



## New Crime on the Block

### 'Sliders' Roam USA Burglarizing Autos

From Dallas to Dayton, Miami to Seattle, there's a new brand of crime, a growing trend in car theft, accomplished in the blink of an eye, sufficiently sophisticated to stump law enforcement.

It is called "sliding," what police refer to as "a crime of opportunity," most frequently occurring at gas stations, where unsuspecting drivers, usually women, while pumping gas or entering an adjacent convenience store, leave vehicles unattended, thus setting the stage for easy theft.

The thieves, who typically hover at gas stations, casing unlocked cars for valuables on the front seat, stealthily slide in the cars on the passenger side below eye level of the door. Their success depends on distraction—busy, preoccupied women, mothers picking up children at day care centers etc.

The crime of sliding has struck way too close to home, our daughter a victim. The well-dressed crook in this case was observed by bystanders, nonchalantly entering the car while she was adding air to the tires, looking as if he belonged there. He escaped with new credentials, credit cards and cash and even the keys to car and home, and he has never been caught.

Police say that burglary of motor vehicles outranks all other forms of property crime and that the average time from theft of valuables to the first unauthorized use by the thieves is about 15 minutes.

Typically, the crooks are looking for purses, backpacks, laptops, cell phones, any valuables, including the car registration card, that give them access to personal information, leaving the victims vulnerable to identity theft.

Police suggestions for the best way to stop sliders is a no brainer, often overlooked in a hurried world. Drivers should always lock their car doors and windows, hold onto their keys and never leave valuables unsecured inside their vehicles.



Alton and Nari Todd

## Todds Attend 2013 ITAL Convention

Alton and Nari Todd enjoyed the annual meeting of the International Academy of Trial Lawyers, of which Alton C. Todd has been a member since 2010, held in July at the Trump International Hotel and Tower in Chicago. The opening night reception was held in the unique Grand Ballroom, where 24-foot floor-to-ceiling windows provided spectacular views of the Chicago River and the city's historic architecture.

On July 18, Fellows and guests met at the world famous John G. Shedd Aquarium on the shores of Lake Michigan where the IATL had exclusive use of the Aquarium, including the Wild Reef filled with sharks and brightly colored corals and the Caribbean reef. Returning to their hotel, the guests were entertained by Peter Cetera, of the band *Chicago*, in a private concert.

The July 19 program featured Hon. R. Fred Lewis, Florida Supreme Court Justice who discussed *Battle for an Impartial Jury and the Rule of Law in the 21<sup>st</sup> Century*, followed by welcome remarks from Mayor Rahm Emanuel. The evening's entertainment, for the Todds, was a satirical musical performance, *The Book of Mormon*.

Prior to the induction of new Fellows on July 20, Governor Pat Quinn gave welcome remarks, and the professional program featured Laurel Bellows, ABA president, whose discussion of *Human Trafficking* was followed by a presentation by Annie Duke, the "Duchess of Poker," on *Decision Making: From the Poker Table to the Courtroom*.

A reception and dinner in the Modern Wing of the Art Institute of Chicago, home of

the Art Institute's world-renowned collection of 20<sup>th</sup> and 21<sup>st</sup> century art, marked the conclusion of another impressive and memorable gathering of the International Academy of Trial Lawyers.

## Jeff Todd Represents Family of Alvin Fatality

A lawsuit was filed on June 12 in the Galveston County court on behalf of Kourtney and Christopher Russell, widow and son of the late Lance Philip Russell of Alvin or Galveston. Being sued is Yong-Fang Kuo of Friendswood.

Court papers reveal that Russell was traveling westbound on his motorcycle on West Parkwood Avenue in Friendswood on May 23. He was conducting a left hand turn on an unprotected (green signal light) at the intersection of West Parkwood and Moore Road when Kuo, traveling eastbound, failed to yield the right-of-way. According to the suit, Russell ultimately collided with Kuo's vehicle, sustained critical injuries and died at the scene.

Kuo is faulted for failing to comply with an applicable official traffic control device, failing to keep a proper lookout, failing to timely apply his brakes and failing to make turning movements that would have prevented the accident.

Russell's surviving relatives seek unspecified monetary damages. They are represented by Jeffrey N. Todd of The Law Firm of Alton C. Todd.



Dena Kana

## Dena Kana, Family Win Police Games Medals

Dena Kana, paralegal at The Law Firm of Alton C. Todd, her husband Bobby and daughter Hunter participated in the archery events at the Texas Police games held in Nassau Bay in June. Dena won a gold medal in the indoor 500 and two silver medals in the outdoor 3-D events. Her husband Bobby won three gold medals in each event, and their 13-year-old daughter Hunter won a bronze medal in the outdoor 3-D com-petition. Bobby Kana was also named Texas' Game Warden of the year by the Coastal Conservation Association. He received the award on June 27 at the Matagorda Bay Chapter's Annual Banquet.

The Texas Police Games have served to enhance physical fitness among police officers, instilling pride in the law enforcement profession and providing a means for the effective exchange of experience and ideas in a congenial atmosphere. The spirit of sportsmanship and professional ethics is nowhere more apparent than in the Texas Police Games, which enable the public to view the performance and accomplishments of their police officers in a friendly but highly competitive sporting events.

### THE ALTLAW™

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## Deadline Forces 'He Said/She Said' Political Scenario

**(Editor's Note:** As this issue of *The Altlaw* went to press, Sen. Wendy Davis had not declared a decision on running for Texas governor. By this reading, you likely know her final answer, but at this writing, we opt to offer, *in alternate paragraphs*, a hopeful hypothesis for a meaningful choice OR the possibility of no race at all.)

Wendy Davis' entry into the Texas gubernatorial race offers a welcome choice to thinking Texans, tired of the status quo and eager to elect a qualified alternative to the good old boy Republican network that has dominated the state of our state since the last Democratic governor, Ann Richards, handed over the office to George W. Bush in 1995.

It is a sad state for Texas voters that Attorney General Greg Abbott, backed by all of the big money Republicans have locked up, is running for governor without significant opposition. At the midyear mark, he had almost \$21 million in the bank.

**Her 13-hour legendary filibuster against a controversial anti-abortion bill catapulted Wendy Davis to the national spotlight. Some speculated that the same attention would make her unelectable in deep-red Texas, and to sacrifice her hard-fought Senate seat in the swing district of Fort Worth would not be a politically advantageous move.**

Absent the competition of Wendy Davis, Texas is not in for a hard-fought gubernatorial campaign but doomed to expect Perry's successor to breeze into office, even though Abbott's politics and policies are nebulous. He tends to underplay personal views, saying that his job is to enforce the laws passed by the Legislature.

A decision by Wendy Davis to toss her hat into the ring is a good thing because of her belief in the transformative power of education. She has walked a long walk from impoverished single mother to Harvard law graduate.

**Abbott should have to fight for the keys to the Governor's mansion. With the approaching primary filing deadline of December 9, a strong opponent has not emerged to challenge Abbott, Rick Perry's handpicked favorite, who some have called "the anointed one."**

Davis' bipartisan credentials are a matter of record. She has noted that when she got her start in politics on the Fort Worth City Council it was not "with a party

affiliation next to our name." She crossed the aisle on shale gas drilling and transportation planning, while maintaining traditional Democratic positions on education and consumer education. She has been a consistent advocate of women's health and safety, state assistance to veterans and public education.

A paraplegic who uses a wheelchair, Abbott, in 2003, unsuccessfully fought the federal Americans with Disabilities Act in court, arguing that a section prohibiting public entities from discriminating based on disability was unconstitutional. When, at 26, his spine was crushed by a falling tree, he sued and was awarded a multimillion-dollar settlement. Nearly 30 years later, a similarly high recovery would be virtually impossible due to Republican-supported lawsuit caps legislated in 1995 and a pro-defendant posture in the judicial branch.

**Interestingly, Davis' first filibuster in 2011 garnered little publicity. That was to protest a potential cut of \$5.4 billion in education for Texas students.**

*Greg Abbott is a hunter and member of NRA and the Texas Rifle Association and a hero to the anti-abortion movement. He is proud and fond of saying that he sued the Obama administration 27 times, including challenging the Voting Rights Act. In two weeks in June, he broke state records by raising \$4.78 million.*

"The majority of Texans know that our state is stronger when it makes the investments in its people that help them reach their full potential," Davis has stated. "One of every ten public school students in the United States goes to school in Texas, but we produce the lowest percentage of high school graduates. A quarter of our children live in poverty. And we have the highest percentage of uninsured children in America. That's nothing to brag about."

**While pundits and polls say the odds of the far right conservative becoming the next governor of Texas look strong, it is hard to comprehend how informed Texans can again support Rick Perry's unenlightened policy positions, which are sure to continue with Greg Abbott, his heir-apparent at the helm.**

Although challenged to raise the necessary funds to run a competitive race against the formidable war chest of her opponent, Davis has created an enthusiasm unmatched by a Democrat in Texas in decades.

## Unprotected by Courts, Civil Jury Trials Dwindle

The dramatic decline in jury trials in Texas that has disturbed trial lawyers for more than a decade is now recognized as a significant problem by corporate lawyers, as well. Dan Worthington, president of the Texas Association of Defense Counsel, an organization of lawyers who represent insurance companies, manufacturers and other businesses, called the decline a “profoundly negative” trend for individuals and businesses alike.

**In 2012, there were fewer than 1,200 civil jury trials in state district courts in Texas, a 64 percent decline from 1997, when there were 3,369 jury trials. U.S. district court judges conducted 360 civil jury trials in 1997 but only 135 last year.**

Several factors, including tort reform and appellate court decisions, are blamed for increasing limitations on the constitutional right guaranteed by the Seventh Amendment. According to legal experts, thousands of civil complaints once heard by juries are now resolved in pretrial mediation or pushed into the private world of arbitration. While many

consider that the cost of discovery has made jury trials financially risky, other lawyers fault the conservative Texas appellate courts who have turned questions of fact decided by juries into questions of law decided by judges.

To address the high cost of taking a lawsuit to trial, the Texas Supreme Court implemented “expedited trial” rules for cases in which \$100,000 or less is in dispute.

**Statistics show that Texas juries in 2012 sat in judgment of 88 percent fewer product liability claims than in 1996. The juries decided 12 percent fewer personal injury and medical malpractice cases, 15 percent fewer business disputes and 50 percent fewer product liability cases in 2012 compared with 2011.**

The important tradition of the civil jury trial appears of little value to the U.S. Supreme Court. Recently, the justices ruled that corporations can require customers to litigate their claims individually in arbitration rather than as a class action before a judge or jury, even when the legal cost of arbitration can be more costly than the claim itself. Decisions of the Roberts court make it increasingly difficult for injured individuals to proceed to a jury and limit the civil jury’s authority to choose a remedy or to impose punitive damages.



Seth Park

### Seth Park Qualifies For CPA License

Seth Park, son of Nari and Alton Todd, has returned to Emory University, beginning his second year of law school. During the summer he was employed by Ham, Langston & Brezina, LLP in Houston, where he worked in the audit department, primarily reviewing defined benefit plans. He has completed all requirements to obtain his CPA license, which is now pending.

At Emory, Seth was elected Vice President of Student Affairs and, in that capacity, is in charge of the majority of social events planned through the law school. He is also involved with new student orientation, Family and Friends Weekend and other major events at Emory Law.

### Alton C. Todd Counsel In Multiparty Lawsuit

Alton C. Todd is representing the family of a 77-year-old man killed last year when he was pinned by a stove at a Galveston rental home.

According to the multiparty lawsuit, David Holden Gasser was preparing dinner at a rental home on San Luis Pass road when the stove tipped and pinned him on Jan. 4, 2012. He died of asphyxiation.

Defendants in the litigation are The Home Depot USA Inc., Hudak & Dawson Construction Company Inc., William T. Etheredge III of Etheredge Property Management, AB Sea Sales & Rentals Inc., and Morgan Anderson, the property owner.

Anderson, Etheredge and AB Sea Sales are accused of “renting the unit in question to decedent when it was not in a tenantable condition and was unreasonably dangerous.” The lawsuit alleges that the businesses were negligent for failing to comply with applicable safety codes in designing and/or constructing the kitchen and for failing to use ordinary care when installing the stove and/or making repairs.

The case will be heard before Galveston County 122<sup>nd</sup> District Court Judge John Ellisor.

## Delay in Texas Primaries Possible As Redistricting Battle Continues

From the *Boston Globe* to the *Texas Tribune*, editorials proclaimed “Yes, mess with Texas” when it came to the suspicion and subsequent move by Attorney General Eric Holder to restore the Justice Department’s authority to review voting laws in Texas. Then, on August 22, the Obama administration escalated efforts to restore a stronger federal role in protecting minority voters by announcing that the Justice Department would become a plaintiff in two lawsuits against the state.

Although the current Congress is unlikely to pass a new formula for identifying areas with a tendency toward racial and ethnic discrimination at the polls, the Voting Rights Act, a major turning point in black America’s struggle for equal rights and political power, signed 48 years ago, allows the federal government to assume that power on a

jurisdiction-by-jurisdiction basis. That decision is based on places most likely to adopt discriminatory voting rules based on practices of the past.

District lines redrawn in Texas in 2011 so diluted the clout of voters of color that a federal court blocked their implementation. A three-judge panel in San Antonio has been reviewing Texas voting maps since 2011, when the court threw out boundaries drawn by a then-GOP supermajority in the statehouse.

The Justice Department’s scrutiny of potentially discriminatory voting rules, following the Supreme Court’s June 25 decision forcing states like Texas to get Justice Department approval before changing their election rules does not set well with

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**DELAY IN PRIMARIES**

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Attorney General Greg Abbott. The Republican candidate for governor didn't like the temporary legislative and congressional maps drawn by the San Antonio judges to be used in the 2012 elections so he appealed to the Supreme Court. Abbott got his way but the protracted legal wrangling delayed the primary from March 6 to May 29, and the same could happen to the March primary in 2014.

"The 2014 election already promises a huge turnover in the state's top jobs due to retirements and candidates seeking to move up," stated AP correspondent Chris Tomlinson, adding that "a delayed primary due to redistricting could bring even more change as upstarts get more time to challenge the status quo."

Minority groups, arguing against the Legislature's intent to use the 2012 maps, want the judges to draw new maps. Abbott has opposed both views, indicating a readiness to go back to the Supreme Court, while time is running out to register candidates by December 1.

Abbott relishes the opportunity to pit the Feds against Texas. As the top Texas lawyer, he is always eager to flaunt his adversarial relationship with the Obama administration. "I'll fight Obama's efforts to control our elections," he declared in response to Holder's announcement.

The law, as it now stands, sanctions an extremely narrow list of acceptable identification documents, making Texas home to one of the most restrictive pieces of voter ID legislation in the entire country.

**BUSINESS DONATIONS INFLUENCE COURT RULINGS,  
GENEROSITY RETURNED BY PRO CORPORATE JUDGES**

The amount of business money that an elected state supreme court justice receives directly affects his or her voting behavior.

**A study by the American Constitution Society, after analysis of 2,345 decisions issued between 2010 and 2012 and more than 175,000 contribution records, revealed that justices receiving 1 percent of contributions from the business sector vote, on average, for pro-business interests about 46 percent of the time. If a quarter of a justice's contributions comes from business, the pro-business votes increase to 62 percent. And, a justice who receives half from business votes with business about two-thirds of the time.**

The relationship between business-affiliated donations and justices' voting patterns is of paramount concern in that business groups are the biggest spenders in judicial elections.

In Texas, where oil and gas companies are among the largest donors to the Supreme Court, the court rarely rules against its benefactors. Since the mid 90s, the Texas court has been dominated by judges funded by big business. During this period, Enron

was very generous to pro corporate candidates for the high court. The court returned the favor by accepting two of three petitions from Enron, ruling in its favor both times. A justice from that era, Priscilla Owen, had accepted tens of thousands of dollars in campaign donations from the former powerful Enron Corporation. Afterwards, she wrote an opinion that reduced the corporation's taxes and denied a local school district additional revenue.

**A Texas Supreme Court ruling in 2007 gave the oil industry what the legislature would not, ruling that contract employees, widely used by oil companies, cannot sue their employers for on-the-job injuries, restricting employees' remedies to workers' compensation. According to the Center for American Progress, in the six years before that decision, justices had accepted more than \$700,000 from energy companies: "Justice Don Willett, the author of the opinion, received almost \$200,000 from the industry, more than any other justice. These campaign donations may have been well worth it, given the money these companies could save in settlements with injured employees."**

**ALtruism**  
**You can never cross  
the ocean until you  
have the courage to  
lose sight of the shore.**

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