

Attorney considered by Turner gains prestige in libel lawsuits

By KIM COBB
Houston Chronicle

The old rule of thumb is that libel and slander lawsuits involving public figures are nearly unwinnable, but Gary Richardson just doesn't play by that rule.

He has made his personal fortune by defending reputations, and now is eyeing former mayoral candidate Sylvester Turner as a potential client in actions against one or more Houston media outlets.

Richardson's own reputation was secure after representing former District Attorney Vic Feazell of Waco in a libel lawsuit against Dallas' WFAA. The station ran a series of stories in 1985 alleging Feazell took kickbacks in exchange for dismissing drunk-driving charges.

Feazell and Richardson won a record-breaking court judgment of \$58 million, but settled with station owner Belo Broadcasting Co. for an estimated \$20 million rather than fight an appeal.

Richardson appears to be making

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Lawyer Gary Richardson



a career of battling Belo. He won another \$4 million case in recent weeks against a Belo station in Tulsa, Okla., and has two other cases in the works against Belo in Waco and Sherman.

"We didn't just win the case, we thoroughly whipped 'em," Richardson said, grinning about his Tulsa victory. "And we did the same thing in Vic's case."

Richardson is supremely self-confident, his demeanor speaking to the

years he spent in motivational sales work.

"I think the one thing people are beginning to say is, 'He knows how to motivate a jury,'" Richardson said.

"And that's what it's about, taking a set of facts and selling it to a jury and motivating them to give results that you believe your client is entitled to."

Richardson has offices in Tulsa

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Richardson

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and Arlington, but was in Houston last week meeting with Turner. The former mayoral candidate has made repeated claims that he was unfairly characterized by the media during his campaign and some of his supporters are still boycotting KTRK-television and the Houston Post.

And while Turner has refused to confirm or deny the meeting Richardson admitted to, he did say that Richardson "is good at restoring people's names."

Feazell, now Richardson's business associate, was with Richardson in Houston — a reminder to potential clients of the kind of results Richardson has come to expect.

Most lawyers, Richardson says, can't afford to take the kind of libel cases he is drawn to.

"In other words, people couldn't hire us if they had to pay equivalent to what the media industry pays to defend the cases," he said. Fortunately, he added, his firm is in a financial position that "if we see what we consider to be a good case," he can accept it, and that "all my cases are basically on a contingency

fee."

"If we lose, we lose a lot of money," Richardson said.

Many people are slandered, Richardson said, but wronged in a fashion that does not meet the legal definition of slander. Those cases which do meet the legal definition are not easy, since First Amendment rights to free speech offer such broad protection — particularly against public figures.

"They say they can't be won, but that's not true," Feazell said. "There's a narrow window to go through, but they can be won."

"I believe very much in the First Amendment rights," Richardson said. "What I don't believe in, and what we deal with, are cases where there is intentional effort on the part of reporters to falsify the facts in order to accomplish an objective."

Richardson's Tulsa case was an odd one — a television reporter who claimed he was fired because of an untrue rumor about a homosexual affair. The reporter claimed the story was concocted by an anchor at the station who perceived a reporter as a career threat.

The case took a bizarre twist when the reporter, Robert Joffe, committed suicide and his widow took up the fight.

By the time the case made it to

court, the judge had dropped the slander case (a dead man cannot legally be slandered) as well as claims to "wrongful termination" and "tortious interference with a contractual right." Richardson won a \$4 million judgment from the anchor, the station and its managers on a claim of "malicious inflection of emotional distress."

"Nobody thought we'd win and those who did thought we might get a couple of hundred thousand, max," Richardson said. "And people, you know, lose sight of what jurors will do to try to make right wrongs that are done by power structures to the little guy."

Richardson says he probably has seven libel cases pending. Most, though not all, have come to him as a result of the Feazell victory.

"I have two more cases against Belo," Richardson said.

One pits a county sheriff and a former county attorney in a libel lawsuit against Charles Duncan, the same Belo reporter targeted in Feazell's case. The other is a legal action, as yet unfiled, involving a Waco man who claims Belo hired him to produce an expensive series of television programs and then refused to accept the programs or pay for his services.