



# FOR *the* DEFENSE

January 2019

"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 3:27

## Greetings from Paul Bennett

The hectic holiday season has now passed and many of us are thinking of resolutions to make for 2019. A recent poll revealed that some forty-four percent of American adults intend to do so, a third of which will be focused on eating, exercise or weight loss. Keep in mind the words of television psychologist (and former jury consultant) Dr. Phil McGraw who once said, "a year from now, you're gonna weigh more or less than what you do right now." Sounds like something a lawyer would tell you! But the new year is also a time of looking forward and achieving goals in our business and professional lives. Here at Fletcher Farley we will continue to focus on serving our clients and helping them to efficiently and successfully resolve their legal problems. Thank you for the opportunity to be of service, and may you have a safe and prosperous new year.



## Important Changes in Texas

### Alex Bell

The beginning of 2019 marks an important change in Texas—a host of new judges taking state trial and appellate court benches after the "blue-wave" elections in Texas. As lawyers and jurors file in and out of courthouses around the state, they are likely to see many new faces on the bench. Invitations have been going out to judicial investitures, and the new judges are making their plans to attend training put on by various groups to learn the mechanics of their new jobs.



In the November elections, Democrats flipped four major state appeals courts (Austin, Houston(2), and Dallas), by defeating 19 incumbent Republican appellate judges. Democratic judges now have majorities in 7 of 14 appellate districts in the intermediate appellate courts. These courts hear thousands of cases per year. The Texas Supreme Court remains entirely Republican. However, it hears, on average, 100 cases per year, though there are rumors that they are staffing up to take more cases.

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Welcome to the latest edition of Fletcher Farley's Newsletter, which we hope you find interesting and helpful.

If you have any comments, questions or would like more information from us, please contact Doug or Joanna.

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SAVE THE DATE



The elections also saw sweeping changes at the trial court level in Harris County (Houston), ousting many Republican judges. Houston has gone back and forth between Democratic and Republican judges for some years, but this year it was a rout. The larger urban areas in Texas - Dallas, Austin, and San Antonio, have all featured primarily Democratic judges for about a decade. The trend in those areas has been ever-increasing jury verdicts.

It is difficult to discern the long-term effects of the new judges on opinions and outcomes until we start seeing the new judges in action-conducting hearings, trials, and issuing orders or opinions. What it likely means for now is delays. Cases tend to sit idle for some time while new appellate justices and trial court judges get up to speed on the operating procedures of their court, hire staff, and start digging into their work.

At Fletcher Farley, we will continue to closely monitor these new judges and justices to keep our clients informed about the potential impacts the changes have on their pending litigation. If you want to know more as the year goes on, don't forget to attend our yearly Texas Law Update Seminar to hear about the latest trends in litigation.

## Conflicts Resolved

### Fletcher Farley Obtain Dismissal of Two Defamation Claims

[Doug Fletcher](#) and [Jeff Smith](#) obtained summary judgment and dismissal for a gym in two defamation suits filed by a member after his membership was revoked. The plaintiff's gym membership was revoked after other members and staff complained about his aggressive and harassing behavior. Plaintiff sued the gym in district court alleging that it defamed his character. He also sued the individual staff members who reported the complaints in small claims court. Through discovery, we learned that the plaintiff's membership at another gym had also previously been revoked for similar behavior. We filed a motion to dismiss the small claims suit, which was dismissed by the court for lack of jurisdiction. We also moved for summary judgment in the district court case on the grounds that the statements Plaintiff alleged were defamatory were in fact true and because Plaintiff had no evidence of any defamation by our client. The trial court agreed and granted summary judgment dismissing all claims against our client.

Save the date for the  
Texas Law Update 2019  
in Dallas on  
Friday, April 26th, 2019!

More information coming soon!

## Supporting our Community

### The Senior Source

We ended 2018 on a high note, literally as well as figuratively.



Fred Arias leads the caroling.

The firm adopted The Senior Source again this year as its Annual Christmas Charity. We provided Christmas gifts, breakfast and even a few carols (back by popular demand) for the residents of a nursing & rehab facility in Dallas County on December 20th, 2018.



Ryan Curry helps prepare breakfast for the residents.

We hoped to make this Christmas one to remember for the nursing home residents and staff but we think they made it one to remember for us!

Happy  
New Year  
2019



Santa visits to hand out presents.

The Senior Source provides care for seniors in many ways. The vast majority of their clients have no family and the volunteers see to all their needs and social visits. To learn more, please [click here](#).



Sue Leffingwell; Craig Reese; Velma Briones; and Kristy Fisher (L-R) wrapping presents.

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