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Depo Denied

Beaumont plaintiffs attorney Brent Coon says he will continue to keep an eye on the activities of the pro-tort reform U.S. Chamber of Commerce, but he won't be taking depositions from the editor and a reporter of a chamber-owned newspaper. On April 30, Judge Donald Floyd of Beaumont's 172nd District Court denied Coon's motion to order Marilyn Tennissen, editor of the Southeast Texas Record, and David Yates, a reporter, to appear for depositions. Floyd also denied Coon's motion for contempt against the newspaper staffers, who did not appear for April 19 depositions that Coon had scheduled. Following an April 13 hearing, Floyd had granted Coon's motion seeking subpoenas to depose Tennissen and Yates. Coon, a principal in Brent Coon & Associates, alleged in a Plaintiffs Motion to Show Cause to Issue Subpoena that Tennissen and Yates distributed copies of their newspaper's inaugural issue to potential jurors at the Jefferson County Courthouse on April 2, which Coon claimed was an attempt to taint the jury he was trying to seat. The April 2 issue of the newspaper included an editorial critical of plaintiffs lawyers' use of screening companies to identify potential clients with asbestos or silica-related claims. Coon filed the motion in an asbestos-related wrongful death case — Cinthia Ann Douglass and James D. Jones, Individually and as Independent Executors of the Heirs and Estate of James M. Jones, Deceased v. AC&S Inc. — that was scheduled to go to trial on April 2 in Floyd's court. The parties negotiated a confidential settlement before the trial started, Coon says. Greg Coleman, the newspaper's attorney and a partner in Yetter & Warden in Austin, says Floyd's April 30 decision upholds the fundamental constitutional right of freedom of the press. Coon says that he probably will not appeal Floyd's orders.

Pointed Poem

U.S. District Judge Sam Sparks of the Western District of Texas in Austin is up to his old poetry tricks. Sparks, who dismissed a prisoner's civil suit in 2000 with a poem, issued an order in rhyme on April 25 in a civil suit. In Keystone Media International, LLC, v. David B. Hancock, Sparks responded to Hancock's motion for protection, filed on April 23, with 12 lines of verse. Hancock had asked the judge to dismiss a scheduled deposition, according to his lawyer Michael Lovins. Sparks' response:

Stallions can drink water from a creek without a ripple

The lawyers in this case must have a bottle with a nipple.

Babies learn to walk by scooting and falling;

These lawyers practice law by simply mauling

Each other and the judge, but this must end soon

(Maybe facing-off with six shooters at noon?)

Surely lawyers who practice in federal court can take

A deposition without a judge's order, for goodness sake.

First, the arguments about taking the deposition at all,

And now this — establishing their experience to be small.

So, let me tell you both and be abundantly clear:

If you can't work this without me, I will be near.

There will be a hearing with pabulum to eat.

And a very cool cell where you can meet

AND WORK OUT YOUR INFANTILE PROBLEM WITH THE DEPOSITION.

Lovins, a solo practitioner in Austin, says he doesn't know exactly what the judge meant by "a very cool cell." But Lovins says he assumes that the general tenor of the judge's composition was that the lawyers should go forward with the deposition and stop arguing. Adam Pugh and David Slater, both partners in Austin's Slater & Kennon, represent Keystone Media. Pugh did not return a telephone call seeking comment before presstime, and Slater declines comment. Sparks says that the first time he composed an order in verse, his eldest son asked his wife if his father had taken all of his medications.

Prom Prince

Lawyers generally like to help out clients. But Stacey Mathews went a bit further than most counsel. Mathews has a two-year fellowship with the Center for Children, Law & Policy at the University of Houston Law Center, advocating for the educational rights of disabled students. She allowed Franchesca Forsythe, a 20-year-old blind woman and Mathews' first client, to borrow her husband as a date to her high school prom on Saturday, April 28. At the big event, Forsythe's school peers elected her as a prom princess. Four years ago, Mathews, while still a law student working in a clinic at U of H, began representing Forsythe, who attended high school in the Spring Branch Independent School District. But the young woman, who can stay in the state school system until she turns 22, wanted her school to refer her to the Texas School for the Blind and Visually Impaired in Austin. Through Mathews' advocacy, Forsythe persuaded Spring Branch district officials to send her to the specialized

school. Now, near the end of Forsythe's first year at TSBVI, Forsythe wanted to attend the school's prom with a date. Angela Forsythe says her daughter believes her attorney hung the moon, so the girl naturally thought of Mathews when she wanted to go to the prom. "In a nutshell," the mom says, "this woman believes in her. A lot of kids with special needs, they don't have someone who believes in them. But with Stacey, Franchesca does."