



David J. Beck
President Elect
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June 15, 2006

RE: Proposed Amendment to Rule 226a

Charles L. Babcock, Esq.
Jackson Walker, LLP
901 Main Street
Suite 6000
Dallas, Texas 75202

Dear Chip:

As we discussed, I have been concerned for some time about the so-called "Vanishing Trial," as well as the poor image of lawyers in general and trial lawyers in particular. Next year, as President of The American College of Trial Lawyers, I will begin the effort to do something about it. I mentioned one such step to you, an amendment to Tex. R. Civ. P. 226a (Admonitory Instructions to Jury Panel and Jury). More specifically, I am proposing that the Rule be amended to add the attached language as part of the instructions given by our trial judges to jury panels. If adopted, we should be able to reach thousands of Texas citizens who appear for jury duty. For example, from September 1, 2004 through August 31, 2005, there were 1,691 jury panels convened in civil cases in Texas. Although I realize this effort will not reverse what has been occurring, at least it is one step in the right direction.

For your information, I have spoken with Marc Stanley, President of the TTLA, and Hayes Fuller, President of the TADC, about this initiative and it is my understanding that they enthusiastically support it.

Please let me know if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "David J. Beck".

David J. Beck

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DJB/bb
cc: The Honorable Nathan Hecht
Marc Stanley, Esq.
Hayes Fuller, Esq.

999.00203/321265.1

Proposed Amendment to Texas. R. Civ. P. 226a

Those of you who will be chosen as jurors for this case will be performing a very important service, guaranteed by both the United States and Texas Constitutions. Our founding fathers believed it was essential that the right to trial by jury – and the right to serve on a jury – be conferred upon all of our citizens, including you. Your presence here today is a tribute to their beliefs and the importance of the jury system to our democratic form of government.

Before the attorneys begin their questioning, you need to be aware that our judicial system is an adversary system, which means that during the trial the parties will seek to present their respective cases in the best light possible. Attorneys in general, and trial attorneys in particular, are frequently criticized. That criticism often results from a basic misunderstanding of our adversary system, in which the attorneys act as advocates for the competing parties. As an advocate, an attorney is ethically obligated to zealously assert his or her client's position under the rules of our adversary system. By presenting the best case possible on behalf of their clients, the attorneys enable the jurors to weigh the applicable facts, to determine truth, and to arrive at a just verdict based on the evidence. Our system has served us well for over 200 years and trial attorneys have been, and continue to be, a critical part of that process.

The attorneys will now proceed with their examination.