



### Meet the Staff

## Lori Carter Enjoys New Job, New Home

“It’s a real joy to come to work each and every day,” says Lori Carter, office manager/bookkeeper of The Law Firm of Alton C. Todd. “There’s always a new challenge, and I work with amazing and talented people.”

The relocation to the Houston area of the Carter family was fortunate timing for both Lori and the firm, who had moved in July to the historic Brown House in Friendswood. Her office is located on the first floor in what is actually a new addition to the Brown House. As Lori describes it, “You’d never know it, though, because the architect took bricks off the existing garage on the property and used them on the addition. The craftsmanship in this house is truly beautiful, and the restoration work has made it a real treasure.”

As office manager, Lori prepares payables for case and operational expenses, manages multiple bank accounts, cash flow and monthly reporting, maintains case management software, enters new client detail, oversees advertising and marketing activities, coordinates articles and newly settled cases for the firm’s web site and handles Brown House maintenance issues. She was previously purchasing manager/bookkeeper for Azalea Orthopedic and Sports Medicine Clinic and practice administrator for NASA Bone and Joint Specialists.

Born in Odessa and raised in the small town of Hawkins in northeast Texas, Lori, along with her husband Stan, project engineer

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Lori Carter



Newlyweds Dana and Jeff Todd with Nari and Alton Todd

## Destination Wedding Unites Dana Gotfredsen, Jeff Todd

On Saturday, April 14, the Todd family was enriched, personally and professionally, when Jeff, our lawyer son, married Dana Gotfredsen, second-year student at Emory University School of Law.

The wedding ceremony was held on a beautiful spring evening on the north lawn of the Wyndham Myrtle Beach Resort,

followed by a reception at the Wyndham’s Dunes Ballroom. A pre-wedding party at the House of Blues in Myrtle Beach was hosted by Alton and Nari Todd on April 13.

Dana, daughter of Mr. and Mrs. Doug Gotfredsen of Eatontown, NJ, earned her B. A. in political science from Richard Stockton College of New Jersey. Jeff, a native of Friendswood, TX, received a B.S. in marketing at Arizona State University and Juris Doctorate from Seton Hall University School of Law.

The newlyweds will reside in Atlanta, GA where Dana is pursuing a Juris Doctorate and Jeff is employed in the legal department of Delta Airlines.

### Texas Case Tests Fourth Amendment

## SUPREME COURT DECISION ESTABLISHES PRECEDENT

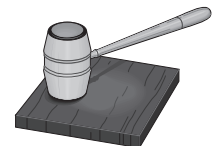
The recent U.S. Supreme Court ruling in the Texas case of *Atwater v. City of Lago Vista* answered a question that the high court had never before resolved: Do custodial arrests for fine-only offenses constitute a violation of the Fourth Amendment which bans unreasonable searches and seizures?

**In a decision that could reshape everyday interactions between law enforcement and ordinary citizens, the Supreme Court said, in effect, no. Interpretation: police may arrest people without a warrant and take them into custody for minor offenses punishable only by a fine.**

The offense in this case was not wearing a seat belt.

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## What's in a Name?

# Answer Shows Potential For Wrongful Arrest

If you've ever wished for an uncommon name, incidents like the following prove that John Smith has at least one cause to be grateful. Unfortunately, it also challenges one's national pride for it reflects a climate not always civil or careful in matters of identification.

Professor Bassem Al-Halabi of Florida Atlantic University experienced this lesson the hard, humiliating way. Last April Professor Al-Halabi was arrested, handcuffed and jailed for alleged theft of funds from a St. Petersburg area convenience store, a five-hour drive from the Boca Raton campus where he was teaching.

It was the professor's misfortune that a grocery store clerk for whom the arrest warrant was intended happened to share the same name. Had he been named John Smith, the Florida Atlantic University police would surely have established they were arresting the right John Smith.

After waiting almost a year for an apology from FAU that never came, Professor Al-Halabi filed a lawsuit on March 26 in U.S. Federal Court, contending that FAU police were "beyond sloppy" and chose not to take customary safeguards, dismissing his ethnic origin.

According to his attorney, the height and weight of the suspect and the professor, who lived on opposite Florida coasts, were significantly different. Furthermore, Professor Al-Halabi says he was mocked when requesting that FAU police telephone the Pinellas County Sheriff's Department to inquire about the wanted suspect's social security number and other identifying information.

The lawsuit contends that Al-Halabi was humiliated by the arrest, which was reported by the local media. The timing of the arrest, about three weeks after his young son's drowning death, compounded his emotional

pain and suffering. The suit names as defendants an FAU police officer, the arresting officer and the Florida Board of Regents, the state agency which oversees FAU.

Shortly before being restrained in handcuffs, the professor was ridiculed when he stated that his religious beliefs and professional status made it unlikely that he would commit criminal acts. He is treasurer of the Boca Raton Mosque which serves a large Arab and Muslim community of FAU students, professors and others. He says FAU police ignored his comments that he had a name common among persons of Arab descent.

The Pinellas County sheriff's office report indicates that FAU police detained and arrested Al-Halabi prior to confirming identities with the sheriff's office, who, questioning the legitimacy of the arrest, had asked for documentation and clarification of why a university professor was apprehended for stealing money from a convenience store cash register in a community hundreds of miles from the FAU campus.

The rush to judgment and wrongful arrest in this case represents not only an affront to Arab Americans but dishonor to the John Smiths of our society who do not practice or tolerate discrimination based on ethnicity, nationality or religion.

## Why Texans Ignore Jury Summons

# Proposed Pay Raise Long Overdue

"I am not of sound mind or good character."

"Nazi party member."

"I am prejudiced against blacks."

"My religious belief prohibits me from serving."

"Suffering depression and unemployment."

"Soccer mom."

All of the above and many, many other inventive responses have been used in an effort to avoid jury duty. Hundreds of excuses given by at least 1600 potential jurors in one week and reviewed by *The Dallas Morning News* were not legitimate to exempt or disqualify them from serving.

There were major and marginal medical excuses, as well as claims of mental illness and felony convictions.

Why is jury duty shunned by so many Texans?

**For starters, it could be that in all counties except one, a juror's daily pay is the lowest in the nation—set at the \$6 minimum established nearly a half century ago.**

Prior to 1955, a \$2-a-day rate, intended to match the daily wage of that time, had prevailed since 1866.

A legislative package unveiled early this year would boost juror pay statewide to a maximum of \$50. The increase would be

## Cause to Celebrate

# ABSENCE FROM BENCH OF 2 TEXAS JUDGES

Given the size of Texas, it may not be surprising that the Lone Star state has the distinct dishonor of claiming two of *The National Law Journal's* ten most injudicious judges. Drawn from state judicial conduct commissions nationwide, this fourth annual survey features **former** Judges Robert E. Hollman of Ector County and Marvin Dean Mitchell of Amarillo.

Hollman had a habit of acting out vignettes from old cowboy movies and damsel-in-distress videos. One distressed damsel filed a complaint with the U.S. Equal Employment Opportunity Commission, alleging that her participation was a condition of employment. The judge would bind her hands behind her back, tie her ankles together, gag her with a scarf, then tie her to a chair for long periods while he watched bondage videos or salacious web sites.

Mitchell's downfall began with follow-up phone calls to a 15-year-old girl on probation in his truancy court who complained that he pressed her to use vulgar language. One of the calls was tape-recorded by law enforcement officers. After three other minor girls came forward with stories of harassment, the judge was quickly suspended.

Both lewd and crude judges were at least shrewd enough to resign.

## THE ALTLAW™

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## Lawyers Argue “Fun” Case Before U.S. Supreme Court

In late April a case was argued before the nine justices of the world’s mightiest court based on a question conceivably appropriate for Trivial Pursuit: What do you do when a litigant types his name on a notice of appeal instead of signing with pen and ink?

Why the U.S. Supreme Court wanted to hear the case of *Becker v. Montgomery* is no less amazing than an alignment of circumstances as unusual as the subject.

The party that **won** (the state of Ohio) at the 6<sup>th</sup> U.S. Circuit Court of Appeals was **unwilling** to defend its victory before the Supreme Court because it **agreed** with the party that **lost** (an Ohio prisoner), and the justices had to appoint lawyers to represent both sides!

The lawyer appointed to defend the winner was placed in the odd position of having no real client in that Ohio Attorney General Betty Montgomery requested time to argue on behalf of Dale Becker (the inmate).

Although no one wanted to defend the **winner**, Ohio’s former state solicitor sought out the **loser**, offering to represent him before the Supreme Court!

Even before the Supreme Court agreed to take the case, the Ohio State Solicitor filed a brief arguing that the 6<sup>th</sup> Circuit erred in dismissing Becker’s appeal because he had typed his name in the required signature space. Even Rule 11, which requires appeal notices to be signed, offers litigants a chance to correct their mistake.

Becker, a frequent filer of complaints about prison conditions, ended his petition to the Supreme Court to reinstate his appeal with a line that has apparently made him something of a hero to fellow inmates: “If I did not believe that this raises an important question that only the United States Supreme Court can answer, I would not have wasted my time and yours.”

The justices haven’t answered his question yet but they appeared actively engaged in the vigorous debate. “It wasn’t *Bush v. Gore*, but it was fun,” says Jeffrey Sutton who argued Becker’s case.

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### Lori Carter

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for Valero Energy Corporation in Texas City, their 17-year-old twin boys Chad and Chase, and 6-year-old daughter Shelby live in Friendswood. They chose this community because of its outstanding school system and community involvement. The Carter family loves the ocean and recently partnered with a family member to buy a fishing boat. Living on the coast, they plan to do things they’ve never done before, like deep sea fishing.

## The Question I Love

### “Daddy, Are You Going To Coach?”

I am often asked why I coach and how I find the time. I do it because I love children and I love sports. If I hadn’t been admitted to law school, my alternative plan was to coach. I’m glad I became a lawyer, but coaching youth athletics has allowed me to develop my alter ego, and the rewards have been immeasurable.

I first coached a youth basketball team in Galveston in 1972, before the oldest of my children played. Since that time I’ve coached over 100 basketball, football, baseball and soccer teams. I’ve coached both boys and girls, including my seven children and hundreds of others. Throughout the years I’ve learned as much as I’ve taught, and my reasons for coaching have evolved.

The need to feel a sense of belonging is universal. For some, the only opportunity to play on an organized team is as a child. I have seen the transformation that athletic confidence builds in children, especially in those that don’t excel in other areas. Sharing the thrill of victory and the agony of defeat truly bonds team members both on and off the playing field and forms the basis of many lasting friendships.

Children need to have their free time filled with worthwhile supervised activities. Participating in athletics keeps them physically fit and leaves less time to get in trouble. Team members learn discipline and goal setting. They also learn that winning is more than a final score. They learn the importance of performance as a team. They learn that with hard work and perseverance anything is possible on the field or in life.

The opportunity to participate in an organized activity watched by others is invaluable. More and more children being raised by single mothers want and need the influence of a father figure.

I’ve watched some of the kids I’ve coached grow up to be outstanding athletes, some I would have expected and others a joyous surprise. Then, there are those who never make a competitive team. Their sports career ends with youth athletics. The time comes all too soon when some junior high coach tells a child he or she is not good enough to play. But, even in that sad circumstance, the memories and lessons of playing youth sports stay with you for a lifetime. I have seen kids inspired to make unbelievable efforts to make a team

and to realize unbelievable results. More importantly, nearly all grew up to be good, responsible citizens.

Youth athletics unites families. The endless driving to lessons, practices, camps and tournaments fosters a respect and compassion between siblings and, hopefully, an appreciation for parents and their sacrifice of time. Surely, children who see their sweating parents on a mosquito infested soccer field at an all-day tournament in August or cheering them on in blistering, cold, muddy, rainy 20-degree weather must know they are loved. I can’t begin to count the number of times I’ve seen a little guy or girl look to the stands to see who came to see them play, the broad smiles when Mom or Dad arrived and the solemn looks toward the ground when they didn’t. I could never understand nor accept why some parents never came to watch their child play—these were the times when I was even more sure I was exactly where I should be.

After 29 years of coaching, I have two basic philosophies. First, make it fun. Second, no matter how bad children are playing, tell them they’re doing great. It’s when we’re not doing so well that everyone needs encouragement, and it never costs any more to be positive.

This year, my daughter Kamilah’s University Cheer squad won a national title. Seth played on four teams at Friendswood Junior High. All his teams won district, which is as far as you can go at this level. Seth was awarded Most Valuable Player in both tennis and cross country. Of course, I am proud of them, but I am most proud when I know they are improving, doing their personal best and caring about their teammates. And every season, for every sport, I never tire of hearing, “Daddy, are you going to coach?”

### ALT-RUISM

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## Settlement V. Jury Trial: Luck of Draw?

It's been said that a jury trial is risky business, that what you really get is a roll of the dice. Because the uncertainty of outcome can be about as certain as death and taxes, what kind of logic can predict when the risk is worth rejecting a settlement offer?

It may be a gamble and sometimes seemingly based on illogical reasoning—this fallible American way of thrusting together 12 people of different ages, professions, races and life experiences to share the intense experience of doing a job that no one applied for and none is likely to ever forget. In a process that may last hours or weeks, as 12 strangers struggle to achieve a unanimous verdict and to deliver justice, what are they thinking? What determines their ultimate decision?

Jurors in post-verdict statements cite a range of reasons for their votes—from expert evidence to attorney demeanor. The effect of live testimony, credibility of expert witnesses and clarity of presentation in videotape depositions, documents and exhibits all come into play. All see and hear the same evidence. How can they not agree? Or, why do they, finally? Do jurors always vote their conscience, or does there come a time when they just want “to get it over with”?

While the answer may be any of the above, the wisdom of hindsight, based on some observable trends in jury verdicts, suggests that perhaps corporate litigators should think twice before going to trial.

Last year, for example, saw record awards in about every category from trademark and patent infringement to products liability and medical malpractice

cases. The Law Firm of Alton C. Todd earned the second-largest actual damages verdict, a \$65 million award, in a product liability suit against an automobile manufacturer in Texas history (a case that Honda had earlier refused to settle for a modest amount). More recently, in *Hoskins v. Federal-Mogul Corp.*, a Missouri jury awarded a \$10 million verdict to the plaintiff, suffering from asbestos-related mesothelioma, who had earlier offered to settle for \$1 million. In each case, careful preparation, impressive presentation, use of qualified expert witnesses, live deposition and testimony were crucial in the jury's decision.

Without fanfare or thanks, in return for close to minimum wage (\$6 a day in Texas), jurors take time off from work, lose income to sift through contradictory evidence, watch posturing lawyers and struggle with confusing legalities to finally reach a decision that changes lives forever. They endure numerous delays, forced isolation, almost certain disapproval of the losing side, constant replay, troubling memories, maybe nagging doubts and later second guessing.

But, someone's got to do it. The guaranteed right to have a jury of one's peers decide civil and criminal disputes is the backbone of the American justice system, rooted in the Constitution, unique in the world and embedded in a national way of life.

Whatever the verdict and however it is reached, jury participation can be and is for many an educational and gratifying experience, more commanding than any classroom, more fascinating than fiction.

## TEXAS CASE TESTS 4TH AMENDMENT (Continued From Page 1)

Gail Atwater's defense of a principle, which made it all the way to the U.S. Supreme Court, put her into great financial debt, into psychiatrists offices for her children, into the media spotlight and into the outer limits of what a marriage can tolerate. Her legal odyssey began four years ago when, taking her children home from soccer practice, she allowed them to remove their seat belts while they looked for a lost toy as she drove about 15 mph along the residential street near their home. Stopped by a Lago Vista police officer, she was arrested, handcuffed, booked and released from jail after posting bail.

**The resolution of this perfectly framed Fourth Amendment issue raises fears and concerns that go beyond the trauma of the arrest and its effect on terrified children.**

Although Gail Atwater is white, the Supreme Court ruling comes against the backdrop of a national debate against “racial profiling,” which “demonstrates all too clearly,” wrote dissenting Justice Sandra Day O'Connor “that a minor traffic infraction may often serve as an excuse for stopping and harassing an individual.” In the prevailing opinion of legal analysts, the court's decision affects not only police power to conduct arrests but also the power to carry out full searches of motorists and their vehicles and even pedestrians caught littering or jaywalking.

### CLOSING STATEMENT

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