

# NEWS YOU DIDN'T KNOW YOU NEEDED

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## WHY HAS MY NEWSLETTER BEEN MISSING IN ACTION

Recently someone asked me what happened to my newsletter. I am glad they asked because I have missed writing it. The truth is I had a painful personal breakup after twelve years and I needed some time to figure out what happened. I consider myself knowledgeable in my profession but my personal choices have been less than stellar.

Sad or painful to admit, in my personal life, I repeat patterns that are not in my best interest. I guess I can thank/blame my tenuous/hard-headed drive and personality.

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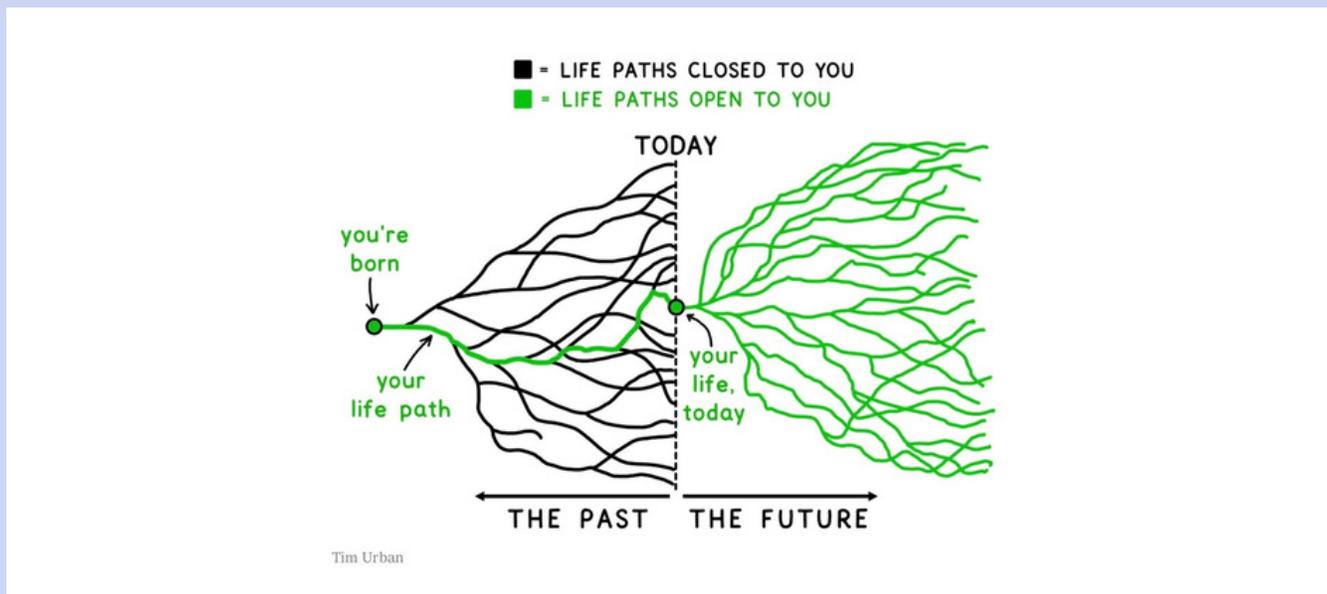
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I stay in a rut and keep trying to make it better, ignoring the reality around me. Why did I do this? Many would say you have to take personal responsibility for staying in a negative situation and I promise you I do. But when you are my age and look back on your years spent and gone and the dwindling ones in front of you, there must be a better approach.

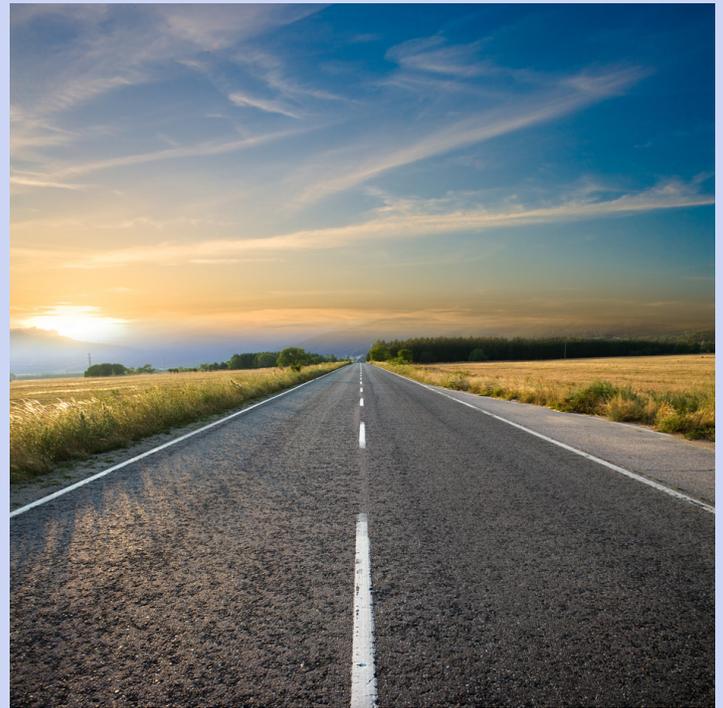


I saw this graphic in an article by Tim Urban. As you can see, it shows many roads with only one that is green (meaning the road you chose) and you in the middle (NOW) and many roads in front of you, all of them green. Meaning just because you chose a certain road in the past, you still have options in front of you that could be much better for your personal life.



SETTLING CASES TWO SNEAKERS AT A TIME

So, no sulking, feeling sorry for yourself or blaming. Tim Urban said it better when he wrote, “We think alot about those black lines: the roads not taken, the opportunities missed, the ones that got away. But most of us greatly underestimate the size of the lush green tree of possibilities that lie ahead of us.”



Instead of dwelling on the road taken or not taken in the past, I wanted to understand where I went off the road or rails, so to speak. Dogs have unconditional love and this is why they are so important to us. Some humans do have unconditional love for their children but it may be limited because they “are human”. Even so, these types of parents teach great lessons to their children. Some of us had those types of parents. But many of us didn’t. We have/had parents with issues of their own, troubled pasts and they pass these “issues” onto their children. This is not about blaming your parents. It is about understanding why you make certain choices that to others seem odd, weird, or make no sense.



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Ok, Carla what is this psychobabble? Stay with me because it helps to understand. When you are an infant and small kid and your parent or parents have major issues, you are hard wired just like a computer to do whatever it takes to survive and make them happy. This wiring or pattern is so deep in your mind and personality you continue to repeat it. This is why people choose bad personal situations because it is unconsciously similar to how they were raised. Stepping out of pattern you have been repeating all your life is scary but empowering.

A recent example of how past experiences as a child affect us as adults, occurred at the Oscars when Chris Rock made a joke about Will Smith's wife's bald head. Will Smith "snapped" and marched up on the stage and slapped Chris Rock much to the shock and dismay of the audience. There is no excuse for what Will Smith did. But I found it interesting that in Will Smith's autobiography, he referred to himself as a coward. When asked what he meant, he explained when he was a small child his father hit his mother and he felt like a coward for not doing anything to protect her. Obviously, he couldn't do anything as a small child but that traumatic memory played out at the Oscars. When Will Smith slapped Chris Rock he was reacting to what happened to him as a small child.



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He was on autopilot. His slap was to his dad and was protection for his mother. Because otherwise, a joke doesn't justify that type of reaction. It was a reaction to a long-ago memory. (At least that is my interpretation).



I won't bore you with my patterns -at least for this blog- but the good news is... I am back to writing my newsletter and that makes me very happy! Thank you for reading.



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## MORE BAD BEHAVIOR ABOUT TRIAL LAWYERS IN THE 1980S

It is the early 1980s and I am a baby lawyer working on a big case for one of the partners, whom I will call Hugh. Hugh has given me a case to handle, then promptly been unavailable for any guidance or assistance. I was inexperienced/green as can be.

It is late one evening and I am in the office trying to figure out how to prepare for a big deposition the next day. Hugh has given me zero help. My Italian temper flared. “NO, I thought, he can just help me”. Without thinking further about it, I called Hugh’s home. Hugh’s wife answered and said Hugh was in New Orleans on business. When I politely asked which hotel he was staying in, she pleasantly gave me the name.

I was on a “determined piss ant roll” and called the hotel. In the 1980s, people would tell you things they would never tell you today. When I called the front desk and asked to be connected to Hugh’s room, the female receptionist happily replied that she knew exactly who I was asking about. (Hugh had charmed her, I am sure.) She replied he had been in the cocktail lounge but just left with his wife.



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Feeling like a balloon that has just been popped, I recognized defeat and knew I was on my own.



## Depositions

I remember when we first started having video depositions. Yes, you young lawyers, there was a time when video depositions didn't exist. The first one I experienced was comical. The lawyer that requested it thought he needed to be in the picture with the witness. Obviously wrong but that was how he handled it. He had the videographer record him squeezed up next to his witness, shoulder to shoulder, asking questions. Imagine a lawyer asking a witness questions head straight ahead because he couldn't look at the witness since he was squeezed up next to the witnesses, side by side, heads practically touching. Weird Weird Weird. I wanted to laugh. As I recall, the lawyer later figured out that the video was unusable at trial.



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We took a lot of depositions in the 80s because everything was less expensive, so we could. One dirty trick was to bring big lamps. Allegedly the lamps were to provide brightness and light but really, they were just big heat lamps. With unashamed glee, the lawyer had his prey, I mean the witness, who was not only nervous but seating under a heat lamp sweating bullets. And by the way, a witness sweating profusely doesn't come across as an honest witness telling the truth, even if he is.



Then there was the case where there was much acrimony between the lawyers during depositions, the other side decided to bring two videographers, one to video the witness and one to video the opposing lawyer.



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Once I took video depositions in my downtown office which was on the 32nd floor. I learned a valuable lesson from that experience. I didn't check the video until right before the trial. When I played the video, all I heard was Tejano music. In a panic, I called the videographer. The videographer claimed because we were so high in the air and the Tejano radio station so powerful, it just happened. I didn't buy that excuse, but it was too late to do anything about it. I love Tejano music, but I wasn't going to play a video with my witness talking but nothing coming out of his mouth but Tejano music.



In the 80s we had more tricks up our sleeves when it comes to depositions. The opposing side would ask a question and we would jump in and make an objection like this, "I object because you are asking him about what time he went to the scene and the record is clear this



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happened at 1:00 pm.” Result, the objection just told the witness what to say. This was another example of bad behavior that is no longer allowed under the Texas Rules of Civil Procedure.

Another trick was to have a code, somewhat like the Astros beating a drum. If I cough that means you need to say you need a bathroom break.



If the other side objects because you were about to say something they liked, you must insist the bathroom situation is urgent. If that doesn't work, I will kick you under the table.



Another bad behavior trick was to notice the deposition of your opponent's witness or client for 2:00 pm on a Friday before a holiday, hoping he will be so irritated he will goof up and say something stupid.



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Having the ability to get under the witness's skin, so to speak, is a special talent. When I was a trial lawyer, I admit I had this ability. I have been accused of being like an emery board, (emery boards are used to file fingernails). Just like the emery board that slowly grinds down the fingernail, the emery board method is to just repeat the question a thousand different ways until you get the answer you want.



The ability to get under a witness' skin in a deposition is very dangerous to the witness. Just like in real life, which deposition isn't, when we lose our temper, our rational brain goes out the window, and our emotional side steps in and say something stupid. A talented cross-examiner or a lawyer who is naturally abrasive can cause the witness to lose his shit!

In the 80s, we loved video depositions for several reasons. Juries seem to like them, my theory being they enjoyed watching TV and this was like that.



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The other reason was it was a time for the lawyer to relax a little since there was nothing for either side to do but wait while the jury watched the video.



Then, as lawyers will do, it became a fight about what parts of the video to play. One side wants to stop the play and the other side wanted more to see if the answer is better explained.

Trial Lawyers like to fight. My psychologist sister Kimla says she can go into a kindergarten class and pick out the baby trial lawyers. It is easy because they are the ones causing trouble.



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## EVERYONE IS GRUMPY

It is no surprise people are in a bad mood. But have you noticed people don't want to follow any rules, and I am not talking about vaccines. Last week I pulled up to my favorite take out *Green Fork* and I noticed their placard sign was not outside. Then I realized it opened at 9:00am and it was 8:45am. I noticed the employees inside bustling around to get ready and told myself that it was a good time to just sit and meditate and not touch my phone.

Then a big black Land Rover pulled up beside me and a young woman in revealing, but not visibly unpleasant, workout clothes, opened the car door and stepped out. She then proceeded, ponytail swinging, to prance right up to the door, open it and go in. I thought it isn't open yet, but no problem she wasn't letting that stop her. Thinking what the hell, I got out and went in too. After she ordered, her loud bold voice matching her personality, and had left, I mentioned it to the *Green Fork* employee. He just smiled and said the day before a man, who he said was a doctor no less, went to the door and started hollering and jerking on it. Since it was locked and they were closed, the doctor couldn't come in. No matter that the place had been closed for an hour and a half and it was obvious they were cleaning up inside.



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I was in a hotel bar recently for an out-of-town arbitration and the fire alarm began booming out for everyone to go to the nearest exit. I guess I was the only “non-regular” because no one moved. They not only didn’t move, they didn’t even acknowledge what was happening and kept on drinking and socializing. I felt I was on a different planet; never mind I was the oldest one in the bar. After I double-checked with the front desk that it was a false alarm, I silently acknowledged I “didn’t fit in” and beat a hasty retreat to my room.

Recently I spent a week out of town for work. I was anxious to get home since I had been delayed because of an ice storm. My flight had been canceled and when I got on another one I was ready to get home and close the door. The only problem was my car. For some reason, the automatic trunk periodically decides to slam down quickly rather than gliding down. My car trunk lid decided since I was tired it was the perfect time to try to decapitate me. As I tried to man-handle-female-handle my bag into the trunk without being decapitated by my car trunk lid, I heard this very mean angry voice saying in a Khan Star Trek villain way, “**STAND BACK NOW, STAND BACK NOW**”.



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Stunned I looked around thinking who is after me, and realized it was coming from the Big Black Monster truck parked next to me. Apparently my gyrations with my car trunk and its periodic slamming down, had upset the Big Black Monster Truck. It proceeded to point out it was **“VIPER PROTECTED AND STAND BACK NOW!”**

I must confess it was a good thing I didn't have a gun. Because if I had, I would have blown out every one of that Big Black Truck's tires.

No, I am not grumpy.



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