



South Pole by Christmas

Todd Family Plans Antarctica Holiday

Alton and Nari Todd, Seth and Kamilah will spend Christmas 2013 in the coldest, driest and windiest place on earth—Antarctica, land of blizzards, snowdrifts, glaciers, volcanic mountains and abundant wildlife. Their trip is timed, however, to enjoy Antarctica’s warmest season of long balmy days and summer temperatures in the Peninsula perhaps even reaching the 30s.

The Todds’ adventure to a place where penguins outnumber humans will begin in Argentina in Ushuaia, the southernmost city in the world, where they will spend a pre-voyage night before embarking on the *Sea Explorer*, an ice-strengthened cruise ship equipped with a fleet of inflatable craft for forays ashore. Sailing south through the Drake Passage, travelers will experience a flexible itinerary based on weather, ice and opportunity to include as much of the diversity of the Antarctic Peninsula as possible. Following Christmas Eve at Elephant Island, they will awake on Christmas Day in the astounding ice of the Weddell Sea. The voyage will continue with landings and cruises in the Antarctic Sound, known as “Iceberg Alley” and sail through a 30-mile gateway from the Weddell Sea to the west side of the Peninsula. The trip to the west side, home of the most scenic bays and channels of the Peninsula, may include picturesque Neko Harbor, sheltered Paradise Harbor, the Humpback Whale-favored Wilhelmina Bay and the wildlife-filled Penola Channel. Stops may also be made at an active scientific base and historic base.

New Year’s Eve will mark the final night among the icebergs. After the last two days of wildlife spotting, back through the Drake Passage, where the albatrosses, prions and petrels frequently follow the ship, explorers will disembark at Ushuaia in time to catch a flight to Buenos Aires. Then it will be a return to reality, undoubtedly with memories of the most amazing nature-scape of snow and ice and rock that only a few bold explorers will ever appreciate first-hand.

We Wish You a Merry Christmas



The Law Firm of Alton C. Todd:
Front row: Heather Ybarra, Natalie McGuire, Carole Brooks, Faith Falcon, Julie Rogers, Dena Kana, Jennifer Evans
Back row: Clint McGuire, Cecilia Montalvo, Alton C. Todd, Dena Todd, Jeff Todd

Hooters Settles Multi-Million Dollar Lawsuit

On November 18, jury selection began in a dram shop lawsuit against Hooters. On November 20, jurors heard opening statements by the plaintiff’s attorney Alton C. Todd. One day later, Hooters settled the lawsuit rather than leave its fate in the hands of a jury.

Todd, representing Melba Braud, the mother of the late Amber Roussel, had asked jurors to award his client \$32 million, \$1 million for every year lost of her daughter’s life. The February lawsuit was filed in Jefferson County District Court against Derek McBride, who was officially charged with vehicular manslaughter, and Texas Wings Inc., doing business as Hooters in Beaumont.

In his opening remarks, Todd showed jurors the 250-pound brush guard that flew through Roussel’s windshield and killed her on July 30, 2012, after McBride crashed while drag racing down Interstate 10 with Caleb Harley. “It was the last thing she saw,” Todd said.

The lawsuit stated that the Beaumont Hooters served McBride and Harley when they were obviously intoxicated and unable

to operate a motor vehicle. “As was predictable and foreseeable, the (two men) in their intoxicated condition failed to operate their vehicles in a reasonable and prudent manner...when McBride passed a vehicle on the shoulder and hit another vehicle, he lost control and hit the center concrete median, knocking the brush guard off his vehicle.” The guard flew through the air “like a missile” and smashed the windshield of the vehicle in which Roussel was a passenger, killing her, the suit stated.

A year ago McBride was indicted on charges of intoxication manslaughter and intoxication assault. He is presently serving an 8-year prison sentence. Trial is set for March.

The plaintiffs sued for damages under the Wrongful Death Act. Todd told jurors that he believed the evidence would show that Hooters was promoting alcohol sales and was negligent in serving McBride more than a dozen alcoholic beverages. McBride’s defense centered on Hooters’ overserving him and not cutting him off.

Hooters intends to use Melba Braud in a training video.

A Lawyer's Story of Giving and Forgiving

By Robert Benson

A single day in 1968 sent my family's lives spiraling in different directions. Our paths would cross again 30 years later, a few days before Christmas in 1998. But that chance meeting would teach me the meaning of giving and forgiving that lies at the heart of this holiday season.

The first few years of my life were punctuated by severe neglect and abuse, leading to surgeries and hospitalizations. That progression culminated when my mother left me with strangers on the street, never to return. After living for a while at a children's shelter in Santa Clara County, Calif., I was adopted by a couple who brought me into their home, gave me a good education and instilled the values of equity and justice that would one day attract me to a career in the law.

I never forgot the critical turn that my life took when I was adopted into my new family. After I made partner in a Silicon Valley law firm in 1998, I considered how I might use my new position and resources to help restore the lives of similarly situated children. I established family-based homes in Nicaragua and the Philippines, which have since cared for more than 100 abandoned and abused children. Many of those children are now young adults attending college and launching lives of their own.

But Christmas 1998 brought another critical juncture. A few days before my first trip to Nicaragua, I visited a store in Palo Alto, Calif. to purchase supplies for my trip. At the cash register was a business card that read "Norman Greenbrook, Manager." I knew there was only one Norman Greenbrook in the country – my biological father, whom I had never met since my infancy. I asked the cashier if I could speak to the manager, and she pointed to a man who had just finished assisting me. Numbed with surprise, I left the store without revealing my identity.

That meeting changed my life again. It brought me face to face with a bitterness that I had long ignored. As much as the pain of my past was motivating a new mission to help other similarly situated kids, I soon realized that I could not embark on that mission until I forgave those who had once abandoned me.

During the next few months, after I progressed from anger to forgiveness,

I decided to revisit the store and reconcile with my father. But when I returned, I learned that he had died of cancer just days earlier. My heart had been changed, but the opportunity for reconciliation was lost forever. He never knew that we had met.

Two years later, I learned that before our chance meeting, my father had pursued his own path toward redemption. Late in his life, he began to visit the children's shelter in Santa Clara County every Christmas – the same shelter that once cared for me – dressed up as Santa Claus, bearing gifts for the children. Today that same Santa suit hangs in my closet, a constant reminder that the pain or mistakes of our past can be the source of our greatest potential – and that we must not let our opportunities slip away.

Each of us travels our unique path in life, and we can choose where we go from here. The skills, networks and resources that we develop as law students and as attorneys provide us with exceptional opportunities to enrich the lives of others, both locally and globally. While sometimes this can be accomplished through the justice system itself, we should thoughtfully consider how else we can personally change our communities and the lives of those around us.

During this holiday season, remember that our pasts are an essential part of who we are, both the good times and the bad – and it is that identity that gives rise to our potential and purpose in life. The most difficult circumstances can give rise to our greatest gifts: an empathy, compassion and understanding that uniquely enable us to bring blessings into the lives of others.

We spend most of our time focused on our education and our careers, but real meaning and purpose is rooted in relationships. Practicing law is what we do, but it is only one expression of who we are. Through the lives we shape, we not only influence the world around us, but also a future we will never see.

Reconcile with those who have hurt you, or those whom you have wronged at some time in the past. By restoring relationships that have been broken, you can create a foundation from which to realize a greater potential. But don't wait – opportunities that exist today may be gone tomorrow.

And then reach out to others who are hurting and in need. Many in our world live in desperate material poverty, and even the smallest gift can mean the difference between life and death. Others are experiencing a poverty of the soul, unable to shake the feeling that they are forgotten and unloved. To each and every one you have something to offer of incomparable worth: your love, your caring and a genuine touch.

When the pain of our past leads us to walk alongside others and share in the pain of their present, there is healing for both – and hope for all.

Robert Benson is a partner in the Los Angeles office of DLA Piper whose practice focuses on patent litigation. He founded and is president of the charitable organization Arms of Love International.

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Alton C. Todd Among Top Of Houston Region Lawyers

Texas Monthly lists Alton C. Todd as one of the top 100 Houston region lawyers in the 2013 Super Lawyers nomination, research and blue ribbon review process.

Among fewer than two percent of Texas attorneys Board Certified in both Personal Injury and Civil Trial Law, Alton Todd is a member and Diplomate of the American Board of Trial Advocates and admitted to practice before the U.S. Supreme Court, as well as the Fifth Circuit of the U.S. Court of Appeals, the U.S. District Court for the Northern and Southern Districts of Texas and the Western District of Arkansas. He is also a Fellow with the American College of Trial Lawyers, the International Academy of Trial Lawyers and the American Board of Trial Advocates.

The Super Lawyer distinction is awarded to 5 percent of all Texas lawyers. The annual selections are made using a rigorous multi-phased process that includes a statewide survey of lawyers, an independent research evaluation of candidates, and peer reviews by practice area.

Jury Awards Parents \$6.71M in Damages

As she waited at her school bus stop in Texas City on a September day in 2012, Christina Marie Lopez, 11, was struck and killed by a commercial big rig driven by her next-door neighbor, Hector A. Pena. On October 8, in Galveston County Probate Judge Kimberly Sullivan's courtroom, a jury found the driver and his employer, Altom Transport, at fault and awarded \$6.71 million in damages to Christina's parents, Nina and Manuel Lopez.

Attorneys Alton C. Todd and Larry Tylka, representing the family, had asked the jury of 10 women and two men for \$25 million in compensation for their clients. "If Christina's voice could be heard today, she would say: 'Protect our children. Put safety over profits,'" Tylka said.

Pena, who had 18 years experience driving trucks, had been employed by Altom for about three months when he was accused of being late for work the morning of the accident. Testimony showed that the front wheel of Pena's truck left the roadway some 3-6 inches onto the grass at 7:52 a.m. Pena was supposed to be at a Pasadena plant at 8 a.m.

The jury unanimously agreed that negligence played a role in the incident and assessed 70 percent responsibility of the damages against the driver. Altom was responsible for the remaining 30 percent.

The jury's award was based on \$11,147 in funeral expenses and the loss and companionship and mental anguish. Pena's attorney indicated that his client would not appeal the award, and an attorney for Altom had no immediate comment. The jury award was substantially more than what was offered to settle the case, Todd said, noting that both the driver and the trucking company were insured.

THE ATTLAW™

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Kamilah Todd Takes Texas Bow



Debutante and escort, Kamilah Todd and Seth Park

Kamilah Brett Todd, daughter of Alton and Nari Todd, was presented at the Galveston Artillery Club's 173rd Anniversary Ball on November 30. She was escorted by her brother Seth Park. Her stags were cousins Caleb Keys and Abdallah Kamal.

Kamilah, 20, a junior at Southern Methodist University, is a journalism major

and member of Kappa Alpha Theta sorority.

The Artillery Club, founded during the Civil War, limits its membership to 100 men in the Galveston area. Debutantes, who have been presented here for more than 160 years, must be daughters or granddaughters of members.

"Money Mike" Faces Assault Charges

An alleged teenage prostitution scheme has resulted in a suit against Friendswood businessman Michael Wayne McIntosh by the parents of one teen he is accused of assaulting. The League City couple is asking a jury to order the 62-year old McIntosh, whose victims called him "Money Mike," to pay an unspecified amount in damages. "It was a difficult decision for them to make, but they felt like they had to protect their daughter," said Attorney Alton C. Todd who filed the lawsuit.

According to Galveston County court documents, McIntosh was removed from a Webster restaurant in February for attempting to solicit sex from waitresses. He then began to patronize Clear Lake areas sports bars, giving hundreds of dollars in cash to underage waitresses. His plot then escalated to luring his victims to his home between June and October. As the cash amounts he offered rose, his demands became increasingly intimate.

The lurid, unfolding story of sexual exploitation led to mounting rumors at high schools in League City and prompted the Clear Creek Independent School District to

contact parents of some of the victims. Webster police Detective David Nettles said an investigation was then launched and victims began to come forward.

Nettles said that McIntosh initially recruited a 17-year-old League City high school student to drive girls to his home in exchange for a percentage of more than \$3600 paid to the girls for sexual favors. One girl said in an affidavit that she was driven to "Money Mike's" home by his procurer at least half a dozen times, receiving as much as \$1,000 each visit, but she only got to keep half the sum; the other half went to his teen "madam."

Chelsey Elizabeth Taylor has been charged with one felony count of compelling prostitution in connection with the three counts of sexual assault cases against McIntosh. Both are free on bond. The exact number of girls who participated is not known, but police say at least nine, ages 14-17, have been identified. Detectives have asked them to come forward, saying that the girls will not be facing any charges.

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**EXPERT WITNESS LAWS
TIP SCALES OF JUSTICE**

If we think the Texas courts are business friendly, consider Florida's latest restrictions on physicians and others who testify in medical malpractice and similarly complex lawsuits. Two bills, which became law in July, are the third and fourth new restrictions on expert witnesses passed by Florida's Legislature in just two years.

Praised by Gov. Rick Scott (surely a cousin of Rick Perry), SB 1972 allows only expert witnesses to testify if they have practiced in the same exact specialty that's being litigated. HB 7015 requires courts to use a three-part test, called the Daubert standard, to decide if testimony can be admitted.

Clearly, these measures will benefit only doctors and corporations. Debra Henley, executive director of the Florida Justice Association, called the medical-malpractice bill "one of the most harmful bills" passed during the 2013 legislative session: "The law is anti-consumer and further tips the scales of justice against patients and the families of patients who are killed or injured as a result of medical negligence."

ALtruism
**Never let your
negative be greater
than your positive.**
(Jennifer Todd Evans)

**Female Employees Sue
Houston Software CEO**

On November 1, the defendant in a pending civil matter being handled by The Law Firm of Alton C. Todd pleaded guilty to criminal charges for drugging four female employees in order to sexually abuse them. Attorney Jeffrey Todd filed suit against Solid Software Solutions and its owner and CEO, Henri Morris, in Harris County Court on behalf of two workers, KH and MB.

What's Your Favorite Law Novel?

**ABA Panel Chooses
Top 25 Legal Novels**

The results of an interesting *ABA Journal* survey, originating with a ballot of more than 100 enduring law novels and narrowed to 26 by a panel of experts, appear on the *Journal's* website, www.abajournal.com

Readers are invited to choose their favorites from this list which begins with *To Kill a Mocking Bird* and ends with *Old Filth*. Also notable are omissions from the nominated titles by the distinguished panel of 14 erudite lawyers and scholars. Truman Capote's *In Cold Blood* did not qualify as a novel because the true-crime account was "too deeply identified as journalism."

It is an interesting relationship, the *ABA Journal* notes, between lawyers and literature. The novels chosen, "stories of life and death, courage and betrayal, loyalty and honor, revenge and redemption" provided the impetus for "a discussion we intend to keep having on how and why the law is such a comfortable starting place for our narratives about human life."

Both KH and MB said that the defendant drugged them by putting an unknown substance into a drink during separate business trips to New York and Chicago. Twice, KH lost consciousness and awoke with memories of being sexually assaulted by Morris. He was arrested by federal agents in April and charged with two counts of sexual abuse, according to a May 1 indictment. Agents said that they found Morris was carrying insomnia and sleep aid drugs.

Under an agreement with prosecutors, the Houston executive would serve one year in federal prison, spend the rest of his life under federal supervision and register as a sex offender. If U.S. District Judge Melinda Harmon decides to sentence Morris to more than a year, he will have the option of withdrawing his guilty plea and challenging prosecutors to prove their case at trial. One of his victims expressed the hope that he would serve more than a year.

The latest filing in Morris' docket is his unopposed motion for continuance of this trial date until January 2014. The motion states that he will try to resolve the charges without a trial.

CLOSING STATEMENT
*We value your trust and your referral.
Thank you for the opportunity to represent
your interest and for recommending*
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