

2001-2002 STATE BAR PRESIDENT

# Broadus Spivey Takes Office

By Kelley Jones King

**BROADUS SPIVEY** is a past president of the Texas Trial Lawyers Association, and has served on the American Trial Lawyers Board of Governors and on the board of Trial Lawyers for Public Justice. He is president-elect of the International Academy of Trial Lawyers. His wife tried to dissuade him from running for president-elect of the State Bar of Texas but is now trying to help do her part.

For Spivey, serving as president of the State Bar is not about adding another accolade to his resume or even about ego, it is about service to a profession he loves.

Spivey explains his decision to become a lawyer as “a kid’s dream.” He went to school in Goodnight, Texas, where the 1947 yearbook labeled him as “Fearless Fosdick.” Spivey wanted to be an FBI agent, which required either a law or accounting degree. He knew he could never handle the math, so his path was a natural.

Although Spivey transferred from Goodnight to Clarendon to play football, he likes to tell the story of his brother, David, who garnered the titles valedictorian, salutatorian, and every other honor presented at Goodnight High School — of course, he was the only graduate that year.

Spivey attended Clarendon Junior College, married Ruth Ann, and then transferred to the University of Texas at Austin. Prior to leaving for Austin and U.T., he sought the counsel of one of his favorite teachers, Mrs. Marguerite Goodner. His “moment of enlightenment,” he said, came when Mrs. Goodner said to him, “Honey, I don’t know why you want to try to



go on to law school. You're plenty smart but you're just too lazy." Ruth Ann disagrees about the "lazy" term — he gets up about 4:30 a.m. regularly. He just did not spend much of his time studying back then.

Today he can laugh about that teacher's comment, but those words sometimes still ring in his ears. Whenever something seems hard or he feels complacent for whatever reason, he thinks of that teacher's admonition and gets up and gets back to work.

After law school, Broadus and Ruth Ann moved to Lubbock. He worked as a Lubbock assistant county attorney for 10 years, sometimes trying up to three cases a week. He then worked for Huff & Bowers, whom he calls "as fine a group of lawyers as you will ever meet." He tried all kinds of cases all over West Texas before moving to Austin and opening his own practice with Bob Gibbins.

Spivey has tried many hard cases. He handles a lot of lawyer malpractice cases, a difficult job and not a good way to win a popularity contest. Much of his practice has involved representing clients in wrongful death and personal injury cases. While these are difficult cases and generally emotionally charged, Spivey looks at individual cases as bigger than just that one case.

Spivey represented seven of eight women involved in a case against the minister of the First United Methodist Church in Fort Worth, which resulted in a \$3.7 million judgment in his clients' favor. Over time, Spivey has become good friends with some of the church leaders. He has spoken at training conferences and has encouraged the establishment of a church-wide mediation program that is not controlled by the church or part of the judicial system. This innovation in religion and the good that has and will come out of it is an example of how Spivey views lawyers' role in society.

"We are not solving just one problem but we are solving problems in society," said Spivey. "That is what litigation is all about.

"It is rewarding when something positive comes out of a lawsuit," explained Spivey. "It is generally the person who has the guts to stand up who shows true courage."

Spivey has represented many people who have been seriously injured. He lauds the courage they demonstrate just to live much less to go through a legal battle.

**Broadus Spivey frequently talks to juries about the value he places on one small painting that hangs on the wall of his office. It is of a cowboy, painted by preacher and western artist Kenneth Wyatt, and is one of Spivey's favorites. He bought the painting at a charity auction in about 1970 for \$25 (his wife, Ruth Ann, says \$50), and today because of its sentimental value, he would not take \$1 million for it. On that same wall, he has a photograph of that same cowboy from about the same perspective. It is only a coincidence that he learned that the cowboy in the painting was the same cowboy in the photograph, who is an acquaintance of his from Clarendon. That painting has helped him make real to juries that value and worth depend on personal experience and perspective — "priceless" is, more often than not, personal.**

For many of his seriously injured young clients, Spivey not only represents them in court, he gives them hope. He has gotten several former clients to promise to go to law school. Several of them, with serious permanent injuries, are now practicing law. One young man, he said, broke the promise but for a good reason. He got a Cessna airplane, fitted it for operation by a quadriplegic and now serves as an inspiration, especially to disabled children who learn you don't have to be a prisoner of your limitations.

As for handling legal malpractice claims, Spivey is philosophical.

"Lawyers make mistakes, like everybody," explained Spivey. "When a lawyer runs a legal stop sign, he or she ought to be stopped."

He works hard to handle every case with the utmost

**After Broadus and Ruth Ann had been married for several years and Broadus continued to work long days and arrive home hours after the dinner hour, Broadus knew he should try to get home a little earlier. One night, yet again, he was much later than promised. He had “stopped off for a drink with the boys.” When he got home and was greeted by Ruth Ann with her hands on her hips, Broadus said something to the effect that she knew what he was like before she married him. Here is where the story gets confusing. Broadus’ rendition is that Ruth Ann said, “Yes, but I thought I could change you.” Upon which Broadus said, “Ah ha — I knew it.” Ruth Ann denies saying she could change him but instead, “You told me that you would change if I would marry you.” Either way, Broadus considers that exchange a small victory.**

professionalism and expects opposing counsel to do the same.

When you meet Broadus and Ruth Ann or visit his law office, you can’t help but notice that everybody is happy — seemingly all the time. From the top down, people work hard and are respected for what they do. Spivey has three rules that the people who work in his office must abide by: 1.) Ultimate loyalty to the client; 2.) Everybody makes one mistake a day (it relieves the pressure and people are not afraid they will lose their jobs and feel more personal responsibility for the work they do — Spivey claims your job is in jeopardy if you fail to live up to this rule); 3.) The “Pat Kelly Rule” (Pat Kelly was a clerk in the law office when he was a student at U.T. School of Law. Kelly decided he didn’t need to attend class because the experience he was getting at the office would be enough to help him pass the test at the end of the session. Thus, the rule: If school is in session, you’re expected to be in class).

Spivey knows he won’t be practicing much law during his year as State Bar president and is working to joint venture cases. Litigation, he says, lends itself to joint venturing and leads to better representation for the client at no additional cost.

“I’ve been telling my joint venture partners, that for the next year I’ll do the thinking, and they can do the working,” he joked. He is also relying heavily upon his partner, Price Ainsworth, who along with his wife, Vicki, encouraged Broadus to run as a candidate for this job.

**Spivey** has established three priorities for his year in office: a middle school student mediation project, the implementation and development of the newly-created Access to Justice Commission, and the continuation of MYTexasBar.com. With Sunset Review and the vast array of other issues facing the profession, there will be no shortage of issues to fill his term in office.

The **Middle School Mediation** project will be directed by Austin lawyers Dicky Grigg and Eric Galton,

who have created a similar program in one Austin middle school where violence was escalating. This project will take minimal fiscal resources but will require lawyers from throughout the state to participate.

“This is the kind of project lawyers want to do and ought to do,” said Spivey. “It is the legal profession’s role in society to help solve problems in the community.”

Working with the State Bar Law Related Education Department, Spivey is optimistic about the difference this kind of project can make.

“These students learn mediation skills and how to solve their problems without resorting to violence,” explained Spivey. “These are skills they can use their entire lives.”

The **Access to Justice Commission** was created by Supreme Court Order after the State Bar of Texas Board of Directors endorsed the concept. This, its first year, will be a building year filled with educating the profession, legal services providers, and social service providers. The commission is designed to bring unity and cooperation into a system that has often been regionalized.

“Everybody involved in legal services to the poor in civil matters has worked to do what they thought was right,” said Spivey. “This commission will help with training, help avoid duplication, and help all involved get the biggest return on investment.

“I believe this idea may be the single most significant thing that has happened for the lawyers and the people of Texas in resolving this issue,” said Spivey. “People need lawyers and must have access.”

**MYTexasBar.com** gamers nothing but praise from Spivey. He credits Lynne Liberato and Craig Ball for this real innovation in the practice of law for Texas lawyers. Calling himself unsophisticated about technology, Spivey believes he is typical of most lawyers.

“I use MYTexasBar several times a day,” he said. “I want to continue that good work and look forward to the next round of innovations.”

He credits MYTexasBar for putting all lawyers on equal footing, whether they live in small towns or metro



*Broadus and his wife, Ruth Ann, celebrated his birthday in Florence, Italy, last year.*

areas, and whether they practice in small or large firms.

Spivey intends to visit as many bar associations as he can during his term of office — especially in the small town and rural areas of the state.

Sunset Review by the Texas Legislature is another issue looming during Spivey's year in office.

“Legislators have concerns we must be sure to address,

**Spivey met his wife Ruth Ann when they were in high school. Early in their dating they doubled with another couple. To impress the girls, Broadus and his buddy took them to Amarillo to a nice restaurant. Wanting to be suave and sophisticated, Spivey ordered an exotic swordfish dinner. For all that Amarillo offered, its proximity to the coast was not its strong point — Broadus could hardly eat it and to this day doesn't like swordfish.**

especially with the Chief Disciplinary Counsel's office,” said Spivey, who thinks the CDC does a good job.

“I've been through the system as thoroughly as any lawyer,” explained Spivey. “I think we can make some changes to make it better, but that is always the case. Our job is to address what problems there are so hopefully those concerns won't be problems a year from now.”