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NEVER BACK DOWN

Remembering Mendez

In September, my close friend and mentor Al Mendez passed away. Known to me as Mendez, he was one of the best criminal defense lawyers in Texas, and the first trial lawyer I knew. Meeting Mendez had a profound impact on my life. His support was fundamental to me getting a basketball scholarship, he helped me get into law school, and he was my introduction into what it means to be a trial lawyer. More than anything, he imparted life lessons on me that have guided me every step of the way. He was tough as nails, and he taught me to never back down when it comes to fighting for what I believe in.

Mendez sponsored the basketball team I played on growing up and was an unfailing supporter of all of us on it. He would drive with us to away games and be there to watch and cheer us on, coming with us to dinner before the game; then, as we headed back to our hotel to go to bed, he would stay up working all night on his cases. He worked around the clock but still found time to give back. He always wanted to make others' lives better. After high school, everyone on that basketball team got scholarships. We went to school for free thanks to Mendez.

When I started playing college ball, I was struggling under the pressure, and my game wasn't where it should have been. Mendez came to watch one of my games. I was so excited for him to be there, but also ashamed because I knew I wasn't as playing as well as I should. After the game, Mendez came to talk to me. "I'm proud of you for getting here," he said. "But the player I saw out there isn't the same Russell I know. The Russell I know leads his team. He walks out there like Michael Jordan." Mendez reminded me that I'd worked hard to get there and that it took hard work to gain confidence. Now, I needed to show the same fearlessness in my game. I couldn't second guess my decisions. Preparation leads to confidence, and I needed to bring both those elements back to my game. "Never back down," he reminded me.

I carried those lessons with me to the courtroom. They've informed how I practice law. Going into a trial, Mendez always had a strategy.



He would prepare so intensively and learn so much about a case — every angle and every detail — that he always had an ace up his sleeve. Before a trial, he would call up the opposing side. "You need to cut my client a deal," he'd tell them, and then explain why. But he always had some leverage in his back pocket, something the opposing side didn't know so that if they still weren't willing to cut a deal, he could be confident going into the trial that he would come out on top. Sometimes, other attorneys tried to call his bluff, but Mendez was always prepared with that detail they didn't know. "They have to know that what you say is what you mean," he taught me.

Mendez loved movies more than anyone I know. When we used to travel during those away basketball games, he'd take us to watch a movie when there was time between games. He was also the type of person that would happily go watch a movie by himself.

It was perfectly fitting, then, that Mendez's funeral service was held at the historic theater here in Dallas on Jefferson Boulevard. They fired up the big screen, and Mendez's service took place just the way he would have wanted it. The whole thing epitomized Mendez: a passionate, caring, tough as nails person who lived to share his zest for life with others.

I'm grateful I got to know this incredible person. Without his influence, I know I wouldn't be the lawyer, or the person, I am today.

-Russell Button

FOSTER WEB MARKETING WRITE-UP

In early October, I went to the Great Legal Marketing Summit in Virginia. At the amazing event put on by Ben Glass and his awesome marketing team, I was finally able to meet our wonderful online marketing team in person. Tom Foster and Chad Foster are brothers, and they are truly class acts.

On the second night of the seminar, I was invited to a dinner with the Foster Web Marketing clients. At the dinner, I was able to meet some wonderful folks from around the country and tell stories, discuss marketing, and talk about their families.

Their program to allow companies like us to have active and engaging control over our websites is second to none. We have been working with them for nearly three years.

Each month, my marketing team and I hop on a video-conference coaching call with Tom Foster. On the call, we autopsy our prior month's objectives, go over our targets for the next month, and discuss the "why" behind what we are doing.

What is even better is how they handle customer service and adversity. They handle issues head on and directly, which I appreciate. It has helped us develop a stronger bond over the years.

It is always amazing to see the connection you have with people who are like-minded and bring a positive energy to the room. Foster Web Marketing is always trying to add value to the lives of the people who work for them, and are their clients.

"How can I help you?"

Asking that question to start off any conversation or to use when you are checking in on a relationship will make sure the person on the other side feels the way I do with Foster Web Marketing — truly appreciated and prioritized.

This is my thank-you to Foster Web Marketing and their entire team. I look forward to many more years with y'all.

If anyone reading this is in need of an amazing online platform, check out FosterWebMarketing.com.



Tom and Chad Foster of Foster Web Marketing

SMALL-BUSINESS LEADERSHIP

CARRYING FORWARD THE TRADITION OF LEARNING

Learning is paramount to what we do as attorneys and legal professionals. It keeps us inspired and improves the level of service we provide. While we are always learning for our cases and our clients, sometimes it's important to seek external training and learning opportunities to take our work to the next level. Recently, I've attended three conferences with the goal of carrying forward the tradition of learning.

1. LEARNING NEW SYSTEMS

In September, we attended an office management training oriented toward trial lawyers. Taught by Don Keenan, this informative, two-day workshop walked us through the systems we use and provided ideas for developing more efficient ones. We have good systems in place, but I want to find ways we can do better, and this training was a great way to get inside our processes and find areas for improvement.

2. EXPANDING OUR CLIENT EXPERIENCE

In early October, I had the pleasure of attending Ben Glass' Great Legal Marketing seminar in Virginia to add to our toolbox and help us connect with more of the cases we excel at. I learn something new every time I attend one of Ben's seminars, and his takeaways and suggestions always add to our client experience. One of the things Ben inspired is our BLF dog; instead of a teddy bear, we have a custom dog toy that kids can play with if they are in our office. Because we represent a lot of families, we want to make sure kids feel comfortable and welcome when they're here. For someone who's been through a traumatic experience, we hope our BLF dog can provide some comfort.

3. HONING OUR DAMAGES AND CLOSING KNOWLEDGE

At the beginning of November, I attended another training taught by Don Keenan on damages and trial management. Not only did I learn a lot, but I also helped lead one of the training sections. It was a great opportunity to share my knowledge with other trial lawyers so we can all serve people better and get them the closure they deserve. At the end of the day, that's why we do what we do.

I'm excited to see what each of these trainings brings to our practice and to our clients. I know it's going to be good.



Me shaking hands with my new friend, Edward Littlejohn

NOT YOUR ORDINARY TURKEY SHOOT

The Crazy Case of Jacobs v. Kent

It began like any other hunting excursion. Neil Jacobs was walking softly through the bushes, looking for a spot to hunker down and watch for a flock of turkeys. The only problem was that someone beat him to that neck of the woods. James Kent had established a hunting spot for himself, and, when he heard rustling and gobbling in some nearby bushes and saw a flash of red, he took aim and fired.

Unfortunately, the movement in the bushes was not a turkey. Kent was horrified to find that he had shot Jacobs. Jacobs promptly moved for a

partial summary judgment against Kent on the basis that he had failed to determine that Jacobs was not a turkey but, in fact, a human being. Kent cross-moved for summary judgment, saying Jacobs should have expected risks when he stepped into a popular hunting environment.

When their case came before the Supreme Court of the 4th District of New York, the courts denied both the motion and the cross-motion. They agreed that Jacobs had assumed the inherent risks of hunting — just not the risks it would be unreasonable to assume, like getting shot by another hunter who thought you were a turkey. Beyond that, the courts did not pronounce judgment because they did not have enough verifiable facts.

Jacobs asserted that turkey hunters should not shoot unless they can see the turkey and verify its gender. The court could not determine whether Kent had failed to follow this rule when he shot Jacobs. They also could not determine whether the doctrine of primary assumption of risk, which Kent pointed to in his defense, was even applicable. The court also called into question whether Jacobs had also been negligent. Ultimately, the case didn't move forward.

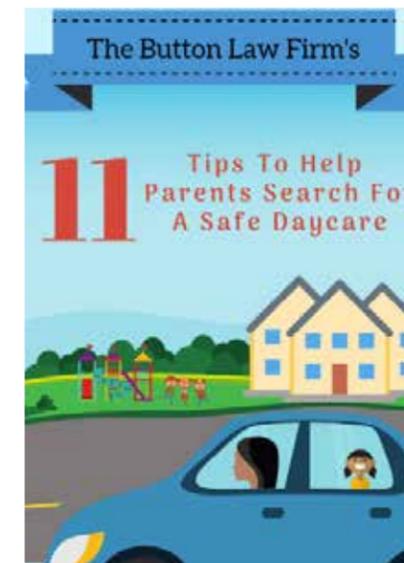
Maybe next time, they should just try getting a turkey from the supermarket.



THE IMPORTANCE OF BOTTLE WARMER SAFETY IN DAYCARES

Daycare injuries happen for many reasons, but the No. 1 reason is a lack of supervision. A major policy and procedure at daycare facilities must be to keep kids away from bottle warmers. When this safety policy is not in place and the daycare teachers are not supervising to ensure this safety policy is followed, we see — and represent — children who have been burned by boiling water while at daycare.

One of our recent cases was at a Dallas daycare. First, the facility did not have a safety policy in place that keeps bottle warmers in a room that the kids cannot access. Second, the facility did not require all cords



to be on the counter and out of reach. Finally, the facility did not have a safety policy to secure the bottle warmer to the wall to prevent a child from being able to pull or knock it off.

In this case, we represented an amazing family who had a 1-year-old at that daycare. The 1-year-old was allowed to be near the bottle warmers. With two daycare teachers present but not paying attention, the child pulled on the

cable and tipped the bottle warmer over. The boiling water fell on his face, and he sustained massive burns to his face and neck.

In this case, there was not a proper safety system to account for bottle warmers, and the supervision was completely inadequate. This was easily preventable and should never have happened. As a part of the settlement, the daycare implemented a policy to secure all bottle warmers to the wall and keep the cords on the counters away from children. These are not optional safety procedures for daycare facilities, where the No. 1 priority is the safety of the children in their care.

As we wrote in our guide for parents choosing a safe daycare for their kids or reevaluating their current one, when on a walkthrough of the facility, make sure to check on the bottle warmers. Consider the following questions.

- Where are they stored?
- Are kids allowed there?
- Is there a policy for bottle warmer safety?
- Are any kids allowed near stoves and ovens?

If you are a parent or know a parent who has children in childcare programs or daycare, you need to download our guide, "11 Tips To Help Parents Search For A Safe Daycare," which you can find on our website at ButtonLawFirm.com.

BUTTON LAW FIRM HIGHLIGHT REEL



My dad and I fishing in Seaside



Scott Snellings, Rocio, and I at Rocio's campaign



Danny Ellis and I after resolving a trucking case