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Q&A

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INTERVIEW BY BETH TAYLOR

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**Q: Tell me about the roots of your work ethic.**

**A:** I grew up in East Texas, outside the town of Terrell, on a family farm, hunting and fishing, running through the woods. I had a really great high school education in a small town and a really great time growing up. There were eight kids in our family: a good Catholic family. We had cattle, we had sheep, we basically raised all our own meat. We had chickens and we had pigs. We had a big garden, a huge garden; and then we had a huge yard. We used a push mower, and I'm talking about a push mower that you pushed it and that's what turned the blades. So it was not easy to do. Particularly if you let the grass get up too high, which I would.

**Q: At least you had a number of siblings to share the chore.**

**A:** I was the sixth from the oldest, my brother was second from the oldest, and by the time I got to where I could actually mow, he was off to college, so that got to be my job because I had six sisters. It was wonderful just having all those sisters, because they spoiled the devil out of me. They are the sweetest bunch of people I've ever met in my life, and we're all very close still.

**Q: Sounds like a lot of kids to put through college, though.**

**A:** We did it on our own pretty much. My brother and I went to college on football scholarships. [I attended] the University of North Texas, but I only was there one year. I got hurt, and I ended up going back close to where my parents were living at that time, which was on Lake Tawakoni, and I became a licensed fishing and hunting guide. I ran a marina and I went to school. At that time, it was East Texas State University. I'd drive up there three times a week and take college classes.

When I turned 21, I was able to get a job with the police department. I worked almost exclusively what they called deep nights and I worked some narcotics. I'd get off work at 7, or 6 some mornings, and go to school on a bus. We would ride this bus up to Commerce, Texas, which is about 60 miles from Dallas, and I would take a flashlight and study on the way up there. I'd go to school during the daytime, then I'd come home; try and get a little bit of sleep before I went back to work at 10:30 that night.

I got out in 1972, and then I taught in the political science department *and* worked as a police officer so that I could make enough money to go to law school that next year. My last day as a police officer, I worked until 11 o'clock at night and went to [Southern Methodist University] law school for orientation at 8 o'clock the next morning.

**Q: How did things go at law school?**

**A:** I worked my way through. My wife had a really great job with Southwestern Bell at that time. We got married after my first year in college—I married my high school sweetheart. Still married. She was the only girl that ever walked me off the football field. That was a big deal back then. I never let anybody walk me off but her.

In the first semester, I was so frightened that I might flunk out because law school was so hard, and you didn't know what your grades were until the end of the course. So I studied and studied and studied, and I did very well. And after the first semester, I worked 40 hours a week for a law firm.

**Q: When did you become interested in law?**

**A:** I think I was about 10 when the movie *To Kill a Mockingbird* came out. It inspired me to want to do the same kind of things, to help

people who are being wronged by the powers that be. There was a lawyer in Terrell by the name of Jess Rickman, and his son and I played football together. The son is a lawyer, and his name is Rick Rickman, and he's a lawyer in Dallas. I never will forget watching his dad try a case over at the courthouse. I only got to watch a little bit of it, and I thought, "That's what I want to do."

**Q: And after law school?**

**A:** Basically, I just opened my office. Since I had been so active in the community before I got my law license, I already had a lot of cases by the time I got out. I'd been the president of the police association here—I actually formed it—and led several referendums for them to get pay raises. I probably had 30 cases by the time I got licensed.

**Q: Why personal injury?**

**A:** Well, I try a lot of different cases. I can try anything, just about, but we do emphasize very extraordinarily catastrophic cases. We do a lot of business litigation, too. At one time, I had, I'd say close to 100 business clients. This was back in the early '80s. Then everything went downhill. We had a huge crash in oil prices in Texas, and all of them just about went bankrupt. I'm losing all my business, so I looked around. When I first started practicing law, if you had \$50 or a promise to pay me \$50, I'd be your lawyer. I tried every kind of case in the world, and I love trying cases. So I decided I'm going to just be a personal injury trial lawyer and try cases. I still ended up for years and years and years trying criminal cases and workers' comp cases and business litigation cases, but as time went on, the bigger cases were the ones—you know, as you get better and better at doing something, those kind of cases gravitate toward you.

**Q: You've had some high-profile cases.**

**A:** Well, the [1999] Danielle Smalley case, which is that pipeline case down in Kaufman County against the Koch brothers—it changed the pipeline industry, and it got Congress to pass more stringent laws for pipeline safety. The pipeline was horrible. It wasn't maintained, it looked like Swiss cheese, and the gas leaked out and these two kids drove down into a low area and it exploded and burned them in front of one of their fathers. The Smalley case was the number five largest verdict in the country when we had that case. In 1987, [we had] the largest verdict at that time for the death

of a child. There have been a number of others that were right at the top.

[We did] *60 Minutes* for the Koch pipeline case. My client was able to set up a foundation. It's called The Danielle Dawn Smalley Foundation for Pipeline Safety, and all they do is go around the country and educate people about pipeline safety. [Danny Smalley] did it in memory of his daughter. So that was a very important thing, very important case.

**Q: What is the secret to your courtroom success?**

**A:** I really do care about making a difference and helping people, and I think that comes across to a jury. But the most important thing, I think, is the fact that I really get to know my clients. In the Danny Smalley case, he and I went out to the scene. It looked like *Apocalypse Now*—it was a bomb crater. I spent a lot of time with Danny over the next two years, and I got to know him. He was a mechanic. His daughter was going off to college that day; packing to go to college. She was 17. That was the first member of their family to go to college. He idolized her. She was on the softball team, and she was a star in literature. She got a scholarship in English literature.

So those kinds of things that you're able to bring out with clients on the witness stand, it maximizes their damages. And you can't do that unless you really get to know them. I think that's the most important thing.

**Q: You are also well-known for serving in the Texas Legislature. Why politics?**

**A:** Well, our congressman was Sam Rayburn. When he came to town, he'd have a town hall meeting, so to speak, and there'd be 200, 300, 400 people gathered up down on the town square—[my father] would take me down every time to let me listen.

And then when I was 9, I got to sit at [Rayburn's] feet while he was talking with a bunch of people from Kaufman County, which is where I grew up originally, about how to carry Kaufman County in the next election. And he gave me and another young man a little lecture about learning about the history of this country. He said you need to read the biographies of the great men if you want to know about the history of the United States. I was just so thrilled to even be talked to by him—you know, he was the speaker of the House.

So I was always interested in politics, and then when I got to be a lawyer, and then I got

out on my feet, it was just three years [until] I ran for the state Legislature and I won. And then I ran for the [state] Senate four years later, and won that.

**Q: What was it like serving in the Senate?**

**A:** Texas senators are very powerful people. They control more money per capita than congressmen do, really and truly, for the people they represent. It's a wonderful club, so to speak. One of the more expensive clubs in the country. You represent about 750,000 people, which is bigger than some states. My district, actually, was geographically bigger than 32 states. It went from Oklahoma into Dallas and then east almost to Louisiana. There's no better place in our country to help people than being in politics.

**Q: Can you tell me about some of the legislation you worked on?**

**A:** Back when I went to the Legislature, you could murder somebody and be out on parole in 12 years. I was the chairman of the Senate Criminal Justice Committee, and I found out about it, and I began an investigation of the parole system, and it eventually resulted in the whole penal code being revised, [an effort] which I chaired. [Now], when you do commit a heinous crime like that and they don't give you the death penalty, you have to serve a minimum of 40 years.

I was [also] the architect of the largest prison funding increase in Texas history at that time, in the history of the country, really. We were letting so many people out who actually were felons, who didn't deserve to be out, that our crime rate was going up 15 percent to 25 percent every year. That was back in the '90s. I changed all that, and at that time, between [Gov.] Ann Richards, who was a recovering alcoholic, and [Lieut. Gov.] Bob Bullock, who was a recovering alcoholic—the three of us and Jim Hightower—we increased the drug treatment beds in Texas' [prison system] to make it the largest drug treatment facility in the United States, and indeed the world. That really dropped the recidivism rate dramatically.

**Q: You left the Senate in what year?**

**A:** In 1994. They redistricted me out of my district. They took 250,000 Democrats out of Dallas County and gave me 250,000 Republicans in Collin County, and I couldn't overcome that, although I came fairly close.

Then the federal courts threw that redistricting out. I could've run again and won, but my youngest son was 12, and he said, "You know,



For Lyon, it doesn't get better than a day of hunting in the Montana woods.

Dad, I'd rather have a baseball coach than you be a senator." He went on and played three years of college ball and I got to watch him. Watching my boys has been the most fun thing I've ever done.

**Q: Do you think you might go back into politics?**

**A:** Well, there's always a possibility. I loved it while I was doing it, and like I said, it's an incredibly great place to help people.

**Q: Another major interest of yours is wildlife.**

**A:** When I went to the Legislature, the wildlife in Texas was really suffering. At that time, there was netting of redfish and trout on the Texas coast, and the fishery was being decimated by that commercial netting. So I, along with some other people, we banned the netting of redfish on the Texas coast. And now today, that fishery is incredibly good. The bill that we passed was copied all across Louisiana and Florida and the other Gulf Coast states.

**Q: I've been reading your book, *The Real Wolf: The Science, Politics, and Economics of Co-Existing with Wolves in Modern Times*. How did you get interested in the wolf situation?**

**A:** I have a place in Montana, and we go on an annual hunt with a bunch of Montana guys. I was up there and they were just giving the U.S. Fish & Wildlife Service hell over wolves that evening after the opening day. They were talking about how these wolves were killing all the elk and all the deer and all the moose,

and I just couldn't believe that you introduce 66 wolves into Yellowstone and the next thing you know, all the elk are going to be gone. I thought those guys were just exaggerating, and I told them so. And they jumped on me that night very harshly. I ended up getting a little bit perturbed, and I started doing research on what they were telling me. I found out that what they were saying was true, and I was just shocked by it.

At that time, wolves were totally protected. You could be walking down the street or on a hike with your Labrador retriever, and a wolf could be attacking it and kill it, and if you shot the wolf, you were guilty of a felony. If a wolf was attacking your cattle or your horses and you shot it, you'd be guilty of a felony, because it was a—quote—endangered species. Well, they never have been an endangered species; there's 60,000 to 100,000 of them in Canada alone. And they're all over the world.

I looked at what everybody had said and written, and respected magazines were putting out all this stuff that did not turn out to be true. [My place is] 45 miles north of Yellowstone. The elk herd has gone from 19,000 to a little over 3,000. The moose are gone—I'm talking *gone*—from the park. And the deer herds have gone down dramatically.

Through my efforts, along with some other people, we organized about 13 different wildlife conservation groups that have literally donated hundreds of millions of dollars to wildlife conservation. And we got Congress to pass a bill which allowed the states of

Montana, Idaho and Wyoming to go ahead and manage wolves by hunting them.

Then I personally was the lead lawyer for those 13 groups that intervened in a lawsuit in Missoula to defend that law. I helped get it through Congress, and then I defended it as an intervener in the 9th Circuit. So now, they're being managed in those states.

And those wolves are so much bigger, too. The biggest one [brought to] the park weighed 148 pounds, and the big ones before that were in Montana. When they actually existed there, they weighed around 98 to 100 pounds.

So it's really been a wildlife disaster, in my opinion. And that's what happens when you introduce "experimental populations" into something that you really haven't done your total research on.

**Q: Was this your first foray into writing?**

**A:** This is my first real published book. I wrote another book, but it's a funny book, and I didn't publish it; I just wrote it and gave it to a few friends. It's called *No Country for Fat Old Men*. It's about one of my sheep hunts where another guy and I went into the wilderness of Canada on horseback and hunted for wild sheep. But I didn't publish it. It was just more to commemorate that hunt.

**Q: How did you like writing?**

**A:** I love writing if I have the time to do it. But I had to get up early for about 2 ½ years and just write every morning on that [wolf] book. We had to make sure everything was checked and double-checked, because if I had made one mistake in there about any of the facts, the people that are so pro-wolf would've come down on me like a ton of bricks.

**Q: Do you see yourself doing any future books?**

**A:** Interestingly enough, there may be a sequel to this book, because the same thing has happened in Europe. And I've had a novel that I've written on for years, off and on. I don't know, if I have the time, I might finish it. But you know as well as I do, it's hard to write unless you do it for a living.

**Q: I'm curious, since the Endangered Species Act is popular with many Democrats, if your efforts on the wolf issue ever put you in an uncomfortable position.**

**A:** No, not at all. Basically, I've always called things the way I see them. I don't look at things as being Democratic or Republican, particularly when it comes to wildlife. The Endangered Species Act does need to be changed. You know, there's that old saying: Lead, follow, or get the hell out of the way. That's sort of my motto. [M](#)

*This interview was edited and condensed.*