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## WHO WEARS THE PANTS? LADY JUSTICE!

### HOW ONE JUDGE LOST A FRIVOLOUS LAWSUIT AND HIS DIGNITY

After losing an article of clothing from a dry cleaner, most would say "c'est la vie" and move on. At most, someone might leave a bad review and ask for a few dollars to cover the loss, but for one administrative law judge, that wasn't enough. He decided instead to launch an all-out legal battle.

Roy Pearson, a Washington, D.C., judge at the time, sought \$54 million to cover the loss of his pants after his dry cleaner lost them. He argued that the "same-day service" sign located in the window of the dry cleaners meant that the company had to provide same-day service. However, Pearson never specified a specific time he needed his clothes returned. He also insisted that the "satisfaction guaranteed" sign meant that the cleaners had to satisfy a customer's wishes without limit. Based on those arguments, he claimed the signs were fraudulent.

After the initial allegations, the dry cleaners scoured their business to find the pants and, to their credit, found the judge's trousers unharmed.



Even so, Pearson argued that he didn't need to prove the pants were lost or damaged to satisfy his "satisfaction guaranteed" claim.

Unfortunately for the judge, the court found his position to be ridiculous and ordered him to pay the dry cleaner's attorneys' fees. In response, Pearson sought that his own attorneys' fees be covered to oppose this motion.

In the end, Pearson did pay the dry cleaner's legal fees, but the case isn't the only thing he lost. The verdict also cost the judge his job and any semblance of professional dignity. Ten years after the case closed, the District of Columbia Board on Professional Responsibility sought a 90-day suspension. As the board put it, Pearson "failed to conduct an objective appraisal of the legal merits of his position. He made and continues to make arguments that no reasonable attorney would think had even a faint hope of success on the legal merits." From a legal standpoint, we'd call this judge's behavior "dissatisfaction guaranteed."

## DOING EVEN MORE IN THE COMMUNITY IN 2020

With the start of every new year, many people set goals for themselves. They ask, "How can I be better this year?"

At Herrman & Herrman, we asked this question of ourselves. We looked at what we did well last year and at what we can improve. Everyone at the firm is always striving to be better. We're all big believers in setting goals for ourselves and for the firm as a whole.

For 2020, one of our biggest goals is to step up our community outreach. While we talk about all the things we do in the community in this newsletter and on Facebook, we decided we wanted to do even more.

To us, community means everything. It's where we live, work, and play, and it's the space we share with all of you. Why not do more for our community and do better? So, this year, we'll be putting together more goal-oriented community partnerships, many of which we'll share over the course of the year. We still have a lot in the works.

Early in the year, however, we'll be kicking off our annual scholarship program. Once again, we'll be working with schools in our communities, namely Del Mar College and Texas A&M University-Corpus Christi. We'll have all the details posted on our website and Facebook page.

This year, however, we'll be looking at students who are pursuing legal studies. While we're still putting together all the details, we may open up the opportunity for students to join the Herrman & Herrman team. We'll be posting more details on this very soon, but we're very excited to get the scholarship program up and running.

Last year, we had a great response. At the time of this writing, we don't have the names of the scholarship winners just yet, but be on



the lookout for those. By the time you read this, we may have posted the winners on our Facebook page.

Later this year, we're going to put together our own family-friendly community event. It's another way to give our community more family-friendly options. There are many events throughout the year in Corpus Christi and around south-east Texas, but finding good, family events can be tough — so we made it a goal to change that!

We also made it a goal to work more with Little League teams, so we have some sponsorships in the works for a few rural teams. We recognize many teams in rural towns don't have many of the resources afforded to bigger programs and schools. They often need a little extra help to buy equipment and jerseys for their teams. So, we thought we'd help out and bring a little extra to our outlying communities.

All in all, our No. 1 goal is to be better than we were last year. I think we're off to a good start, and we're excited to share everything we have planned in the coming months. We hope your year is off to a good start, and we wish you all the best in 2020.

-Greg Herrman

# YOUR DIET'S HIGH-TECH HELPER

## UNIQUE FOOD TRACKING APPS TO CHECK OUT IN 2020

If you're the type to make New Year's resolutions, then there's a good chance health and fitness goals are among your targets for 2020. According to the New York Post, more than 55% of New Year's resolutions made by Americans in 2018 were health-related, covering topics like exercising more, losing weight, and eating more nutritious foods.

It's easy to set resolutions, but it's much harder to keep them. Luckily, we live in an age where high-tech tools are at our fingertips. Having a diet and exercise assistant in your pocket (literally) in the form of a smartphone app can do wonders for staying on track, and these days your options go far beyond one-size-fits-all calorie counters like MyFitnessPal. Here are two apps to check out if you're hoping to discover a new you this new year.

### My Macros+

Developed by weightlifters, this app is tailor-made for people who have serious fitness goals and want to track their macronutrients (macros) — carbohydrates, proteins, and fats.



With more than 1.5 million food items to choose from, a weight-tracking component, and more, My Macros+ covers all your bases. Reviewers rave about the app's flexible goal-setting feature, which allows for intermittent fasting, calorie/carbohydrate cycling, and meal plans that include 6–8 meals per day.

### Ate

Ate bills itself as a "visual, mindful, and non-judgmental" food tracking app. Unlike most options on the market, Ate focuses on feelings rather than numbers. Instead of counting calories, its users snap photos of their meals and input *why* they ate — whether they were hungry, stressed, or socializing — and how the meal made them feel. It's an ideal strategy for those worried that too much data could trigger an obsession or disordered eating.

Once you find a food tracking app you like, try pairing it with other tools that can help you meet your goals. Whether you need help shopping for healthier foods, making smart choices when eating out, or finding nutritious recipes with ingredients you have at home, there's an app for that. Just pull up your phone's app store and start searching!

*"Herrman and Herrman are wonderful! Cindy took care of everything for us and kept us updated through each step of the way! She is always super nice, helpful, and took such a weight off our shoulders. We are glad we chose her to represent our family. 10 out of 10 I would recommend her to anyone and everyone. Thank you,*

*Cindy and Herrman and Herrman!"*

*-Deandra Guzman*

*"I need to give a huge shoutout to Connie Polk! She is hands down the most professional, competent and courteous person I know. Whenever I needed help with anything, Connie has always been right there. Thank you, Connie, for all you do!"*

*-Danielle Clark*



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# The Terms of the Trade, Continued

## 8 More Legal Words to Know

In law offices and courtrooms, legal terms get thrown around all the time. Some are pretty straightforward, but others don't mean much unless you've already had experience with an attorney or a legal situation. Last month, we defined eight terms often used by law offices, and this month, we have eight more we want to share so you're prepared if they ever come up.

**Answer:** Defendants file a formal answer to the complaint, which serves to notify the plaintiff and the court of the defendant's position regarding the allegations.

**Contingency fee:** A sum of money a lawyer receives as a fee only if the case is won.

**Defendant:** The party allegedly liable for the plaintiff's injuries.

**Discovery:** Pre-trial procedure in a lawsuit in which each party can obtain evidence from the other party or parties by means of discovery devices such as a request for answers to interrogatories, request for production of documents, or requests for admissions and depositions.

**Litigation:** The act of bringing a case to court to settle a dispute. The actual legal process where parties argue their case against each other in our court system.

**PIP:** Short for personal insurance protection. An extension of car insurance that covers medical expenses and lost wages. Often referred to as "no-fault" coverage.

**Prayer for relief:** A portion of the complaint in which the plaintiff describes the remedies that the plaintiff seeks from the court.

**Tort:** A civil wrong that unfairly causes someone else to suffer loss or harm resulting in legal liability for the person who commits a tortious act, called a tortfeasor.

This list is by no means comprehensive, but it's always good to know what various terms mean. If a term you aren't familiar with ever pops up in conversation or correspondence with your attorney or a legal assistant, always feel free to ask what it means. We're more than happy to make sure you have the answer so you can remain completely up to date and informed on any case you may be involved in.



# MEMES

## SIMPLE PANCAKES FROM SCRATCH

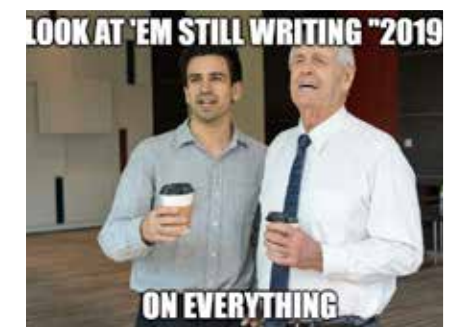
*Everyone should be able to make pancakes without a boxed mix. This recipe is no-frills fantastic and can probably be made without so much as a trip to the grocery store.*

### INGREDIENTS

- \* 2 cups all-purpose flour
- \* 2 tsp baking powder
- \* 1/4 tsp salt
- \* 1 tbsp sugar, optional
- \* 2 eggs
- \* 1 3/4 cups milk
- \* Unsalted butter or canola oil, to grease skillet

### DIRECTIONS

1. Heat a griddle or skillet to medium-low.
2. In a mixing bowl, combine dry ingredients (including sugar if you like a sweeter pancake). In a separate bowl, beat eggs into milk. Gently stir the liquid ingredients into the dry ones. Mix only until flour is moistened. Clumps are fine.
3. Add some butter or oil to the skillet. If the butter foams or oil shimmers, the temperature is correct. Pour in a pancake of any size, cooking until bubbles form, about 2–4 minutes.
4. Flip and cook other side for 2–4 minutes. Serve warm.



Inspired by The New York Times

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