrative leadership. After many years of dedicated service, Martha Miller retired as Executive Director. Martha did a magnificent job of nurturing this organization, for which those of us who worked with her are forever grateful. Her former assistant, Bobby Walden, has assumed the helm and is doing an excellent job of steering the ship into these uncharted waters.”

**WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?**

“My mentor was Kleber Miller of Shannon, Gracey, Ratliff & Miller in Fort Worth. He is a TADC Past President, a great trial lawyer and a true gentleman. It was an honor and a privilege to have learned the art of being a trial lawyer under his guidance. I also had the privilege of working with

many other outstanding TADC members. I am very grateful to have had the experience of serving on the Board from the late 1980s until 2003. Several of the Presidents under whom I served during those years, and who provided great tutelage to me in the process, were John Martin, John Marks, Blackie Holmes, Lewin Plunkett, Bo Guess, Joe Crawford, Tom Riney, Pat Kerrigan and David Davis.”

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

“One of the highlights of a lifetime occurred in April 2002 during our meeting in Washington, D.C. Jim Besselman, from Amarillo, called me and asked if my wife Susan and I would like to join him and his wife Lynn on a personal, guided tour of the West Wing of the White House! As it turned out, one of his former assistants had become the assistant to White House Chief Counsel Al Gonzales and she was going to give them a tour. As you can imagine, Susan and I were very excited to go.”

“It was a unique opportunity to actually look through the door of the Oval Office, the “Situation Room” and the Cabinet conference room and to tour the Rose Garden, among others. Unfortunately, but ironically, President George W. Bush was back in Crawford, Texas when we were in Washington, D.C. Thank you, again, Jim for this great memory!”

#### OTHER COMMENTS:

“Serving as a member, on the Board and as President of the TADC was a great experience. It provided the opportunity to meet many members from across the state who have become lifelong friends and colleagues. It also provided the stage for me to meet many influential people in government including Governor and Lieutenant Governor, State Senators and Representatives, U.S. Congressmen and Senators, federal and state justices from the U.S. and Texas Supreme Courts and the Chief White House Counsel. I am eternally grateful for having had this wonderful opportunity and honored to have been given the chance to serve.”



**ROBERT R. ROBY**

**PRESIDENT 2002-2003**

“The biggest challenges during my year as President were tort reform (HB 4, Prop. 12 etc...) and the continuing question and litigation involving whether the utilization of “staff counsel” was or was not the unauthorized practice of law.

While these two areas dominated most of my term the biggest challenge I had was trying to prepare our members for the

major changes to the defense practice that were likely, and in fact did occur as a result of both.”

“Today I see the TADC as an organization that has both developed and adapted to a very liquid and changing environment thus maintaining a strong membership count and therefore the continuing ability to be a credible “voice” for the defense oriented civil litigation practitioner.”

“It’s hard to isolate any one member as having a major influence on my life, instead it was really a collection of members who were people to both respect and learn from. I could start naming names but there is probably a page limit on this publication and I’m certain I would need to exceed it if I did!”

“There are probably few, if any, TADC Presidents who can say that they hosted a summer meeting in the direct path and ultimately direct hit of a hurricane but that is exactly what happened during our summer meeting in Cancun on the evening of July 11<sup>th</sup>, 2003 when our unexpected guest “Claudette” arrived. Fortunately we were conducting the meeting at the then new J.W. Marriott Resort that was built to handle winds exceeding 120 MPH and except for re-arranging quite a bit of the pool furniture and outdoor landscaping, by noon the next day all of our members and their families were back at the pool enjoying a beautiful day!!! I had originally planned to have t-shirts made that proudly announced “I spent the Night with Claudette” but Susan talked me out of it. I should also report that as a precaution we carefully assembled a “ride out” team that remained vigilant throughout the entire ordeal in the Presidential/hospitality suite on the top floor of the hotel.” “In conclusion, being TADC President was a great honor and experience that I will always cherish, thank you for giving me the chance to do it!!!”

#### **J. DENNIS CHAMBERS**

**PRESIDENT 2003-2004**

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

“The challenges at that particular time were great—we were in the midst of a series of tort reform sessions and our membership was often in the difficult position of representing clients and at the same time trying to preserve the right to a jury trial. In addition, membership participation in meetings were down.”





#### WHAT WAS YOUR BIGGEST CHALLENGE?

"To reenergize the membership, increase participation, and balance the wishes of our clients with the notion of preservation of the right to a jury trial."

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"The legislature was very much in a tort reform mode—Texans For Lawsuit Reform had a virtual stranglehold on the Texas Legislature."

#### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"The membership has become more diverse in many ways—types of law practices, gender, and age."

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"Many—of course Howard Waldrop, my mentor. But also leaders like Blackie Holmes, John Goldern, Carlisle DeHay, Jack Maroney, Lewin Plunkett, Joe Crawford, and John Martin. In addition, many members who were active in the organization but never actually served as officers—like Bill Bogle, John Estes, Jim Besselman, and Jim O'Leary."

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"The best stories always seemed to originate from the hospitality suite. Guys like Bill Moss could tell stories for hours, of course. But sometimes something actually happened in there that was legend in and of itself—like the time the future president of the organization got his fingernails and toenails painted while he slept peacefully on the couch."

#### OTHER COMMENTS:

"It is the best organization I have ever been a part of, and Molly and I have enjoyed every minute of our participation."



**DAVID  
CHAMBERLAIN**

**PRESIDENT 2004-2005**

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"I was president in 2005, which coincided with the first legislative session after the passage of massive tort reform in the 2003 session [HB4 among

other far reaching legislation]. As such, we were faced with yet another round of proposed tort reform legislation in the form of bills nicknamed "HB 4 clean-up" which would have extended tort reform even further. These bills were not well thought out and would have done a significant amount of damage to the Texas civil justice system. Fortunately, through thorough preparation, we were able to turn back that effort. In the process, we were able to pass other bills that actually improved the justice system. Examples of this include bills that significantly increased judicial pay and a bill that straightened out the mess of handling settlement credits. Even though I am usually a very modest person, I must say TADC had a very successful legislative year."

#### WHAT WAS YOUR BIGGEST CHALLENGE?

"Certainly, the legislative session was one of our most significant challenges for the reasons stated above. But we had other challenges as well, and these were on a personal level. Hurricane Katrina rolled in during my year and devastated Louisiana, and a month or so later Rita devastated Beaumont and southeast Texas. TADC took the lead in offering assistance to our fellow defense lawyers in those areas in terms of alternative office space, housing and other aide. TADC's leadership in this effort was so profound that the State Bar of Texas and DRI soon fell in line and assisted in the effort. But there is no question about it, TADC was the leader."

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

See above

#### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"I have been a proud dues-paying TADC member for over half my years on this earth, and I can say this with certainty. Today's TADC continues to carry on the very same core mission that our beloved Founders envisioned 50 years ago. There is not a bit of difference in that regard. But I am proud to say that we are now a much more diverse association. Gender and ethnic diversity, and dedication to inclusion, has made us more effective and insightful leaders. Much like the society we live in."

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"I have had the good fortune to work in the same law firms as three former TADC presidents: Duffield Smith, Carlisle DeHay and Joe Crawford. These three fine gentlemen were fabulous lawyers and people. I have also been greatly influenced by my idol, Tibby Wright, as well as by Martha Miller, John Marks, Blackie Holmes, Milton Bankston, Paul Green, John Martin, Tom Riney, Bo Guess and Patricia Kerrigan. Those folks could kick anyone's rears, and

typically did; sometimes just for fun. There are many others, but they are still too young and immature to lionize, much less waste ink on."

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"There are many, but let's start with a Category 5 hurricane hitting my 2005 spring meeting in Cozumel and a fire causing a full evacuation of our high rise hotel at my fall meeting in New York City. I have to say it was fun seeing the always impeccably dressed Martha Miller out on 7<sup>th</sup> Avenue (in front of our smokin' NYC hotel) in her impeccable bathroom slippers. Unfortunately, these disasters caused DRI President John Martin to belittle me as "Disaster Dave." There are other memorable TADC events in which I played an involuntary role, but those occurred in the TADC Hospitality Suite and fortunately there are legal privileges that protect those events from disclosure. Let's just say that I have yet to forgive or forget Dennis and Molly Chambers or David and Judy Pierce, particularly Judy Pierce."

#### OTHER COMMENTS:

"Yes, thanks for asking. How is it that we elected a resident of Arkansas to be TADC President? This is not the kind of diversity and inclusion I have been speaking about, and it certainly was not envisioned by our beloved Founders."

### L. HAYES FULLER III

PRESIDENT 2005-2006

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"As TADC President for 2005 – 2006, I recall several significant challenges, most of which are faced by every TADC President and Board Member every year. These challenges must be met in order to maintain TADC's "relevancy" to its members and the public and include everything from providing the very best in programs and publications to making sure the views of the Texas Personal Injury, Civil Trial, and Commercial Litigation Defense Bar are effectively represented in the legislative process; none of which can be accomplished without the "sacrificial" involvement of some of the very best defense lawyers from across the state and the hard work of TADC's Past Presidents and Board Members."



#### WHAT WAS YOUR BIGGEST CHALLENGE?

"I would suppose my biggest challenge, next to continuing the excellent work of Immediate Past President David Chamberlain, was working with the Executive Committee and the Board to find a replacement for Martha Miller upon her retirement. Fortunately, what appeared to be my "biggest" challenge also turned out to be one of the "easiest" to meet because we had Bobby Walden already working for us."

#### WHAT WAS TADC FACING IN THE LEGISLATIVE OR IN THE POLITICAL ARENA?

"2005–2006 was a non-legislative year. However, it was also the year Governor Perry decided to come up with a proposal for reforming the tax system. Consequently, we spent a great deal of time trying to lessen the impact of the franchise tax on the legal profession."

#### WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"Today, TADC looks much the same to me as it did in 2005 – 2006 which is a good thing because it means that the organization is doing a good job of consistently meeting the challenges posed by (1) increased competition from other "specialty" bars, (2) an increasingly hostile attitude toward lawyers in the legislature, (3) changes in the way clients are utilizing legal services, and (4) changes in the way legal services are being provided."

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"This is a hard question because virtually every TADC member I have known and worked with over the past 31 years has had some influence on my life; particularly, those with whom I have served as a TADC Board Member and Officer. However, I would have to say that Bob Sheehy was one of the most influential. Bob hired me as a law clerk when I was attending Baylor Law School in 1978; convinced his partners that I was worth a \$15,500 starting salary in 1979; paid for me to join TADC in 1981; spent ten years teaching me about the practice and profession of law; and somehow persuaded the nominating committee to nominate me to the TADC Board in 1994, even though he and I were no longer members of the same firm. Needless to say, I am fairly confident that I would not be answering these questions today if it were not for Bob Sheehy."

#### IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"I can think of two. The first was at TADC's Fall Meeting in San Antonio when the Waco contingent en route to the Welcome Reception discovered its ice chest was empty and successfully boarded and liberated a full chest from a neighboring barge. The second was watching David Chamberlain flee the hotel where TADC was holding its 2005 An-

nual Meeting in New York in his bathrobe when the laundry room caught on fire. Sometimes, there simply is no rest for the weary.”

#### OTHER COMMENTS:

“You will be pleased to know I have none. Congratulations to TADC on its 50<sup>th</sup> Anniversary.”



**JAMES R. “JAY” OLD, JR.**

**PRESIDENT 2006-2007**

#### HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

“We had an exciting, fast-paced year. The year went by much quicker than I imagined. The primary challenges were associated with keeping pace with all that was going on – and keeping my law practice and family balanced at the same time.”

#### WHAT WAS YOUR BIGGEST CHALLENGE?

“We had several challenges. When we lost Dan Shilladay and shortly thereafter Vance Ivy, we lost two very active board members and leaders. Their deaths rocked our organization and quite literally changed my life. Our biggest legislative challenge was dealing with court reorganization legislation that was proposed during the session. The changes it proposed were not only controversial but also represented a sweeping policy shift for how Texas courts would be run. While I would not call it a “challenge” the greatest joy and probably the focal point of the year was putting on our first Civil Justice Forum. Another proud accomplishment was the creation of the member assistance program, at the suggestion of Stan Perry in honor of Dan Shilladay.”

#### WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

“The “hot button” issues were the Court Reorganization Bill, “paid or incurred,” venue in Jones Act cases and asbestos. Our major initiative was to seek revisions to arbitration law in Texas that would reduce its cost, raise its credibility and provide for appeal of certain decisions. Of course there were a lot of others. It amazed me the things legislators asked us to help them with, everything from criminal matters to probate.”

#### WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?

“The TADC is getting younger – or I’m just getting older. Our members handle a much broader variety of cases than has been traditionally associated with TADC members. By that, I mean our focus is more on commercial litigation, class actions, securities matters, oil and gas and the like. Finally, we have fewer lawyers who seem to be constantly in trial. Instead our members focus more on mediations and arbitrations.”

#### WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

“So many folks have become major influences for me and my family. Mike Crowley and David Chamberlain were the first members to give me a “job” within TADC when they put me on the Professionalism Committee as a Young Lawyer. They created a passion for the preservation of our civil justice system that has defined my legal career.”

“David Davis was both father and brother to me. He showed me how the TADC is qualitatively different from every other “trade association” I have encountered. He and his wife Salee have treated me not as professional acquaintance or as competitors, but part of a larger family. They have become friends with my wife as much as with me. We have travelled together, shared clients and written scholarly articles together. He has done as much to promote my career as anyone.”

“Dennis Chambers and Molly, Fred Raschke and Kim, Mike Hays and many others have guided me, referred work to me, shared vacations and holidays with my family, invited us into their homes and into their lives. Their influence is indescribable. Guys like Tom Bishop and David Chamberlain have simply pushed me to do more, and more and in the process I have been rewarded many, many times over.”

“Finally, Martha Miller has left an indelible mark on my life and was a great influence on my year as President even though she had already retired by that point. Martha taught me patience, how to build consensus, how to treat people – including the little things like knowing the idiosyncrasies of VIPs, using discretion in handling internal matter, to remember to send thank you notes, and treat everyone as if they’re the most important people you work with every day. She exudes class, and in her own motherly way, raises everyone around her to their utmost potential. I wish I had those qualities and am grateful for all she has given me and the TADC along the way.”



IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"My favorite came in 2003 while we were testifying in the Senate on the billing guidelines legislation (eventually vetoed by Governor Perry). During the testimony, an in-house lawyer from one of the carriers who was there to testify that in-house lawyers had no conflicts of interest and were better at defending lawsuits than private practice attorneys. When he was beating around the bush on an answer, he was eventually asked: "At some point you have to decide whether you are the taxidermist or the veterinarian." I guess it was just the moment, but Sen. Senfronia Thompson's question has stayed with me for a long time."

"Another great memory was Tom Bishop's baby blue Elvis suit. Wow!"

OTHER COMMENTS?

The TADC is full of so many quality people, great trial lawyers, characters, icons and leaders. We have been blessed with diversity of experience and political leanings, and a uniform love for our profession. What I have been amazed at during my TADC journey is how our organization has lead the country in so many areas – whether it relates to helping draft bylaws for other defense groups in other states, establishing credible legislative programs, creating exemplary CLE programs and leading the Bar in general."

**FRED D. RASCHKE**

**PRESIDENT 2007-2008**

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

"Challenging, but not insurmountable."



WHAT WAS YOUR BIGGEST CHALLENGE?

"Stabilizing and increasing membership."

WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

"In 2008 we were in an "off season," waiting for the 2009 session. Actually, there is no longer an "off season." During the off season we testified before various Senate and House committees on the following issues:

1. Court administration;
2. Arbitration;

3. Court reorganization;
4. Statutory Employer legislation; and
5. Jury participation.

Basically, all of our efforts were aimed at protecting the civil justice system and the jury system as we know and appreciate it."

WHAT DIFFERENCES DO YOU SEE IN TODAY'S ORGANIZATION?

"I really see no philosophical differences. However, the TADC, among many other organizations, needs to know how to incorporate social media and other techniques in order to continue to grow its membership base."

WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

"My former partner, Preston Shirley, was TADC's fourth President from 1963 to 1964, and the issues he and the membership faced at that time were really no different than the issues we face today: Maintaining high standards of the judiciary in Texas; involving members in the Association that were defense attorneys and not plaintiffs' attorneys; standing firmly against further limitation of the trial by jury in all forms of litigation."

IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

"TADC is family. September 12, 2008, Hurricane Ike hit Galveston Island and basically hit my law practice and my community. In addition, the Beaumont community, and neighboring towns and fellow TADC members were hit. Bobby Walden, TADC Executive Director, and various TADC members across the State reached out as regards financial help, places to stay and work, and just called to offer a helping hand and to listen."

"TADC's Annual Meeting was to be in Galveston a couple of weeks after Hurricane Ike hit and, of course, it was canceled. The TADC membership pulled together and helped all of us get back on our feet. 33% of our membership live and work on the Gulf Coast and were directly affected by Hurricane Ike."



## TOM HENSON

PRESIDENT 2008-2009

HOW WOULD YOU CHARACTERIZE THE CHALLENGES OF YOUR YEAR AS PRESIDENT?

“How best to cope with the risk of loss in TADC membership due to the downturn in the economy and the impact of tort reform on our membership, both of which resulted in down-sizing of many of our member firms and, in some instances, defense firms essentially going out of business; and our need to remain vital in a changing law practice culture (including the significant drop in the filing of new lawsuits); and the ever-present challenges presented by a Legislative year.”

WHAT WAS YOUR BIGGEST CHALLENGE?

“The need for TADC to stay on the cutting edge of changes in our legal culture as we went through the transition of being primarily an insurance defense organization to one of serving other aspects of business-oriented trial practice.”

WHAT WAS TADC FACING IN THE LEGISLATURE OR IN THE POLITICAL ARENA?

“The 81st Legislature presented fewer potentially significant changes in the practice of law than some of the legislative sessions of the recent past. However, we did face issues involving potential changes in court organization, the “paid or incurred” formula for allowing recovery of medical expenses in tort cases, efforts to change the existing law pertaining to asbestos claims and suits, and proposals to alter rules of dealing with arbitration clauses.”

WHAT DIFFERENCES DO YOU SEE IN TODAY’S ORGANIZATION?

“We have successfully gone through the transition from being almost entirely an insurance defense organization to one with a much broader base, including many members who devote a majority of their time to commercial practice of various sorts such as business disputes, oil and gas litigation, intellectual property cases and the like.”

WHAT TADC MEMBERS WERE INFLUENTIAL IN YOUR LIFE?

“Many members have been influential in my life, but several stand out. Jack W. Flock, my late partner and long-time mentor, and Tracy Crawford, another of my partners and my close friend, taught me many of the keys to being an effective courtroom advocate for the defense. Giants in the rich history of TADC such as Blackie Holmes, John Marks, John Martin, Tom Riney, David Chamberlain, Tom Bishop,

David Davis, Joe Crawford and more recent Presidents, Jay Old and Fred Raschke, have all had significant influence on me in one way or another as I sought to serve TADC during my presidential year.”

IS THERE A DRAMATIC OR HUMOROUS INCIDENT THAT YOU WOULD LIKE TO RELATE?

“Bobby Walden and I got caught in a sudden and rather heavy snowstorm as we traveled by motorboat from the resort to the lakeside golf course during our April, 2008 site visit to Coeur d’Alene, Idaho. Fortunately, no one captured the rather ridiculous sight by videotape of two former West Texas boys in such a situation.”

OTHER COMMENTS:

“I was fortunate to have enjoyed the strong support of Bobby Walden, our Executive Director, and his staff along with an outstanding group of officers and directors working with me and supporting me during my year. While we all came from somewhat different backgrounds in many ways, it is inspiring to see how everyone came together to work hard toward achieving the goals of TADC.”

## MARTHA BONNER MILLER

EXECUTIVE DIRECTOR  
1975-2006



Sometimes a: sister; mother; confidante; manager; secretary; boss; planner; bookkeeper; receptionist; travel agent; tour guide; decorator; messenger; protocol director; mediator; soldier; diplomat; cheerleader; timekeeper; historian; Sergeant-At-Arms; hostess; counselor; judge and jury.

Always an angel and clear, dear friend. It would be impossible to calculate or count the good things she has done for us. We know for certain that the TADC is much of what it is today because of her.

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*50th Anniversary*

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