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Heard, Robins, Cloud & Lubel, LLP

Judge Rules Award Valid Despite Jury Poll Mix-Up

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Source: Houston Chronicle
By Ron Nissimov

After more than two months of confusion, a judge has upheld a \$1.56 million award to a woman who claimed she had been beaten and sexually abused by her millionaire live-in boyfriend.

On June 12, a state district jury voted 10-2 to award the money to Tammy Bland, who filed suit against Randall Fletcher this past year regarding the alleged abuse she said occurred between 1994 and 1997. Fletcher, 60 percent owner of the Houston firm American Prosthetics, has a net worth of about \$1.7 million, said his lawyer, George Bishop.

Visiting state District Judge Louis Moore polled the jurors immediately after the verdict to verify the 10-2 vote. Ten confirmed they had voted for the verdict and two said they had not, but Moore did not realize until after he excused the jury that the 10 were not the same 10 who signed the judgment. Apparently, the jury foreman agreed with the verdict but did not sign the order.

Moore called the lawyers back to discuss the matter as soon as he realized the problem.

Bishop said at the time Moore admitted that he had made an "oversight" by excusing the jury before reconciling the differing votes.

According to Bishop, the judge knew he had a major problem and told lawyers, "I think this means we don't have a verdict."

Bishop said later that the one juror signed the verdict, but felt pressured to agree with the majority because jury deliberations were dragging late into the night.

Bishop said this juror was never called to testify during hearings to determine the validity of the verdict.

Moore signed an order upholding the verdict on Aug. 28. Bishop said he will ask for a rehearing or appeal.

Sean Greenwood, attorney for Bland, said no evidence was ever presented that a juror felt pressured to sign the verdict.

Furthermore, Greenwood said, there were still 10 jurors who agreed with the verdict since the jury foreman supported the verdict but did not sign the document.

Greenwood said the jury foreman thought he was not supposed to sign the verdict unless the finding was unanimous. If a unanimous verdict is rendered, it only needs to be signed by the foreman. If the verdict is not unanimous, it must be signed by all who agree with it.