

BECK, REDDEN & SECREST

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ONE HOUSTON CENTER

1221 MCKINNEY STREET

SUITE 4500

HOUSTON, TEXAS 77010-2010

www.brsfirm.com

DAVID J. BECK
dbeck@brsfirm.com

(713) 951-3700
FAX (713) 951-3720

January 22, 2007

Re: Texas Supreme Court Advisory Committee

Honorable Nathan L. Hecht
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711-2248

Dear Justice Hecht:

As a follow up to our recent conversation, I enclose a redraft of the proposed amendment to Tex.R.Civ.P. 226a for your review and consideration. Please let me know if you have any questions.

Very truly yours,



David J. Beck

DJB/bb

Enclosure

cc: Charles L. Babcock Esq.
Alistair Dawson, Esq. [Firm]

"Before the attorneys begin their questioning, I would like to say a few words about our judicial system. You need to be aware that our judicial system is an adversary system. This is a system where the interested parties participate in the decisional process by presenting evidence of their claims or defenses through their attorneys, who are their advocates. This procedure enables the jurors to have before them the relevant admissible evidence from each party so that the jury can determine the true facts and arrive at a just verdict based on such evidence.

Under the rules of our adversary system, each attorney is devoted to the interest of the client and is required (within the confines of the rules governing attorneys and the trial of this case) to zealously, vigorously and using the attorney's utmost skill and ability, present the client's claims or defenses, which the attorney believes there is a basis for so doing that is not frivolous. The attorney acts for and seeks for the client, remedies and defenses that are authorized by law. Our system has served us well for over 200 years, and trial attorneys have been and continue to be a critical part of the adversary process.

Although an attorney is ethically obligated to represent zealously his or her client, you should not take what I have just said as an endorsement by me of any particular conduct of the attorneys during the trial of this case. All attorneys also must act in this Court in a professional manner and follow our rules and procedures."