



FRIENDSWOOD'S JULY 4TH WILL MARK 116TH PARADE

The citizens of "Our Town," Friendswood, Texas, hold the tradition of their annual 4th of July celebration very dear. The parade, in fact, has been popularly touted as being the oldest continuous Independence Day parade in Texas. Fourth of July festivities here are always a gala affair, and it has become a tradition, in itself, to gather at the Brown House (home of our law firm) to view the fireworks extravaganza. Last year's Grand Parade featured NASA astronauts serving as Grand Marshal.

Although Friendswood might like to claim the distinction of having the oldest continuous parade in Texas, there is a little out-of-the way hamlet called Round Top, located in Fayette County, population 81, that can date its first 4th of July celebration back to 1851, the 75th anniversary of the Declaration of Independence. Every year on the morning of July 4th, the tiny, passionately patriotic town welcomes from 6,000-8,000 red, white and blue-clad visitors to its historic Fourth of July Parade and what Round Topians claim is the oldest continuous 4th of July Parade west of the Mississippi. The Round Top Rifle Association, formed in 1873, has long sponsored the parade.

Traditionally, a cannon was fired as the official start of the celebration, but in 1889, the cannon did not fire. The president of the Round Top Rifle Association was inspecting the cannon when it exploded, was severely injured and died several days later from loss of blood and infection. Not until 1975 were the cannon fragments restored just in time to sound the start of the Bicentennial parade.

This year, our proud community of Friendswood will observe its 116th annual July 4th celebration. The theme of the day-long celebration is "One Nation, United We Stand."

The program will begin with the Grand Parade, featuring over 100 entries from Friendswood and around the state, and the evening program will be headlined by the musical group "Radiostar," voted one of the best performing bands in Austin, according to Austin *Chronicle* music polls. The fireworks finale, choreographed to patriotic music, promises to be one of the best fireworks displays in the Houston area.

Massive Revenue Shortfall Leads To Staggering Cuts to Texas Budget

With his stubborn stance on new revenue and the Rainy Day Fund, Governor Rick Perry virtually dictated the terms of the debate over House Bill 1 that began on April 1 and led to unprecedented cutbacks to public education and human services. The governor, who approves only \$3.1 billion from the \$9.4 billion Rainy Day fund to meet a budget shortfall as high as \$27 billion, strategically locked in a box the commanding Republican 101-member majority.

A Texas mandate to balance the budget means that lawmakers have three options: cut the budget, raise taxes or both. Leadership in the Texas Legislature, dominated by fiscal conservatives, is not inclined to support tax increases or to assume new revenue.

Their approach is to slash spending in every area from public education and health services to public safety.

Because of refusal to tap the Rainy Day Fund, historic cutbacks to social services would shift \$61 million in funding from family plans to services for elderly or disabled Texans, underfund Medicaid by \$4-6 billion and cut reimbursement rates to nursing homes and other healthcare providers, threatening the closure of many nursing homes.

House Bill 1 will leave public schools short by nearly \$8 billion of the formula funding needed to maintain current services and slash funding for college financial aid. To absorb those losses, school districts would be forced to cut the equivalent of 80,000 jobs of teachers and other support personnel.

Based on a required economic impact statement by the Legislative Budget Board, the proposed cuts in HB 1 would stunt economic growth in Texas, resulting in 335,000 fewer jobs by 2013.

The HB 1 vote affirms harsh cuts, not only to education and health care, but also to the environment and natural resources in

Texas. While it is not the end—the Senate is working on its own version of the bill, and negotiations will follow— it is one brutal budget bill, and legislators are hemmed in with little room to maneuver on the issues. That situation was established when state leaders (that would be the executive branch) wrote the rules for the 2012-13 budget, stipulating no new taxes and restricting use of the Rainy Day Fund.

Mental Injury Case Awaits Jury Verdict

A jury's reaction to a near death experience will be interesting to observe in a case being tried by Attorney Jeff Todd in Federal Court in Houston. The case centers on an offshore worker who was being trained on how to escape from a helicopter should it go down in the Gulf. A part of the training in the offshore industry requires that the person be in a simulator with helicopter seats with seat belts and then placed under water while holding his breath as a source of air. Our client tried to release his seat belt, but neither he nor his instructor was able to, and our client panicked. The simulator was raised and his breathing restored, but he now suffers from PTSD (Post-traumatic Stress Disorder), a type of anxiety disorder that can occur after one has seen or experienced a traumatic event that involved the threat of injury or death.

Because of the disorder, our client refuses to undergo the same type of training as a condition to going offshore. He had transferred from the Texas City facility to start working offshore which would have meant a wage increase of about \$15-25K per year. He has no discernable physical injury, but the emotional distress has taken a heavy toll. The jury's ruling will reflect the unenviable task of measuring the mental injury caused by this experience.

Impact of Language Critical In Supreme Court Decisions

*A word is dead
When it is said,
Some say.
I say it just
Begins to live
That day.*

Emily Dickinson

The muddy language of legislative compromise or ambiguous words of legal precedents can make the work of the Supreme Court justices confusing and frustrating, even rendering conclusions inconclusive. Although some exchanges debating the definition of a single word or pair of words might appear ludicrous, the effect is anything but humorous, and theirs is not a trivial task.

Last fall in a single week, the justices spent considerable time contemplating the meaning of the phrase “necessarily implies.” Chief Justice John G. Roberts Jr. summed up the problem succinctly: “...the adverb points one way and the verb points the other.”

That phrase, applied in *Skinner v. Switzer*, proved pivotal in determining the right of Henry Skinner, on death row for triple murder, to access DNA evidence that he says could prove him innocent. Skinner based his lawsuit on a 1994 Supreme Court ruling that barred prisoners from claims regarding evidence taken but never tested if such cases would “necessarily imply the invalidity of a conviction or sentence.” On March 7, the Supreme Court ruled in Skinner’s favor.

The court’s decision on a second troubling word in *Bruesewitz v. Wyeth* would give or deny parents the right to sue over defectively designed vaccines that allegedly devastated their children’s health. The case hinged on the word “unavoidable” used in the 1986 Congressional act which said that no vaccine-maker could be held liable for death or injuries that were unavoidable even

though the vaccine was properly prepared and accompanied by explicit directions and warnings. The attorney representing the family maintained that “unavoidable” means that claims must be considered on a case-by-case basis to see whether side effects were avoidable, such as by offering a safer vaccine, while Wyeth’s lawyer said that it meant the company can’t be sued unless the vaccine was improperly prepared or had inadequate warnings. After an hour-long argument, the court came to no clear conclusion. Finally, on February 22, the court delivered a stinging 6-2 defeat for the parents .

The word “file” led to another lengthy discussion by justices on whether filing a complaint means written or verbal. Did telling a supervisor that the placement of a time clock was illegal and an effort to cheat workers out of overtime pay mean the same as filing an official complaint? The decision could determine if, after being fired, the employee could sue his former employer. Justice Ruth Bader Ginsburg noted that the law doesn’t specify that a complaint be written to be “filed” and suggested that when Congress wrote the Fair Labor Standards Act in 1938 it might have had in mind the illiterate or those for whom English was not their native language.

Todd Law Firm Represents Physician in Case of Ethics

The Law Firm of Alton C. Todd is representing a physician who was contracted by a managed care company that allowed him to see workers’ compensation claimants. The doctor wrote a letter criticizing an insurance company for not providing the care that a workers’ compensation patient needed, and the insurer, who is also a client of the managed care company, complained—not about the medical care provided by the doctor—but about the doctor’s letter.

In Texas, the Workers Compensation Board allows fees up to approximately 130 percent of Medicare costs to encourage doctors to see workers’ compensation claimants. Because many physicians will not accept Medicare patients, some managed care companies persuade doctors to reduce their fees to the equivalent of Medicare fees, and they then keep the balance for allowing the doctors’ participation in their networks.

The managed care company with whom our client had contracted has now terminated his contract and removed him from its network. The case is evidence of how the comp system in Texas is completely controlled by the insurance industry (another Perry perk for his supporters).

Careless Exercise of Free Speech

Media Fan Flames of Political Fury

Because we think of our precious First Amendment as a freedom to be vigilantly guarded and unconditionally preserved, it may be going out on an unpopular limb to consider and, yes, to a considerable extent, to blame the media, including the internet, for inciting the public with inflammatory brands of political rhetoric.

In the wake of the January tragedy in Tucson, self-appointed protectors of free speech like Glenn Beck and Keith Olbermann quickly went on the air, speaking out of both sides of their mouths, blaming politicizers, even while using their own political platforms to spout their ever-so righteous conservative and liberal commentary on whom to blame for the shooting and how to save society from gun bearers with a criminal cause.

One rational point in a litany of denunciations was Olbermann’s observation that free speech does not come without consequences, a statement seemingly directed to this country’s political and cultural climate and not to the purveyors who perpetuate a militaristic rhetoric day after day, namely the people in the radio and TV business.

Free speech allows people to say anything they want without regard to the impact of incendiary comments on individuals with an unbalanced mind set, and the media bears some responsibility for its focus on a toxic political environment. For example, how many have been affected by the health care bill, yet the never-ending debate has “news” analysts who treat its passage like a plague, fomenting a willingness of the deranged to kill over it.

In its race to attach blame, the media will milk a story; witness the early rush following the Tucson killings to condemn the Tea Party and Sarah Palin for creating a climate of hate, and eventually taking aim at anyone who dared to concentrate on Jared Loughner’s mental state, fearing the casting of a blanket of blame over all who suffer from mental illness. Compounding the tragedy is the media’s uneducated attack of private citizens and certain public figures.

The advancement of hate crime, the violence of intolerance and bigotry, by the media finds credence in history and high places.

We still don’t know what prompted would-be-assassin John Hinckley to shoot Ronald Reagan in 1981. None of the popular and publicized theories suggesting political connections panned out.

Back in 1963 speculation centered on JFK-assassin Lee Harvey Oswald’s connection to the right-wing John Birch Society. Later we heard of ties to Fidel Castro.

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MEDIA FAN FLAMES

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During the Bush years, the left was intensely alienated. In the Obama years, the right has become vitriolic.

A study co-authored by a former Scotland Yard counter-terrorism officer dealing with the rise of hate crimes against Muslims in London concludes, based on prima facie and empirical evidence, that the negative views held by assailants of Muslims were invariably motivated by either mainstream or extremist nationalist reports or media commentaries.

Evangelical attacks on Mormonism were media fodder for weeks during the polygamist scandal in Texas, and reports of compound horrors were kept alive during the presidential candidacy of Mitt Romney, even though the sect he belongs to discontinued polygamy in the 1800s.

One of the most over-reported incidents of 2010, included in a collection by The Culture and Media Institute, highlighted an event that never happened. Terry Jones, pastor of a tiny church in Florida, threatened to burn a pile of Korans, and, overnight he became an international villain, a risk to our national security. New York City Mayor Michael Bloomberg, outspoken advocate of a controversial proposal to build a mosque and Islamic culture center two blocks from Ground Zero, defended Jones' right to burn copies of the Koran, saying that "the first amendment protects everybody."

On March 20, Terry Jones actually did oversee the burning of the Islamic Holy Book after presiding as "judge" over a six-hour "trial" in which the Koran was found "guilty." That second fleeting moment of fame sparked violence by crowds of thousands in Afghanistan where an attack on a UN mission led to the deaths of 20 people and injuries to more than 80.

Freedom of speech applies to all Americans—it is undeniable—but with that inalienable right comes accountability, and that is sorely missing in the repertoire of the media. It is past time to end the communications spin that, in inflating the inconsequential, can excite a public frenzy and feed a frantic mind.

ALtruism

***The Secret to Happiness
Is Not to Do What You Like
To Do But to Learn To Like
What You Have To Do.***

Todd Family and Friends Enjoy Hawaii Spring Break

Awakening, on March 11, to news of the terrible tsunami in Japan, the Todd assemblage was uncertain that a long-planned vacation to Hawaii, scheduled to begin the next day, would, in fact, happen. Assured of minimal damage on the island, Alton and Nari Todd, their children Seth and Kamilah,



Alton C. Todd at USS Arizona

friends Taylor and Dustin, Nari's mother Diane, and Donald Podnar, did duly arrive at their Maui destination late on March 12.

The stunning oceanfront location on Wailea Beach, a visit to the historic whaling

village of Lahaina, a deep-sea fishing excursion and a 52-mile ride fraught with narrow one-land bridges, hairpin turns and incredible island views on the legendary road to Hana were highlights of a memorable week in the lush and lovely Maui, second in size to the Big Island of Hawaii.

A day trip to Honolulu and one of our nation's most sacred places, the USS Arizona Memorial at Pearl Harbor, gave our three-generational group a new and solemn understanding of the slogan "Remember Pearl Harbor," both to those who were children and those not yet born on that infamous day of December 7, 1941 when the sinking of the USS Arizona, took 1,177 crewmen to their watery graves.

Like bookends in their permanent Ford Island home, the USS Arizona Memorial and the massive USS Missouri battleship mark the beginning and end of the U.S. involvement in the Second World War. It was on the Mighty Mo that the document of surrender by Japan to the Allied Powers was signed on September 2, 1945.

Tourist times and restful days combined to create a beautiful respite in the distant Pacific. We wish it were closer to home.



Seth Park and Kamilah Todd on spring break in Hawaii

Two May Graduates Create Empty Nest For Todd Parents

Seth Park will receive his Master of Science degree in accounting at Southern Methodist University's Cox School of Business on May 14 and will soon thereafter concentrate on studying for CPA exams, which he will take this summer. He has accepted a position with Ernst and Young in Dallas, where he will begin working this fall,

hopefully becoming a certified CPA over the next year.

Kamilah Todd, who will graduate from Friendswood High School on May 30, will begin a summer class at SMU the following day. Kamilah has not made a firm decision on the college she will attend this fall. That important choice will be resolved by May 1.

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RETURN SERVICE REQUESTED

Spread of Freedom Effective Weapon Against Terrorism

Did the revolutions that have swept the Middle East begin in Tunisia, as some reports would have it? The Iran populus asked for liberties at least as early as 2009; Egypt usurped its dictator in 2010, then came uprisings in Libya, Jordan, Yemen, Bahrain and Syria. The order may be fuzzy, but the tension, unrest and protests in the Middle East had their beginnings, many will maintain, early in the new century, and those sources blame or credit the war in Iraq, the U.S. involvement there, and former President George W. Bush for these countries' plight for freedom. Others say improved communications via social networks are the real cause of new and renewed aggression in a universal search for freedom in the Middle East.

It is not for us, freedom-loving and freedom-privileged Americans, to assess blame for the democratic uprisings in these nations who have demonstrated, above all, that the hunger for self-determination is as natural to individuals of different faiths, ethnicities and nationalities as it was to our own Founding Fathers over two hundred years ago. And, ultimately, despite the horror and sadness, these uprisings could represent an end, or, at least, curtailment of al Quaeda's vision of a network of terrorist states in the Middle East and neighboring regions.

Yet, even the al Quaeda presence or potential is unclear, especially—at the time of this writing—for the future of Libya. Since the anti-Gaddafi revolution began,

Libyan-born affiliates of al Qaeda have viewed the fighting as an opportunity to spread their radical Islamist ideology. The White House and NATO debate over possible ramifications of arming the Libyan opposition may be fueled by enthusiasm of Libyan al Qaeda affiliates to bring down Gaddafi.

Despite the fear that Gaddafi's violent retaliation against democratic protestors encourages jihadists, this country and its allies cannot ignore that since February 17—a day that Libyans, no longer with fear in their hearts, declared as their Day of Rage, a day for speaking out against 42 years of oppression—over 6,000 innocent and peaceful protesters, including women and children, have been murdered on the order of Colonel Muammar Gaddafi.

My wife is an Arab American. If her Libyan father were alive, he would be glued to TV, following the bloodshed in his beloved country, which he was forced to leave in the 70s. He brought his family to the United States, became an American citizen and died here in 2001, days after the terrorists' attack on the World Trade Center. His son—my brother-in-law, cousins, aunts, remain there, holed up, subsisting on rice and beans. Our limited contact with those relatives in Tripoli, the seat of power where only about one in 20 stores are open and food supplies are dwindling by the day, always adds new perspectives; for example, a theory held there is that should the opposition be defeated, those nations, namely China and

Russia, who abstained from approving our humanitarian mission in Libya, may one day find a very warm welcome by Gaddafi and sons. We are also told that doctors are shot for helping the wounded.

The massacre that has taken place is not about being Arabic or Libyan, but about being human, and “the way ahead of us is long, that is true,” said a teacher of Arabic, who works as a taxi driver to supplement a monthly income of \$120 after 22 years on the job, “but before, the path was blocked, a dead end.”

“Make no mistake,” President Obama said in his March 27 speech to the nation, “because we acted quickly, a humanitarian catastrophe has been avoided, and the lives of countless civilians—innocent men, women and children—have been saved.”

We cannot know, at this writing of a quarterly publication, the end result of how American and NATO intervention will affect the outcome of gains or losses made by Libyan rebels or Gaddafi loyalists, but in their quest for democracy, thousands of Libyans have been imprisoned or killed. The Libyan people deserve the political freedom to oust their brutal dictator and the outside help that can accomplish that mission.

CLOSING STATEMENT

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Thank you for the opportunity to represent
your interest and for recommending*

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