

# ADVOCATE

TEXANS FOR LAWSUIT REFORM: MAKING TEXAS A BEACON FOR CIVIL JUSTICE IN AMERICA

★ JANUARY, 2005 ★

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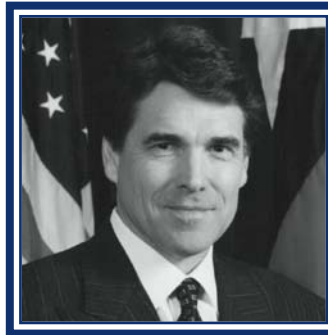
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## OUR MISSION

Texans for Lawsuit Reform is a volunteer-led organization working to restore fairness and balance to our civil justice system through political action; legal, academic, and market research; and grassroots initiatives. The common goal of our more than 12,000 supporters is to make Texas the Beacon State for Civil Justice in America.

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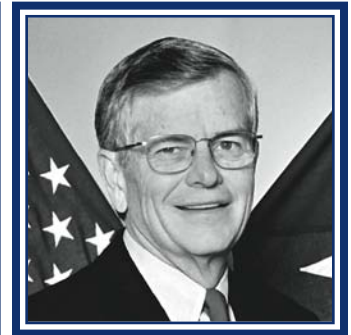
## TLR Proposes Fair Solution to Asbestos Litigation



GOV. RICK PERRY



LT. GOV. DAVID DEWHURST



SPKR. TOM CRADDICK

**ASBESTOS LITIGATION REFORM WILL HELP THE TRULY HARMED.** Judged solely on the merits of the issue, asbestos litigation reform ought to be the easiest of all tort reforms to enact. It is, by most estimates, the worst lawsuit abuse in history — those most directly harmed by this abuse are sick Americans, along with the employees and stockholders of scores of bankrupted and financially impaired companies. Yet the U.S. Congress has struggled with a national solution for a decade without progress, because of the political clout of rich and powerful asbestos plaintiffs' lawyers. A national

solution is still not in sight, so we have to pass reform here in Texas, again setting an example for the nation.

An estimated 40 percent of all of the nation's asbestos claims crowd Texas courts. To support reform in 2005, TLR will call on its grassroots army to trump the influence of the wealthy plaintiffs' law firms, as the Texas Legislature considers a common-sense solution to asbestos litigation abuses. The reforms advocated by TLR will benefit both true victims of asbestos exposure — those who are actually ill or impaired — and the businesses that are vic-

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### TLR LEGISLATIVE DAY IS FEBRUARY 15, 2005



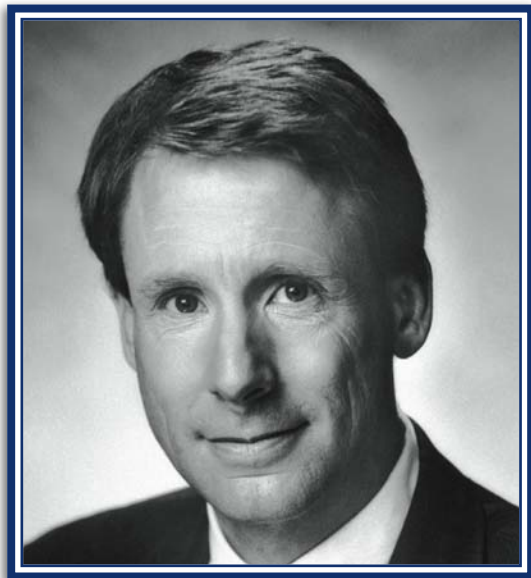
An interesting and productive day of active citizenship has been set for Feb. 15 in our state's capitol. This is the day when the TLR grassroots leaders communicate face-to-face with legislators and other elected officials. Join us for a day of legislative advocacy, a luncheon with a prominent Texas leader, and an evening reception with legislators and TLR leaders. Save the day — details will follow.



# FAIR SOLUTION PROPOSED

*Continued from front cover*

timized by an abusive system, a system that has been called “legalized extortion” by some legal observers.



*Senator Robert Duncan, Chairman of the Senate State Affairs Committee and an accomplished litigator in the private sector, will have a major say in asbestos reform in the current session of the Legislature.*

**THE VAST MAJORITY OF ASBESTOS CLAIMANTS ARE NOT ILL.** According to the leading study in this area, authored by the RAND Institute, the best estimate is that two-thirds to ninety percent of asbestos claimants today do not suffer from any physical impairment associated with asbestos-related disease. This means that the vast majority of asbestos claims today are brought by lawyers on behalf of individuals who are not sick and may never become sick. The U.S. Supreme Court has twice admonished Congress for its failure to resolve the “elephantine mass” of asbestos litigation. Yet nothing has been done, even though clear-cut evidence shows that the vast majority of those who file asbestos claims are not ill or impaired in any way.

Asbestos litigation has driven more than 70 companies into bankruptcy, with no end in sight. As a result, affected pensioners have lost an average of 25 percent of the value of their retirement funds, over 60,000 workers have lost their jobs, and those claimants who are truly injured by asbestos exposure have seen their awards from major asbestos producers devalued to as little as five cents on the dollar.

**MORE AND MORE COMPANIES ARE DRIVEN INTO BANKRUPTCY.** Asbestos claims continue to increase na-

tionally; over 200,000 new claims were filed in 2003 alone. The target list of defendants has grown to include 8,000 companies, the great majority of which were themselves customers and users — not producers — of asbestos. Every year, more and more of these defendant companies succumb to the inevitability of bankruptcy. As recently reported in a *Houston Chronicle* exposé of asbestos litigation abuses, one small Texas manufacturing firm was forced into bankruptcy even though the product it manufactured contained only a small amount of asbestos. The asbestos was completely encased in steel. It is highly improbable that the asbestos in this product could have harmed anyone. But facing 5,000 claims, with Texas legal rules that allow defendants to be sued for damages caused not by them, but by long-vanished companies such as asbestos manufacturing giant Johns-Manville, and with no end in sight to new claims being filed, the company’s only viable choice was bankruptcy.

**MASS “HEALTH SCREENINGS” FEED THE ASBESTOS LAWSUIT PIPELINE.** Asbestos litigation abuses, although widely recognized for many years, have survived because of the political power of law firms which have turned a national health issue into a bonanza worth billions of dollars in legal fees. In the 12-year period from 1988 to 2000, Texas led the entire United States in the number of asbestos cases filed. This figure includes thousands of suits brought by workers from all over the country who were encouraged to file here rather than in their home states. The growing tide of asbestos litigation can be traced directly to abusive mass screening activities by a handful of wealthy law firms — a trolling process that encourages (or in many cases, panics) tens of thousands of persons into filing claims, even though they are not ill.

Johns Hopkins University scientists recently published a study showing widespread “misreading” of chest x-rays conducted by technicians working for asbestos law firms. *Specifically, 492 X-rays were read by six independent, certified radiologists, who determined that 96 percent of those X-rays had been wrongly read by doctors working for plaintiffs’ lawyers!*

Law firms that sponsor mass asbestos screening employ both radiological technicians and physicians to “certify” that tested individuals are positive for asbestos

exposure. These tests, commonly conducted in places like shopping centers or union halls from mobile vans, which themselves are usually owned or rented by the law firms, represent the basis for most mass asbestos lawsuits. Television advertising soliciting “victims” for the promise of a payoff, routinely funnels those who respond to the ads into the testing process.

**THE AMERICAN BAR ASSOCIATION HAS REPORTED ABUSES AND RECOMMENDED GOVERNMENTAL ACTION.**

The asbestos plaintiff law firms, along with their doctors and technicians, stand to make big money for every “victim” they identify. Is it any wonder that up to 96 out of 100 supposed “positive” findings turn out to be false when examined independently? An American Bar Association study even reported that one screening doctor, who was paid over \$1 million by plaintiffs’ lawyers to perform paper diagnoses of 14,000 workers, found that *every single one* of those 14,000 persons was “sick.” Another screening company admitted that it received more pay for “positive” findings than for “negative” findings.

Faced with thousands of claims and twisted legal rules that allow suits by persons who are not sick, most defendant companies realize quickly that the litigation and testing costs they face are so crushing that bank-

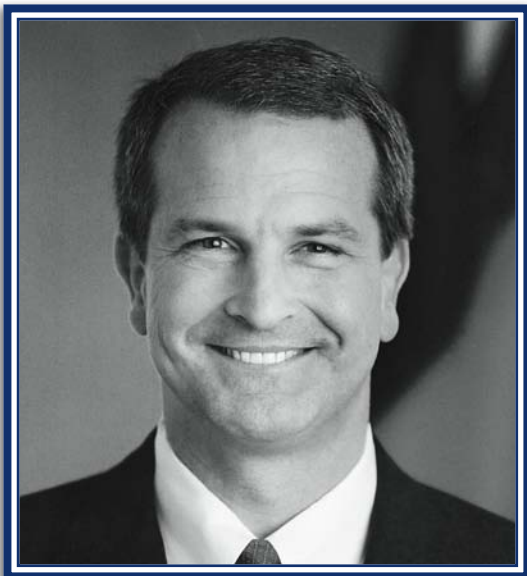
ruptcy is their only reasonable alternative. In the process, the wealth of companies built through the hard work of many years is being hijacked by predatory law

firms that file hundreds or thousands of claims on behalf of persons who are not ill.

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*“In the early years you went after obvious defendants who were most involved. As the manufacturers of insulation disappeared, you turned to other higher-hanging fruit. Is a distributor as culpable as [the asbestos manufacturers]? Not in a religious or moral sense, but legally they are. Then the distributors disappear. So you go after installers and applicators. Then come the retail hardware stores.”*

— A plaintiff’s attorney who has been heavily involved in asbestos litigation for 25 years, as quoted by Michael Tolson, a reporter for the *Houston Chronicle*, in his article “Asbestos Lawsuits Create U.S. Legal Crisis,” October 3, 2004.



*Senator Kyle Janek, an experienced legislator and a physician who clearly understands the abuses of mass health screenings, is Senate sponsor of asbestos litigation reform.*

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**TLR ADVOCATES A FAIR SOLUTION.** After years of study, TLR has made asbestos litigation reform its top legislative priority. TLR supports legislation that sets out objective medical criteria to determine whether a person has an illness or impairment due to asbestos exposure. The medical standards are based on criteria developed by the American Bar Association’s panel of widely experienced and highly regarded medical experts. The ABA commissioned this panel of doctors for the purpose of establishing sound medical criteria to determine whether a person is ill or impaired due to asbestos exposure. Upon enactment, no asbestos lawsuit will go forward, unless the claimant meets these objective radiological and pulmonary function criteria. The statute of limitations for bringing such lawsuits will, however, be changed, so that those not meeting the standard will be free to bring lawsuits, if they become ill at any time in the future.

**WINNING PASSAGE OF REFORM LEGISLATION WILL BE CHALLENGING.** TLR’s proposal is a fair and common-sense legislative solution, allowing sick people to get what they are due now, and deferring claims by

*Continued on page 4*

## FAIR SOLUTION PROPOSED

*Continued from page 3*

people who are not sick, until such time, if any, that they become sick. Nevertheless, winning its passage will be difficult. The chief asbestos attorney for one large Texas plaintiffs' firm recently bragged at a national symposium

*Governor Rick Perry, Lt. Governor David Dewhurst, and Speaker Tom Craddick are all on record as favoring serious reform of the asbestos litigation system.*

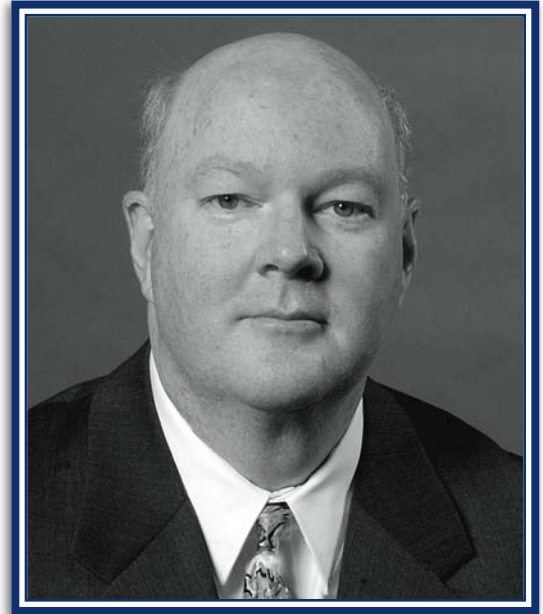
on asbestos that "we have the Senate votes to stop reform legislation in Texas." Indeed, past efforts to enact asbestos reform have fallen a vote or two short of the 21 votes (two-thirds of the 31 Senators) needed in the Texas Senate to bring a bill to the floor for debate and a vote.

**LEO LINBECK OBSERVES THAT TLR'S SUPPORTERS WILL BE CRITICAL TO SUCCESS.** Texans for Lawsuit Reform will once again be an agent for making the voice of reason heard in the Capitol. We will encourage direct grassroots advocacy and raise public awareness of abuses through the media. Expert testimony will be prepared for presentation at public hearings. Our legal and lobby teams, and TLR's volunteer leaders, have been communicating regularly with legislators. "We are going to take this issue into the light of day and make sure that the Texas public knows both the cost of such abuse to our economy and, importantly, the cost of justice delayed and justice denied to legitimate asbestos claimants. We also think it essential that the public understand which elected officials are part of the solution and which are part of this on-going and destructive problem," said TLR Communications Director, Ken Hoagland.

"No matter how effective the TLR legal and lobby teams are, no matter how active our public relations team is, no matter how hard our TLR staff members work, all will be for naught if TLR supporters around the state do not directly engage with their Representatives and Senators during the legislative session by phone, fax, email, mail and, especially, face-to-face conversation," observed Leo Linbeck, Jr., TLR's Senior Chairman.

**THERE IS SIGNIFICANT SUPPORT IN THE LEGISLATURE FOR MEANINGFUL REFORM.** As TLR, its allies in the

business and professional communities, and its supporters throughout Texas, walk the halls of the Capitol in the coming months, they will find many receptive legislators. Both the Senate and the House have numerous Members who recognize the abuses of the current asbestos litigation system and who actively support reform. They



*Representative Joe Nixon, as Chairman of the House Civil Practices Committee in the 2003 session of the Legislature, steered the historic HB 4 omnibus tort reform bill through the House. This year, he is House sponsor of asbestos litigation reform.*

subscribe to the theory expressed by Justice William O. Douglas: "Common sense often makes good law." Senator Kyle Janek and Representative Joe Nixon are the vigorous and effective sponsors of asbestos litigation reform. Governor Rick Perry, Lt. Governor David Dewhurst, and Speaker Tom Craddick are all on record as favoring serious reform.

**"I AM OPTIMISTIC OF SUCCESS," SAYS DICK WEEKLEY.**

"Although we have our work cut out for us," observes TLR Chairman & CEO Dick Weekley, "we have excellent prospects of success because of the number of thoughtful and fair-minded legislators that serve Texas today. With our preparation and hard work, and with the strength of the legislative sponsors and supporters of reform, I am optimistic of success — but only if we follow our tradition of taking nothing for granted, and outworking and out-thinking our tenacious opponents."

# *TLR Calls on Court to Uphold Intent of Key Reforms*

The current Texas Supreme Court is one of the most competent and conservative appellate courts in our nation, and has the strong support of Texans for Lawsuit Reform. But even a good court occasionally gets it wrong, and in a recent case considering the doctrine of proportionate responsibility, a five-justice majority of the Supreme Court did get it wrong. TLR is asking the court, in an *amicus curiae* brief, to rehear the case and to decide it as the four-justice dissent recommended.

Curtailing “deep pocket” strategies by plaintiff lawyers has been a principal reform urged by TLR since its inception in 1994. Under prior law, if a plaintiff could cobble together a case claiming that a “deep pocket” defendant (a financially responsible entity, usually a business) was 11 percent at fault in a case, plaintiff could collect 100 percent of the damages from the deep pocket, even though the jury found an insolvent codefendant 89 percent responsible. These practices led to many unjust results in which plaintiff lawyers were able to combine prejudice, sympathy and marginal facts into judgments unfairly requiring selected defendants to pay for damages caused by others.

The remedy that TLR proposed was straightforward: require each defendant to pay only its own proportionate share of responsibility. The Legislature enacted part of TLR’s proposal in 1995 and passed the balance in 2003. A recent decision by the Texas Supreme Court, however, could frustrate and undermine those reforms.

In the case of *F.F.P. Operating Partners, L.P. v. Xavier Dueñez*, the Texas Supreme Court, in a narrow five to four decision, held that a seller of alcoholic beverages, or “dram shop,” could be held entirely responsible — not proportionately responsible — for the damages done to a third party by a person to whom the seller sold alcoholic beverages. The court concluded that the 1987 Texas “dram shop” law expressed a legislative intent that liquor sellers bear 100 percent

responsibility toward third parties injured by their drunken patrons, no matter how small that seller’s percentage of fault might be. This result in effect repeals proportionate liability in “dram shop” cases.

After the 2003 reforms of House Bill 4, Chapter 33 of the Texas Civil Practices & Remedies Code holds a defendant liable only for that proportion of damages for which the factfinder (judge or jury) has found the defendant to be responsible. When a defendant is found, for example, to be responsible for 40 percent of the harm done the plaintiff, then under Texas reform statutes, that defendant can be held liable for only that same 40 percent of the dam-

ages. Exceptions are few and strictly defined in the statute. The dram shop statute is not among those exceptions. TLR has urged the Court to rehear the case and consider, among other things, the fact that if the Legislature intended to exclude Dram Shop Act cases from the application of Chapter 33, it would have done so precisely in the manner that it excluded other types of cases.



JUSTICE PRISCILLA OWEN

*Justice Priscilla Owen wrote the dissenting opinion in Dueñez, which would uphold the clear intent of proportionate responsibility reforms adopted by the Legislature. TLR’s “friend of the court” brief to the Texas Supreme Court urges that it rehear the case and adopt the dissenters’ position.*

*Continued on page 6*

# AMICUS CURIAE BRIEF

Continued from page 5

We believe that the majority opinion in *Dueñez* endangers the viability of statutory proportionate responsibility and opens the door for courts to begin undermining the principle of proportionate liability on a case-by-case basis. The majority opinion suggests that Chapter 33's proportionate responsibility system may be bypassed, if a court concludes that, with respect to another tort law, the Legislature did not really intend that a plaintiff bear the risk of a wrongdoer's insolvency. The majority opinion could set the stage for a piecemeal judicial repeal of proportionate responsibility. Such erosion of legislative policy on a case by case basis would unconstitutionally intrude on the Legislature's role, and inject unpredictability into the civil justice system.

*We believe that the majority opinion in Dueñez endangers the viability of statutory proportionate responsibility and opens the door for courts to begin undermining the principle of proportionate liability on a case-by-case basis.*

Therefore, TLR is asking the court to grant Petitioner's Motion for Rehearing and to adopt the legal position expounded by the four dissenters in the court's original decision in *Dueñez*. Justice Priscilla Owen wrote the dissenting opinion, and she was joined by Justices Hecht, Wainwright and Brister. TLR agrees with the four dissenters in the *Dueñez* case, who maintained that the majority's opinion "does not correctly apply the Legislature's statutory proportionate responsibility scheme and reads more into the Dram Shop Act than the words chosen by the Legislature can bear." In our *amicus* brief, we respectfully urge the court to adopt the dissenters' views in this matter, in order to preserve the Legislature's intent in adopting the proportionate responsibility reforms of 1995 and 2003.

## TLR'S ADMINISTRATIVE STAFF

The always helpful Mary Tipps manages the Austin office of Texans for Law-suit Reform, and does much more. Officially titled our Director of Community Relations, Mary wears many hats.

Dozens of phone calls must be routed, every meeting needs briefing papers, visitors need help in arranging meetings with legislators, schedules of TLR leaders must be coordinated, and dozens of other details occupy Mary's attention daily. Mary also coordinates the activities of the TLR Regional Chairmen.

As busy as she is with the TLR community, she also gives time to our broader community. Mary has been awarded "Volunteer of the Year" recognition for her work at the Austin Children's Shelter. Fluent in Spanish, she loves travel to Mexico and Latin America, where she once worked.

"I've never engaged with a better group of people than those involved with TLR," says Mary. "I believe in TLR's cause, I get to work with a marvelous variety of committed people all over Texas, and I find the new experiences an opportunity for personal growth."



Mary Tipps

# *Achieving Fairness and Balance Requires a Broad Range of Activity*

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*Most people know that Texans for Lawsuit Reform is a fierce legislative advocate for a fair and balanced civil justice system.*

*But many people don't know the full range of activities that TLR undertakes to support tort reform in Texas.*

## **PUBLIC RELATIONS**

“A few years ago we learned that *60 Minutes* was coming to Texas at the invitation of a media consultant close to a few of Texas’ high-profile plaintiffs’ lawyers,” said Dick Weekley, TLR founder and CEO. “There was a widespread belief that a highly critical segment would air a few days before elections. No one, it seems, was willing to go on camera to publicly defend the integrity of the then current Supreme Court, even though it was — and still is — perhaps the most respected court in America. We felt that we had to take the initiative.”

TLR did go on the offensive, offering longtime and highly respected TLR leader, Bud Shivers of Austin, to comment on the state of the judiciary in Texas. TLR team members also worked closely with former Supreme Court Chief Justice John Hill, who also appeared in defense of the Court. In addition, TLR provided the *60 Minutes* producer voluminous materials, proving the integrity and the intellectual power of the Texas Supreme Court. As a result, when the program did air within three days of the upcoming election, it presented a basically favorable view of the Court.

## **COURT BRIEFS**

Recently, TLR’s legal team has submitted to the Texas Supreme Court a “friend of the court” brief (known among lawyers as an *amicus curiae* brief), defending the legal principle of proportionate responsibility. “Our 1995 and 2003 legislative proposals to make sure that defendants do not pay more damages than the percentage for which they are found at fault is an extremely important legal concept and merited our brief,” explained Hugh Rice Kelly, TLR General Counsel. (You can read more about this *amicus* brief and the principle of proportionate responsibility in the article entitled “TLR Calls on Court to Uphold Intent of Key Reforms” on page 5 of this Advocate.)

## **SPEAKERS BUREAU**

In another part of TLR, team members are working hard to bring volunteer speakers to community organizations throughout the state. “We have presented over 500 speeches to local organizations around Texas in the last five years,” said Beverly Kishpaugh, who coordinates TLR’s Speakers Bureau. “Taking our message of common sense and fair reforms directly to the public is a big reason that a Scripps Howard poll

*Continued on page 8*

# BROAD RANGE OF ACTIVITY

*Continued from page 7*

found that 78% of Texans approve of civil justice reform efforts,” said TLR Community Relations Director, Mary Tipps.

## INFORMING THE PRESS

Over the past several months, TLR team members Dick Trabulsi and Ken Hoagland have crisscrossed Texas with former Lt. Governor Bill Ratliff and Robert Howden (both of whom represent the Texas Asbestos Consumers’ Coalition) to meet with editorial boards about asbestos litigation reforms that will be considered in the 2005 Legislature.

“We have received an open-minded hearing at the newspapers we have visited, and I believe we have been successful in explaining both the serious abuses in asbestos litigation and the fairness of our proposed solution,” said Hoagland. “Even newspapers that have been skeptical of some past tort reform efforts have been supportive of our planned legislation to finally end the corruption that is so prevalent in asbestos litigation practices,” said Hoagland.

The San Antonio *Express News* recently editorialized in favor of asbestos litigation reform, commenting in part: “Aggressive lawyers provide X-rays for those who have been exposed and then rush cases to court, even for clients who are healthy. As a result, those who actually suffer asbestos-related illness are getting smaller settlements because they frequently have to share the proceeds as lawyers

bundle real cases with bogus claims.... Several basic changes in state law touted by Texans for Lawsuit Reform would address the problem. First and foremost, asbestos plaintiffs should meet criteria the American Bar Association has established for physical damage and impairment. If they don’t meet this objective standard, they wouldn’t be allowed to file a lawsuit.”

## POLITICAL ACTION

TLR has actively engaged in the last six election cycles in Texas through the TLR Political Action Committee. Matt Welch, TLR’s PAC Director, is widely considered to be one of the most competent and successful political professionals in our state. In the election cycle that ended with this past November’s general election, TLR PAC endorsed in a total of 57 races. TLR-backed candidates won 47 of those contests.

“When you put together the commitment of our grassroots, press relations, legal research, legislative advocacy, political action and volunteer leadership, you have a powerful combination for winning — and keeping — critically needed reforms,” said Weekley.



*TLR Legislative Advocacy Team making plans for the coming session.*



# Medina Ascends to State's High Court

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On November 9<sup>th</sup>, Governor Rick Perry appointed his General Counsel and former trial judge, David Medina, to the Texas Supreme Court, filling the vacancy left when Justice Wallace Jefferson was elevated to the role of Chief Justice. Governor Perry said, "I looked for a person who would further the Court's philosophy of judicial restraint, a person of integrity who would keep faith with the people of Texas, and a person whose courtroom experience would add new talent and continued professionalism to the Supreme Court." The Governor's appointment of Justice Medina requires the consent of the Senate, which is expected soon.

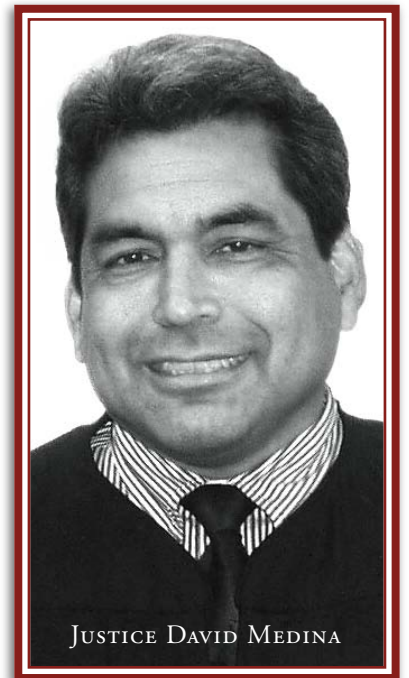
Justice Medina served as district judge of the 157<sup>th</sup> District Court in Houston from 1996 to 2000. He was first appointed to that position by Governor Bush, and went on to win election and re-election. The Houston Bar Association voted him as one of the top jurists in Harris County. He has also served as in-house counsel for Cooper Industries of Houston, a manufacturer who employs thousands of Texans.

"Judge Medina is a fitting addition to a well respected court of conservative and thoughtful justices. His record shows that he has private sector experience, honors the law,

and does not feel that it is appropriate for the judiciary to legislate from the bench. His appointment also continues the tradition begun by Governor George Bush of appointing highly qualified minority jurists to the State's highest court," said Hugh Rice Kelly, TLR's General Counsel.

Justice Medina was born on Galveston Island, attended public schools in Hitchcock, and graduated with a bachelor of science degree from Southwest Texas State University (now Texas State University-San Marcos) in 1980. He competed on the University's karate and baseball teams, and was on the Dean's List. In 1989, he earned his law degree from South Texas College of Law, where he was on the Dean's List and a member of the American Bar Association Regional Moot Court National Championship Team. Justice Medina has served as an adjunct professor at his alma mater, where he taught advanced civil trial litigation.

Upon appointment, Justice Medina said, "I thank God for this opportunity. I look forward to this challenge."



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IF WE DESIRE RESPECT FOR THE LAW, WE  
MUST FIRST MAKE THE LAW RESPECTABLE.

—Justice Louis D. Brandeis  
U. S. Supreme Court

# LEGISLATIVE ADVOCACY TEAM

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*To pass asbestos litigation reform and the other items on TLR's agenda for the 2005 session of the Texas Legislature, we have assembled a truly extraordinary team of professionals to work with Members of the Legislature. While professionals form an important part of the TLR team, it is essential for the almost 13,000 TLR volunteers across Texas to engage actively with their representatives in Austin.*

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## **LOBBYISTS**

**MIKE TOOMEY** has been our energetic and tenacious lead lobbyist since 1994, with a hiatus in 2002 and 2003, when he was Governor Perry's chief of staff. Mike is a former member of the Texas House of Representatives and has long been considered one of the most effective legislative advocates in Texas.

**BILL MESSER**, who is on everyone's "top five" list when rating Austin lobbyists, was our lead lobbyist in the 2003 session, when HB 4 passed the Legislature. Bill was part of the original TLR lobby team in the 1995 session, when we successfully advocated major reforms. Bill is a former member of the Texas House of Representatives.

**DAVID SIBLEY**, a former prominent Texas Senator, coordinated TLR's legislative advocacy in the Senate in 2003. Like Mike Toomey and Bill Messer, David Sibley was a strong proponent of a fair and balanced civil justice system during his career in the Legislature. He was chairman of the Senate committee that considered the tort reform package of 1995 — a package

that many believe formed the foundation on which the trust between Governor Bush and Lt. Governor Bullock was established.

**TONI BARCELLONA** is a consultant to TLR and was part of our 2003 lobby team. She coordinates TLR's activities and communications with the various trade associations and chambers of commerce and will continue to be part of our legislative advocacy team.

**MICHELLE WITTENBURG** was general counsel to Speaker Tom Craddick. In that capacity, she was intensely involved with HB 4 in 2003. Michelle is a lawyer, and she will be primarily focused on TLR's lobbying activities in the Texas House.

**ED LOPEZ** has been a member of the TLR lobby team in past sessions, including 1995 and 2003. Ed has also been a volunteer member of TLR's Speakers Bureau.

**DENIS CALABRESE** has been TLR's political strategist since our inception. In the 2005 session, he will also work closely with our lobby team. Denis is a nationally recognized political and public relations consultant.

*“No matter how effective the TLR legal and lobby teams are, no matter how hard our consultants and staff members work, all will be for naught if TLR supporters around the state do not engage directly with their elected representatives during the legislative session.”*

— Leo Linbeck, TLR Senior Chairman

## STAFF

**KEN HOAGLAND** first joined TLR in 1995. He is our Communications Director. Ken has excellent relationships with the working press throughout Texas, and he oversees all of TLR’s internal and external communications. He also coordinates grassroots activities.

**MATT WELCH** is Director of TLR’s PAC and is a lobbyist for TLR. Matt has handled TLR’s PAC activities for the past five election cycles. Matt, who is in our Austin office, has close personal relationships with numerous members of the Texas Legislature.

**MARY TIPPS** joined TLR at the outset of the 2003 session. She is Director of TLR’s Regional Chairmen Council and Director of Community Relations. She administers our Austin office, is part of our lobby team, and is involved in the entire spectrum of TLR’s statewide activities.

**GLENDA HOVEY** and **KRISTIE VAZQUEZ** handle an array of administrative tasks for TLR. They are based in our Houston office, and they manage a broad range of TLR logistical and support activities. During the 2005 session, they will be active with Ken Hoagland, Mary Tipps and Beverly Kishpaugh in grassroots activity and special events.

*“When you put together the commitment of our volunteer supporters across Texas, our press relations, legal research, legislative advocacy, and political action, you have a powerful combination for winning, and holding onto, critical reforms.”*

— Dick Weekley, TLR Chairman & CEO

## OUTSIDE COUNSEL

**ALAN WALDROP** has been TLR’s lead outside counsel for five years. He was the primary author of the HB 4 proposals that TLR presented to the Legislature in 2003, and he was engaged in every aspect of the legislative process concerning HB 4. At the end of that session, one of the most respected members of the Texas Senate commented that Alan was “the most articulate, thorough, responsive, and brilliant attorney” he had ever worked with in his many years in the Senate.

**LEE PARSLEY** served as the Rules Clerk for the Texas Supreme Court and is an accomplished litigator. He worked closely with Alan Waldrop on HB 4. Lee brings a wealth of experience and judgment to the table, and is an excellent draftsman of statutory language.

## CONSULTANTS

**BEVERLY KISHPAUGH** is active in TLR’s statewide grassroots activities and our Regional Chairmen Council, and she is also Director of our Speakers’ Bureau. Before joining TLR in 1994, Beverly had a distinguished career in political grassroots organization.

**CHUCK McDONALD** heads McDonald Public Relations, Inc. He has been part of the TLR team for the past five years. Chuck and his colleagues help to craft and implement TLR’s public relations messages and activities.

**JOHN DONER** coordinates all of TLR’s direct mail activities and also does specific research projects for TLR.

## AROUND THE STATE

*Texans for Lawsuit Reform has been busy in recent months, honoring legislators who helped enact HB 4, and raising money for TLR's political activities.*

**On October 6<sup>th</sup>, TLR hosted a luncheon in Paris, Texas** to honor Representative Mark Homer. Gary Vest, President of the Paris Chamber of Commerce, graciously served as Master of Ceremonies. The Representative's wife, Jennifer, and his parents, Frank and Molly Homer, attended and proudly watched as Rep. Homer received TLR's Lone Star Statesman Award. TLR President Dick Trabulsi presented this award to Rep. Homer for his active support of HB 4, which is the most comprehensive civil justice reform legislation ever passed in the United States.

**The Dallas TLR PAC reception** was held on Tuesday, Oct. 12<sup>th</sup> at the beautiful family library of Kathy and Harlan Crow, with over 100 guests in attendance, including TLR founders Dick Weekley, Leo Linbeck, Jr., and Dick Trabulsi. Numerous Dallas civic, business and community leaders attended and contributed generously to the work of TLR PAC. Among those in attendance were TLR Regional Chairman Louis Beecherl and Julie Beecherl, Steven Hammond, Caroline Rose and Charles Simmons, Joanie & Don McNamara, Boone Pickens, Ford and CeCe Smith, and TLR Board Member Shad Rowe and Michele Rowe.

TLR presented Representative Dan Gattis of Georgetown the TLR Civil Justice Leadership Award on November 9<sup>th</sup>, at a reception in his honor at the Houston home of Dick and Meg Weekley. This intimate gathering was attended by the Representative's family and close friends to honor him for his dedication, legislative skills and proactive participation for HB 4 and Prop 12. Representative Gattis placed fairness, justice and the well being of all Texans above special interests in his work for both the omnibus tort reform legislation and the constitutional amendment capping non-economic damages in medical liability lawsuits. Among those attending this reception were attorney Joe B. Allen, community leaders John and Penny Butler, TLR general counsel Hugh Rice Kelly, and developer Jim Holcombe.

**The Houston TLR PAC reception** was held on Wednesday, October 20<sup>th</sup> at the home of Meg and Dick Weekley. Over 125 guests attended, along with special guest John Fund of *The Wall Street Journal* editorial board. Mr. Fund observed that TLR is the leading state civil justice reform organization in the country, and that progress here in Texas is serving as an example to the rest of the nation. Mr. Fund authored both the 1994 *Wall Street Journal* editorial citing Texas as the "Lawsuit Capitol of the World" and the 2003 editorial "Ten Gallon Tort Reform," lauding Texas for comprehensive tort reforms. He has been a close observer of the transition of Texas from the worst civil justice system in America to one of the best.



*TLR General Counsel Hugh Rice Kelly and TLR Senior Chairman Leo Linbeck, Jr.*



*Diane Trabulsi, Rep. Gattis, Joe B. Allen, Meg Weekley and Dan Gattis (Rep. Gattis' father, who is also named Dan)*