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DA Hires Defense Lawyer

Embattled Harris County District Attorney Chuck Rosenthal has hired Ron Woods, a criminal-defense lawyer who practices in the federal courts and a former U.S. attorney for the Southern District of Texas, to represent him in matters related to the deletion of e-mails on Rosenthal's work computer, according to Bill Delmore, the legal services bureau chief in the DA's office. Many of those e-mails were the subject of a court-ordered subpoena in a federal civil-rights suit, Erik Adam Ibarra, et al. v. Harris County, et al. At a hearing in Ibarra in federal court in Houston on Feb. 1, Rosenthal testified that he stood over the shoulder of Assistant DA Scott Durfee as Durfee compiled a log of the e-mails that were on Rosenthal's computer on Nov. 5, 2007, and were perhaps subject to the subpoena. Durfee, general counsel for the DA's office, printed that log of 4,126 e-mails at 12:18 p.m. that day. But Rosenthal testified in court that he spent much of the afternoon on Nov. 5 deleting thousands of his e-mails in an effort to "simplify my desktop." At the hearing, Rosenthal, DA since 2001, endured an hour of sometimes heated questioning by U.S. District Judge Kenneth Hoyt and more questions from Houston lawyer Lloyd Kelley, who represents the plaintiffs in Ibarra. Rosenthal told Hoyt that when he deleted the e-mails he thought his office's IT department had a record of them on backup tapes. "Why would you delete e-mails that the court has requested you to provide and force them [the IT department] to use this circuitous route?" Hoyt asked. Rosenthal declines comment, and Woods, who attended the hearing in Hoyt's court last week, did not return telephone calls seeking comment. Delmore says Rosenthal personally hired Woods and is paying for his representation. At the request of Harris County Attorney Michael Stafford in mid-January Texas Attorney General Greg Abbott agreed to conduct an investigation of Rosenthal's use of the county e-mail system. Abbott's action came on the heels of allegations that Rosenthal used his work computer, which is county property, to send e-mails related to his now-aborted re-election campaign. The AG's office is investigating

Rosenthal's actions to determine if they are grounds for removal from office under Chapter 87 of the Local Government Code, which prohibits the use of state or county equipment by office holders for campaign purposes. Investigators from the Texas AG's office were in the Harris County DA's office on Feb. 6 asking questions, Delmore says.

Gardere Goes Green

Practicing law is by its nature a more environmentally friendly profession than, say, strip mining. Still, the American Bar Association launched its Climate Challenge last year, and 88 firms have agreed to help the planet by reducing paper waste, increasing energy efficiency and purchasing green power. Should one question the need for such an initiative, the ABA points out that one Washington, D.C., firm estimates it uses 100,000 sheets of paper per attorney per year. In a statement, the ABA recognized Dallas' Gardere Wynne Sewell for being the first Texas firm to join the challenge. Gardere, which joined the challenge last week, "expects to save \$14,000 a year once the suggested energy-saving practices are implemented across the firm," according to the ABA's statement. But Kevin Colbert, a partner in Gardere's Houston office who heads the environmental practice group, says the firm went green even before joining the ABA program. The firm realized it was doing many of the same things the program advocated and saving a bunch of money in the process, he says. For example, Gardere has switched to energy-efficient light bulbs in all of its offices in Dallas, Houston and Austin, saving the firm an estimated \$100,000 a year in electricity costs. "Our next step is the paper-reduction education campaign," Colbert says. The firm will start drafting documents that are double-sided and introduce stricter policies about printing e-mails, he says. Managing partner Stephen Good says Gardere also will encourage clients to review documents prepared for them electronically instead of on paper. But Good admits that may be a tough sell with some clients. "Reading documents on a screen all day long is not as pleasant as having a copy to mark up," he says.

DFW Expansion

Phillips & Reiter, a firm that calls itself The Outsourced General Counsel, because almost all of its lawyers are former general counsel, opened new offices in Dallas and Fort Worth on Feb. 4. Matthew Lipton and R. Scott Luttrull left Dallas firm Souter Lipton & Luttrull to join Phillips & Reiter in Dallas, while Brent Somers, former vice president and assistant general counsel at Crescent Real Estate Equities Ltd, is manning the Fort Worth office. Lipton is a former general counsel at Abitis Pharmaceuticals of Dallas, which later merged with Los Angeles-based Zengen Inc., and Luttrull is currently general counsel for Bright Truck Leasing of Irving as well as a member in Phillips & Reiter. Gregory Phillips, a co-founder of Phillips & Reiter, says the firm expanded into Dallas and Fort Worth, because a lot of mid-market companies that are potential clients are headquartered in both cities. Seventeen-member Phillips & Reiter, formed in 2003, also has offices in Houston and Austin. Luttrull says he and Lipton joined Phillips & Reiter, because the firm model fits their practices so well. "We also liked the idea of having the additional lawyers behind us, the larger size of the firm, to help us with marketing," he says. They brought a number of

clients with them, including Bright Truck, Sportex of Irving and Dallas-based Welborn Overhead Door, Luttrull says. Lipton and Somers each did not return a telephone call seeking comment before presstime on Feb. 7.