



## **Alton C. Todd Licensed To Practice in Georgia**

After receiving his certificate of eligibility, Alton C. Todd, on February 28, was sworn in by proxy to the Georgia Bar and is now licensed to practice in that state. He was sworn in by Judge John Elissor of the 122<sup>nd</sup> District Court of Galveston County. The Georgia office of The Law Firm of Alton C. Todd is located at 1170 Peachtree Street in Atlanta, and Attorneys Jeff and Dana Todd, Alton's son and daughter-in-law, are also members of the Georgia Bar.

Alton Todd is one of the few lawyers in Texas to be certified by the State Board of Legal Specialization in both personal injury and civil trial law. He is a fellow in the American College of Trial Lawyers, a fellow in the International Academy of Trial Lawyers and a diplomate of the American Board of Trial Advocates. He is admitted to practice before all state and federal courts in the area and before the U.S. Supreme Court.

## **Wendy Davis Challenges Abbott to Settle Lawsuit**

State Senator Wendy Davis, leading Democratic candidate for governor of Texas, has called on her Republican opponent Attorney General Greg Abbott to settle the massive school finance lawsuit, involving more than two-thirds of Texas school districts that are suing over what they consider an inadequate and unfair funding system. Abbott's office has defended the troubled funding system in a case that will likely reach the state Supreme Court.

Last February, after a three-month trial, an Austin district court judge found that the state's school finance system was unconstitutional because of inadequate school funding and flaws in the state's method of distributing money to districts. In a second phase of the trial, evidence was reopened to consider changes made by the 2013 Legislature. During the 2013 session, lawmakers restored about \$3.4 billion of the \$5.4 billion in public education cuts made in 2011.

Abbott should have instructed the Legislature last year how to avoid the litigation, Davis said, emphasizing that lawmakers could have avoided cuts that caused teacher layoffs, increased classroom sizes and led to the elimination of vital programs.

*(Continued on page 2)*

## **Jury Finds in Favor of Plaintiff Represented by Todd Law Firm**

On January 21, Attorneys Alton C. Todd, Jeffrey N. Todd and Cecilia Montalvo obtained an \$8.4 million dollar verdict on behalf of Charles and Rosa Hinson. The case was tried before a Galveston County jury, and the final offer of settlement before trial was \$100,000.00.

On March 12, 2012, Charles Hinson, 42, a contractor, land developer and heavy-equipment operator, was parked on the shoulder of F.M. 3005 in Galveston. A Cintas Corp. truck driven by Cintas employee Walder Morgan struck the rear of Hinson's truck; the impact knocked the truck about 70 feet forward and totaled it. The Cintas truck, which had recently been serviced by Saxon Fleet Management Inc., veered left, struck a parked vehicle and two trees and came to rest on a berm. The Hinsons sued Morgan, Cintas Corp. and Cintas Corporation No. 2, alleging that Morgan drifted onto the shoulder and caused the accident. They also sued Saxon for negligent maintenance.

At trial, Cintas argued that just before the accident, the truck suddenly accelerated and went out of control. Plaintiffs' counsel argued that Morgan was generally a reckless driver, that he had been driving erratically 10 minutes prior to this incident and that he may have been on his cell phone when he struck Hinson's truck. Plaintiffs' counsel also noted that, until litigation started, Cintas was placing fault solely on Morgan and that GPS data and event data from the truck's on-board black box did not reveal any problems with the accelerator, brakes or steering. The mechanic retained by Saxon as an expert witness agreed that the collision was due solely to driver error, testifying that there were no problems with the steering system and that a professional driver should not lose control of a vehicle under those conditions. Cintas' sudden acceleration expert did not do an accident reconstruction, had no information about Morgan's driving history and based his testimony on a conversation with a

mechanic who told him that this model of truck had engine revving problems. According to plaintiffs' counsel, no such problems were documented.

After the accident, Hinson was taken to the UTMB emergency room, complaining of neck pain. A cervical CT did not show any fracture or dislocation but did evidence the fusion surgery performed three months earlier by Houston neurosurgeon Dr. Richard Westmark at the C3/4 and C4/5 levels of his neck. When Dr. Westmark read the CT film 17 days after the collision, he concluded that a linear fracture of the spacer between C3/4 vertebrae indicated a very severe impact which could require a redo of the prior surgery. Fortunately, the fusion held, but the symptoms did not subside. Hinson then saw neurologist Dr. Mavis Fujii and was tested for transverse myelitis and MS. Neither condition was confirmed. He was referred back to Dr. Westmark who determined that symptoms suggested the aggravation of a preexisting condition of his upper cervical spine called basilar invagination. This condition involves a congenital partial fusion of the C1 vertebrae with the base of the skull and a portion of the C2 vertebrae pressing upward and abutting the brain stem. Dr. Westmark testified that, as a result of the 45 mph impact, the only cure would be major surgery, decompressing the basilar invagination, along with a fusion, followed by an occipital cervical fusion, costing a total of \$400,000 to \$500,000. The risky process would involve splitting the lower half of Hinson's face to reach the surgical site.

With a vote of 11-1, the jury, which returned its verdict in less than two hours, following six days of trial, found Cintas and Morgan negligent and did not find Saxon negligent. Comparative responsibility was 30 percent on Cintas and 70 percent on Morgan, and the plaintiff's damages were \$8.4 million.



*Alton Springs site of new home construction for Dale and Cristina Buchanan*

## WHAT'S IN A NAME LITERALLY, A LOT!

Once there was a client whose lawyer settled his case for an amount that would enable the man and his wife to build a new house. They were very happy to be able to leave apartment living. They found an area they liked and were ready to deposit half of the purchase price for a lot, but they encountered a most unusual problem: the seller would not permit them to obtain financing from any institution other than the seller's own bank.

What to do? While waiting for settlement funds, the couple shared their story of this strange development with their lawyer who advised them not to accept the unheard-of restrictions that the seller had imposed. Obviously, the seller and the lender had some kind of prior "arrangement." The couple declined the deal and began looking for another area. They selected a lot in a new subdivision that was being developed. After Dale and Cristina Buchanan signed the necessary documents, they asked the realtor what name would be given the street on which their lot was located. They were told it would be Alton Springs, a name they regarded as a fine omen, and they immediately called their lawyer. His name? Alton Todd.

## Wendy Davis Challenges Abbott

*(Continued from Page 1)*

The Davis campaign distributed information outlining past cases in which the state settled litigation, ranging from prison overcrowding issues to redistricting. "A settlement recommendation to the Legislature should be to reconvene to look at these issues and to determine what we're going to do to own our responsibility to the school children of

## Ritter vs. Abbott

# RECRIMINATION AND REPRISALS RULE RESPONSE FROM TEXAS OAG TO WHISTLEBLOWER LAWSUIT

Defamation, petty retaliation and delaying discovery tactics, according to Michael J. Ritter, follow the Assistant OAG Attorney's lawsuit filed against his employer last October. In January, Ritter's whistleblower claims were allowed to proceed against the Texas Office of the Attorney General, while the court barred claims against Attorney General Greg Abbott in his personal capacity.

After reporting issues of a hostile work environment, discrimination, misuse of taxpayer dollars and falsification of hourly time sheets, the OAG transferred Ritter from the Law Enforcement Division (LEDD) to the Transportation Division. The move, which OAG officials called "voluntary," cost Ritter the opportunity to oversee four of his cases set for trial, according to civil records filed in a Travis County District Court, and described

by the 27-year-old litigator as an "adverse personnel action."

Seeking injunctive relief, the plaintiff asked that a court order the state office to return to him his civil jury trial assignments. The request was denied by a 201<sup>st</sup> District Judge to the satisfaction of OAG spokesman Jerry Strickland: "We are pleased—and not surprised—that the Court...ruled in favor of the State."

Ritter's good faith reports of violations of the law have resulted in reprisals, the plaintiff contends, that include demeaning attempts to brush away his complaints as "having a childish temper tantrum." In his First Amended Petition in *Ritter v. Abbott*, he alleges that after he filed the whistleblower suit, he received a memo from Deputy A.G. David Mattax blaming Ritter for the nine days he was not permitted to come to work and sarcastically parroting his concerns about

*(Continued on Page 3)*

## Reversal of Strong Tea Party Tide Depends on Election of Sam Houston

The race for one of Texas' top officers, the powerful role of Attorney General, moves toward a May 27 Republican primary election runoff between State Senator Ken Paxton and Rep. Dan Branch. The winner will face Democrat nominee Sam Houston, a practicing lawyer in Houston.

**The Tea Party takeover of the Republican party in Texas is evidenced in the surprising upset of Paxton over Branch, as well as in the lead of Sen. Dan Patrick, right wing talk show host, against incumbent Lt. Gov. David Dewhurst in the March 4 primary.**

After Paxton's success in winning 19 of the 20 most populated counties, including Branch's home county, Dallas, 14 conservative

Republican members of the Texas House of Representatives asked that Branch withdraw from the runoff election. He declined as the deadline to remove himself lapsed.

The choice came down to which candidate would offer the more conservative leadership, and voters favored the Ted Cruz style.

**By contrast, Sam Houston, who decided at an early age to be a lawyer, is committed to changing the obstructionist bias now prevalent in the Attorney General's office to a fair representation for all Texans. The current Attorney General has used his office primarily to file lawsuits against the federal government, wasting Texans' time and money on partisan issues instead of focusing on important areas that need improvement in Texas.**

An attorney who has practiced law in Texas for 26 years, Sam Houston would enter the Attorney General's office with almost twice the actual legal experience of Greg Abbott, plus a lifetime of business knowledge attained in his own successful law firm and dating back to his early years working in his family's small hardware and auto parts store. The strong work ethic that he developed growing up and working in a small West Texas town will also apply to his zealous fulfillment of the important functions of the most powerful legal position in Texas.

## ITTER VS. ABBOTT

(Continued from Page 2)

proper timekeeping. When Ritter refused to apply his sick or vacation time, Mattax then took 72 hours of his vacation time without any notification.

Further allegations in the plaintiff's amended petition include scouring by former LEDD supervisors of his prior work and personal notes to find ways to accuse him of violating OAG policy. The supervisors, the petition continues, "cherry-picked items of correspondence, entries in Ritter's personal calendar, and even statements from his online resume and took them out of context."

In addition to denying all of Ritter's allegations, the OAG defendants asserted "the right to raise additional defenses" and noted that they would assert a governmental-immunity defense for any of the plaintiff's requests for damages." Ritter counters in his March 6 Special Exceptions that the whistleblower act waives sovereign immunity and provides for the damages he seeks. He additionally claims that the defendants' "frivolous objections to his discovery requests...perhaps, the worst of which was objecting that requested personnel files were not relevant...and misrepresenting that requested documents do not exist exacerbate the concern of intentional delay."

Ritter, who represents himself, has said that the decision to file the lawsuit was difficult but that he is trying to look ahead. "It does not matter whether I win or lose, I just want these issues brought to the public's attention, so the public knows about it."

Young Michael Ritter will have an uphill battle against the office of Texas' most powerful attorney.

### THE ATTLAW™

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## Kamilah Todd Presented as Duchess In Galveston's Mardi Gras Royal Court

On Saturday, February 22, her 21<sup>st</sup> birthday, Kamilah Brett Todd, daughter of Alton and Nari Todd, was one of 22 Galveston Duchesses presented at the Knights of Momus 2014 Mardi Gras Royal Court. Kamilah, a junior at Southern Methodist University, is a member of Kappa Alpha Theta sorority.

**The Knights of Momus, founded in 1871, is the grandest and oldest Krewe supporting the social and civic efforts of Galveston's historic Mardi Gras. It was in 1867, just two years after the War Between the States, that the citizens of Galveston proclaimed the Island's and the state's first Mardi Gras celebration, now the third largest Mardi Gras celebration in the United States.**

The Knights of Momus kicked off the island's 2014 Mardi Gras festivities in grand traditional style. With the President's Affair at the Galveston Artillery Club and the Coronation and Momus Ball at the Grand 1894 Opera House, about 650 guests celebrated 22 duchesses from Houston and Galveston. The young women wore dramatic colors celebrating the Age of Jazz to perform their Texas Bow.

**Thousands came out to celebrate Mardi Gras at the spectacular Grand Night Parade, led by Grand Marshall Vic Fertitta. The streets of Galveston were filled with colossal floats, dozens of marching bands and thousands of coveted beads and doubloons.**

On February 28, the second weekend of the celebration, a record number of more than 1600 guests partied at the pop culture-themed party held at the Galveston Island Convention Center at the San Luis Resort and hosted by

Paige and Tilman Fertitta, CEO and chairman of Houston-based Landry's Inc.

The 18th annual San Luis Salute, a lavish night celebrating the Mardi Gras, featured an over-the-top evening of non-stop enter-



*Duchess and Dad, Kamilah and Alton C. Todd*

tainment featuring a surprise performance by KC and the Sunshine Band, go-go dancers on roller skates, a champagne chandelier with aerial bartenders, an elegant seated dinner, royal procession of the Knights of Momus court, glamorous gala guests, fashions and revelry.



*L-R. Jeff and Dana Todd, Caleb Keys, Seth Park, Kamilah, Nari and Alton Todd, Jennifer Todd Evans at Galveston Momus Ball*

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The Coolest Trip

# The Texans Do Antarctica

After a brief trip to Argentina, where the highlights were the Recoleta Cemetery (where Eva Peron is entombed), the opulent Teatro, (acoustically considered to be one of the five best in the world), wine tastings at the famous Mendoza region and an authentic tango show, the Todds embarked on what would become their most adventuresome trip to the southernmost part of the world: Antarctica.

They embarked from Ushuaia for the dangerous and turbulent crossing of the Drake Passage. In what was beginning to be a lucky voyage, they encountered the Drake Lake instead of the “Drake Shake.” It was smooth sailing, and they reached the continent ahead of schedule.

Landings on the continent were made via Zodiacs, durable rafts which can transport 12 passengers to land or on scenic Zodiac cruises. On the first outing, they met thousands of Adelie penguins and many icebergs, some as long as one mile, and glaciers.

Summers in Antarctica consist of almost 24-hour daylight, and one can literally see the sun set and rise within a half hour. The long days allowed for constant appreciation of this other worldly planet. The Todds visited several

Todds saw five of the six different species of sea lions, four species of penguins, penguin rookeries and chicks and over 46 species of birds, as well as humpback,orca and minke whales. The foursome all hiked the glaciers, with Seth and Kamilah running to the peaks



*Alton, Nari, Kamilah Todd and Seth Park spend Christmas 2013 in the least traveled part of the world.*

**ALtruism**  
**Failing to Prepare**  
**Is Preparing to Fail.**

**CLOSING STATEMENT**  
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Thank you for the opportunity to represent  
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**THE LAW FIRM OF ALTON C. TODD**

Antarctic research stations and grew to respect the men and women who live on these stations from 2-4 years, and the isolation, extreme conditions and 24-hour darkness in the winter. The coldest recorded temperature on earth was in Antarctica at 135.8 degrees below zero.

The Texas tourists also saw abandoned whaling stations where whales and penguins were slaughtered by hundreds of thousands. Today, countries, including Russia and Japan, circumvent international treaties and continue to hunt these majestic creatures.

On their record-breaking 22 landings (normally, 12 landings are considered a lot), the

and Alton and Nari huffing and puffing behind. The highest elevations in the world are in Antarctica. Antarctica has 90 percent of the world’s ice, yet it is the largest desert in the world. Although there is land underneath, it appears as a giant iceberg.

A veteran of 72 Antarctica voyages said she had never observed such beautiful conditions. The opposite direction was as easy as the first passage. The weather and abundant wildlife spotting combined to create a perfect set of travel circumstances in this least populated land of snow and ice and rock. Antarctica, more than any other of the Todds’ many journeys, was a trip of a lifetime.