

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

Proverbs 3:27

## Greetings from Fred Arias



If you are like us, this is the time of year where activities and obligations ramp up, as if injected with steroids. In the home life, there is Halloween, Thanksgiving & Christmas- the trifecta of festivities; all that provide a little something for everyone. Children are gearing up for end of semester testing and preparing their Holiday lists, thinking they did "just enough" for Santa to stop by the house. In the work life, we are trying to wrap up the year. What cases can be resolved in 2018? And, in the midst of all this, the sniffles, hacking, coughing, etc., begin to spread like wildfire. With some irony, this is the time where we most benefit from taking a step back and reflecting. This includes recognizing that despite all of the adversity we may be experiencing, others have it much, much worse. After we catch our breath, it reminds us the true meaning of this season - thankfulness for our families, our circumstances, and for you.

"Gratitude can transform common days into thanksgivings, turn routine jobs into joy, and change ordinary opportunities into blessings." - William Arthur Ward

## The Evolving Jury Problem

Ryan Curry



Prior to joining the civil defense bar, I served as a trial attorney in a different area of defense: criminal defense. As a criminal defense attorney, I often sought pre-trial resolutions for my clients. Many times, opposing counsel would be unreasonable by offering plea agreements with terms that were equal to, and sometimes greater than, what my client would receive if we proceeded

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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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**Thank You for Making  
the TLU in Chicago a**

to trial and lost. In those instances, it was easy to lace up the gloves and simply go to trial. After all, my clients often had nothing to lose and, potentially, everything to gain. In the event of a seemingly unjust verdict, my fellow criminal defense brethren would attempt to show support by commenting, "never underestimate the poor reasoning skills of a group of people incapable of getting out of jury duty." This tongue and cheek adage does not represent a new concept in trial practice. Its practical impact, however, is increasingly becoming problematic in the civil arena. Juries are becoming increasingly unpredictable and, as a result, attorneys must contemplate a constantly expanding spectrum of considerations before abandoning pre-trial negotiations in favor of litigation. A failure to consider one of the multiple layers of variables in play at trial, such as jurisdiction, political climate, or demographics, could prove to be costly...in a very literal sense.

Jury trials have always been more than an elementary examination of the facts. In today's volatile social, economic, and political climate, however, the need to assess extraneous sources of influence on a jury is exponentially more important than any other time in history. As a result, defense counsel must consider a more and more complex array of data in evaluating the exposure to their clients. In that regard, having attorneys intimately familiar with local jurisdictions and the predilections of local jurors is nearly as invaluable today as an understanding of the applicable law. Defense counsel must be aggressive in its representation of its clients and consider all possible defensive postures. At the same time, substantial consideration should be given to the disposition of the ultimate triers of fact. A failure to anticipate the proclivities of the jury could be a million dollar mistake.

## Conflicts Resolved

### Austin Office Wins Summary Judgment for City and Fire Chief Accused of Wrongful Termination

Plaintiff was a firefighter/first responder for a small Central Texas City. Due to his religious beliefs, he did not want to undergo certain mandatory vaccinations. The Fire Department is called on to provide medical services to the most vulnerable members of their community's population, particularly infants and the elderly, and they are the most susceptible to the conditions being vaccinated against. The Fire Department offered Plaintiff a lateral transfer to a job for the same salary, but that did not provide medical services and also offered to let him stay in the field if he took certain precautions, like wearing a mask. Plaintiff didn't like either option and was ultimately terminated. He filed suit alleging a violation of his constitutional right to practice his religion and for religious discrimination and failure to accommodate. The federal district judge disagreed, granting the City's summary judgment and finding that the City reasonably accommodated Plaintiff's religious interests and that Plaintiff was not entitled to the

## Success!



Thank you to everyone who attended the Texas Law Update in Chicago at the Swissôtel on Friday, October 26th. We had a great time and it was wonderful seeing everyone!

### Congratulations to Matt Skidmore



Skidmore family

We're proud to announce that Matthew Skidmore passed the Texas bar exam, was sworn in and had a celebration here at the office! He also managed to get some work in and go to an inspection site. Not bad for a week's activities!

### D/FW RIMS Conference



Mike Shipman & Fred Arias.

We had a great time supporting Dallas/Fort Worth RIMS at their Annual Fall Conference on October 18th at the Gaylord Texan in Grapevine. It was great education, networking and a great way to support the community! We hope you had a chance to stop by and visit our table.

accommodation he thought was appropriate, just one that was reasonable.

## Culinary Artist



Torrey Shields, our Office Services Manger, shows off his latest creation, apple pie, as he attends El Centro's Culinary Arts program. Looks delicious!

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