

Jeff Logan-SMU
Adam Moore-UVA
Carmen Pearson-Harvard
Tom Tong-Vanderbilt

AUSTIN

Jim Davis-Harvard

NEW CLIENTS

Judge Hill is representing Nestlé, the international food company, in dealings with the Texas Attorney General's Consumer Protection Division. Nestlé is engaged in discussions with the FDA and various state attorney generals concerning its combination candy-toy product, Nestlé Magic. The controversy surrounding Nestlé Magic has received national press attention. Judge Hill is part of a working group of attorneys from other states that is coordinating Nestlé's efforts in this matter.

The Firm has received its first work from Compaq Computer Corporation, the major computer company. Jeff Love and Judge Hill began to make Compaq aware of the Firm's capabilities in May 1994 and subsequently Roland Garcia and Rod Sands have been leading the effort to make the Firm better known to Compaq in certain legal sectors. The first legal work from Compaq was a labor matter handled by Bill Bux.

Carroll Shaddock is now

representing Houston Lighting & Power Company in connection with a financial matter. John Whitmire is responsible for bringing this business to the Firm.

The Firm has now begun legal work for USA Waste Services, Inc., one of the three largest waste services companies in the United States. USA Waste acquired Sanifill in 1996, with which the Firm had a relationship. The Chief Operating Officer of Sanifill and USA Waste, with whom Jeff Love had a relationship through the Texas Business Hall of Fame Foundation Board, introduced the Firm to the General Counsel of USA Waste. Through the efforts of Scott Hunsaker, Gene Lewis, Jeff Love, Marc Watts and Craig Weinstock, the Firm made its abilities known to the General Counsel and other in-house counsel of USA Waste. This Fall the Firm has had the opportunity to work with USA Waste on various corporate and securities matters and software licensing and related development projects. Gene Lewis, Marc Watts and Rick Bays have been the lead attorneys to handle these matters. David Taylor, Paul Bishop, Mike Peters, Jim Lank and Michelle Miller have also been instrumental to this relationship.

The Firm has performed its first legal work for MAXXAM Inc., a NYSE conglomerate. Judge

Hill, Bruce LaBoon and Jeff Love have been working for a number of years to secure legal work from MAXXAM. John Hill is leading a significant matter for MAXXAM.

John Whitmire and Robert Miller have been retained to represent Turner Construction Company in connection with its bid to construct the new east side and Westside high schools for the Houston Independent School District. Carroll Shaddock will act as underwriter's counsel if the Turner bid is successful. John Whitmire was responsible for bringing this business to the Firm.

The Firm has been hired by John Hancock Mutual Life Insurance Company to represent them in their sales practice litigation in Texas. The client has several hundred policyholders who elected to opt-out of its national class action settlement in Boston who are now filing individual lawsuits in state and federal court in Texas. The client also has policyholders who reside in the Republic of Mexico who are bringing lawsuits in South Texas.

John Hancock was introduced to Ed DeYoung by our friends at Crown Life. He made a written presentation regarding the Firm's expertise in this area and was interviewed extensively by their general

counsel.

Ed DeYoung and Roger Cowie are presently representing the client in an action filed in Federal Court in Dallas. Greg Burch, Rob Gloyna and Adolfo Campero will lead the representation in the Houston and Gulf Coast area and Alan Waldrop and Barbara Ellis will take the lead in the Austin/San Antonio area litigation. New Dallas associate, Barry Golden, will also work on the North Texas docket.

John Bluhner recently left his position as Regional Counsel for Prudential Securities to become Executive Vice President and General Counsel for SunAmerica Companies. SunAmerica is a financial holding company which markets various life insurance and annuity products through various subsidiaries. He has invited Ed DeYoung to go with him to the company's headquarters in Los Angeles and New York to introduce the Firm to SunAmerica and to assist him in making his new employer aware of the Firm's extensive litigation experience in the life insurance industry. The Firm looks forward to establishing a significant new relationship with SunAmerica in the coming year.

The Firm has now been called on twice by Kimberly-Clark Corporation, a global consumer products company with \$14 billion in annual revenues. Jeff

Love had gotten to know the CEO through their service together as National Trustees of the Boys & Girls Clubs of America and subsequently Jeff Love and Bryan Goolsby have made known the Firm's abilities to the General Counsel of Kimberly-Clark.

Robert Miller recently represented BSL Golf Corp. before City Council in its successful effort to obtain a contract and lease extension to renovate the Hermann Park Golf Course. John Whitmire was responsible for bringing this business to the Firm.

The Firm will now be representing Sanko Group in the U.S. pursuant to its relocation from Atlanta to Houston. The company is engaged in engineering services. John Whitmire introduced this company to the Firm and after meetings with John Whitmire, Bruce LaBoon and Jeff Love, the decision was made to use the Firm as U.S. counsel. Attorneys who will be functioning for Sanko Group will initially be Michael Rubenstein, Paul Van Slyke and Don Wood.

The Firm and Mike Peters have been working with Tulsa Industries in undertakings relating to corporate-acquisition work and working capital financing. Its principal was initially introduced to Jeff Love and Marc Watts three years ago

and the Firm introduced the principal to Growth Capital Partners, which is handling the investment banking side of its undertaking. Mike Peters has now worked on several transactions with Growth Capital Partners.

The Firm has received its first work from Enserch Exploration, Inc. from Janice Hartrick, who called Vince Buckley to involve the Firm. Lynne Gomez handled the labor issue involved. Vince, Jeff Love, Gene Lewis and Jill Schaar have had very good relationships with Janice Hartrick, the new General Counsel of Enserch, who formerly was General Counsel of Seagull Energy, and with whom the Firm worked in her capacity there. They have been focusing with Hartrick since she took her new position this Fall on ways the Firm can work with Enserch.

Robert Miller and John Whitmire have been retained to represent Four Families of Houston, Inc. in connection with its bid for the food and beverage concessions at Bush Intercontinental Airport. Four Families is a joint undertaking between long-time firm client Kenneth James and Chris Pappas of Pappas Restaurants. This concession contract has been vigorously contested and subject to much media scrutiny. Four Families is the only bidder comprised exclusively of food

approximately \$120,000 of allegedly rancid pork products from Paragon Foods by a local business in Midland. The Plaintiff alleged that it was unable to sell the products it manufactured using the pork products it purchased due to its rancidity. In addition to the purchase price of the products, Plaintiff sought lost profits of approximately \$100,000, attorney's fees and treble damages under the DTPA. We claimed that the end product was rancid due to Plaintiff's manufacturing process. The jury returned a verdict for the Defendants on all of Plaintiff's causes of action. Chris Bowley assisted in the representation.

Bill Swanstrom and Marc Watts led the representation on the consolidation-roll up objectives of William Altman and Danguole Spakevicius, principals of Obstetrical & Gynecological Associates. Altman and Spakevicius, who are spouses, were initially introduced to the Firm by client Omar Sawaf just after they moved to Houston from the East. Jeff Love subsequently hosted a luncheon in their honor to meet other Houstonians who could potentially be helpful to them on their plans on their relocation to Houston. Gene Lewis and Marc Watts have subsequently given legal counsel to Altman and Spakevicius over the years, with the consolidation-roll up representing a major undertaking by them. Mike Rutledge, Elena

Rambalakos and Joe Perillo have also played major roles in the representation.

Pogo sent us a crude oil contract and letter of credit involving a transaction in Thailand, which were reviewed by Stan Pieringer and David Patton. This resulted from Vince Buckley's relationship with Ron Manning, General Counsel, and Paul Van Wagenen, President, of Pogo.

RECENT MATERS

The Firm has represented the **Houston Astros Baseball Club** as its lead counsel in connection with the negotiation of the development and construction documents for the new downtown baseball stadium. Robert Miller has functioned as the principal attorney for Drayton McLane and the Houston Astros. Scott Hunsaker was responsible for drafting the architectural contract, and Stephen Jacobs drafted the construction contract. Frank Calhoun led the successful effort to receive favorable opinions from the Attorney General's office regarding the proposed financing for the project. Ken Simon has provided tax and other financial advice to the project team. Of course, there would not be a downtown baseball stadium but for the tireless efforts of Senator John Whitmire who passed the implementing legislation during

the recent legislative session (prior to any discussions of him joining the Firm).

The Firm has reached a very successful settlement with the FDIC on behalf of **Capital Guidance Associates IV**, an affiliate of **Capital Guidance Corporation**, in a dispute regarding the FDIC's decision to terminate a major lease in a downtown Houston office building that Capital Guidance owns. The FDIC claimed that it held statutory authority to terminate the lease after the original tenant bank failed; however, Capital Guidance claimed that the FDIC was estopped from invoking its statutory termination powers in this particular case. Capital Guidance principal Omar Sawaf initially consulted with Jeff Love and Bruce LaBoon about this matter in September 1989, after another major Houston law firm advised him that it would be a 'waste of time' to file a lawsuit against the FDIC. Thanks to diligent efforts by Jerry King, Russ Miller, Jess Hall, Tom Carnes, and Carlos Needham, the FDIC agreed on the eve of trial to pay Capital Guidance more than \$7,500,000.

At a hearing in Federal Court in Houston last month, Judge Lake gave final approval to the settlement which had been reached in one of the class actions pending against **Crown Life Insurance Company**. The class consisted of Crown Life

Brad Hawley has been elected National President of the University of Texas Law School Alumni Association.

Bruce LaBoon has been selected to receive the Leon Jaworski Community Service Award.

John Whitmire was one of the principal advisors to Lee Brown during his successful campaign for Mayor of Houston. John was instrumental in obtaining the police officers' endorsement for Mayor-elect Brown and is expected to serve on the executive transition committee. Robert Miller was also very active as a fundraiser for Brown and served as a member of his steering committee.

Stephanie Donaho and John Hopwood have been selected to be included on Equitable Financial Consultants' list of preferred attorneys in Houston.

John Whitmire was appointed to the Board of Directors of the Heights Chamber of Commerce.

In October, the Taxation, Estate Planning & Probate and Employee Benefits Section held a retreat to discuss future marketing strategies of the Section. Doug Sherman facilitated the retreat. Everyone found the retreat to be very

helpful.

Jan Soifer has been accepted to participate in Leadership Texas, a leadership training program for women, which is a project of the Foundation for Women's Resources. Jan recently was appointed a Director of the Jewish Federation of Austin and Chair of its Community Relations Council. She is serving her final year of a three-year term as a Director of the State Bar of Texas and is a member of the State Bar's Executive Committee.

Jeff Love hosted and headed the major Houston Campaign Kickoff fund raiser for the Re-Election efforts of Texas Supreme Court Justice Craig Enoch in his home on November 11th. The financial goal for this undertaking was \$100,000 and over \$205,495 was raised. Former Chief Justice John Hill introduced Craig Enoch at this function, at which there were over 150 attendees.

Robert Miller recently hosted a major fundraiser in his home for former Secretary of State Tony Garza. Mr. Garza has resigned to run for Land Commissioner. Former Secretary of State James Baker was the guest speaker at Robert's home. Robert additionally hosted a fundraiser for Gary Polland, Chairman of the Harris County Republican

Party, at which Majority Whip Tom DeLay and Congressman Kevin Brady were the featured guests.

In connection with Jeff Love's re-appointment for a three-year term on The University of Texas Development Board, the senior Board and principal fund raising arm of The University of Texas-Austin, he will be a member of the Leadership Council for The University of Texas Capital Campaign.

Jeff Love will be serving as a Co-Chair of the 1998 Boys & Girls Clubs Dinner to be held in Dallas in May 1998. Jeff Love is a National Trustee of the Boys & Girls Clubs of America. Other Co-Chairs include the CEO of Kimberly-Clark, the CEO of Phillips Petroleum, the President of Trinity Industries, the COO of Club Corp., the Vice Chairman of EDS and the CEO of Texas Commerce. The Firm has or is forming a relationship with all of these companies.

Lynne Gomez successfully led the Firm's Coat and Warm Clothing Drive for the Houston Bar Association.

AUTHORS & ORATORS

Gerry Pels was asked to

service operators, and does not include any of the politically influential individuals who signed up with the other teams even though they have no food service experience.

Gerry Pels and Craig Weinstock met with Jobe Concrete Products, Inc. in El Paso, Texas on October 6, 1997. John Whitmire established the initial contact with the company. The company has since engaged Liddell Sapp to establish corporate environmental policies and procedures for their eleven concrete facilities and identify potential permitting needs in light of new legislation and operations. The president of the company has also engaged the Firm to provide legal counsel for siting, permitting, and development of a new landfill in West Texas.

The Firm is representing J&D Capital Investments, Inc., based in LaFayette, Louisiana, in connection with acquisition consolidation and roll-up activities toward the objective of an IPO. The principals of J&D Capital Investments were introduced to Jeff Love and Marc Watts by a tax professional with whom Jeff Love has had a Board relationship and friendship. Marc Watts, Mike Rutledge, David Taylor and Greg Hill are leading this representation. Joe Perillo will also be important to this relationship.

Robert Miller has been retained by Historic Restorations Inc. out of New Orleans to assist it with obtaining a historic site tax exemption for its proposed redevelopment of the Humble Building located at 1212 Main Street in Houston. Harris County has never previously granted a historic site tax exemption, and the client felt that it needed a strong lobby effort. If successful, the redevelopment of the Humble Building will consist of a Courtyard by Marriott, a Residence Inn and approximately 120 residential units. John Whitmire is assisting on this project.

Hooper Holmes, Inc., a publicly traded company based in Basking Ridge, New Jersey, and the country's largest provider of health information services to life and health insurance companies, recently contacted Jan Soifer for representation in an administrative matter. Jan had successfully represented Hooper Holmes in a lawsuit approximately ten years ago, and the general counsel remembered the favorable result.

The Firm represented Alexander 14 Ltd, a land development company in acquiring necessary utilities for property located at Beltway 8 and Humble Road. John

Whitmire contacted representatives with the City of Houston Public Works Department and negotiated the permit work.

The Firm is now approved and in line to work with The University of Texas Houston Health Science Center on intellectual property and technology transfer issues. Jeff Love has gotten to know the CEO of UT Houston Health Science Center over the last several years and focused on the representation during their time together at The University of Texas System Chancellor's Council Executive Committee meetings this year. Jeff Love, John Jones and Paul Van Slyke have made known the Firm's capabilities to the head of the IP and technology transfer work for UT Houston Health Science Center and the Firm has been promised matters of this nature from UT Houston Health Science Center. This has been part of an overall "Task Force" effort involving The University of Texas in which Tim Irvine has also been very active.

The Firm engaged in several significant corporate transactions for Tyler Corporation during the Summer and Fall. Tyler Corporation is a NYSE company which has been in the oil-field services sector. The representation came to the Firm after Bruce Wilkinson, with whom the Firm has a long-term