

Frank and Debbie Branson: Partners in Life, the Law

By Patricia Baldwin
Lifestyle Writer for The Texas Lawbook

October 24, 2013 – Early in her marriage and Dallas law career, Debbie Dudley Branson learned about her husband’s stamina for risk-taking. Shortly after she had joined him at The Law Offices of Frank Branson, she recalled, a “huge offer” was on the table in a settlement conference.

“A huge offer,” she repeated. “Frank said ‘no’ and walked out.”

Even in retelling the story, she took a deep breath, but allowed, “He knows the value of cases and isn’t willing to settle for less. He’s a risk taker in that regard. I’m a bigger risk taker in other areas. It’s a good balance.”

Three decades later, that balance still provides the foundation for a unique life-and-law partnership. The Bransons head the go-to law firm long known for its high-stakes wins in catastrophic personal injury cases and more recently for its expansion into large commercial litigation.

Numerous multimillion-dollar lawsuit successes, a plethora of honors and inclusions on “top lists,” and extensive civic commitments have prompted some to characterize the duo as a “power couple.”

Almost in unison, the Bransons demurred the label.

She said, “If we have any power, it comes from both of us working hard.”



Debbie and Frank Branson have been linked by marriage and the law for three decades.

With a father who was a member of the Arkansas Supreme Court, Debbie Branson represents the fourth generation of a family legacy in the law. Her hard work also has encompassed a lifetime of civic involvements. She currently chairs the seven-member Board of Managers that oversees Parkland Health & Hospital System. The volunteer post, proposed to take a few hours per week, became a 40-to-60-hours per week undertaking as the hospital very publicly struggled recently to keep state and federal funding. In August, the hospital learned it was in “substantial compliance” with government regulations.

The namesake of the law firm, which pre-dates the Bransons’ marriage, agreed with his wife’s assessment: “We’re two lawyers who work hard and try to work for the right things.” For him, the hard work regularly places him on innumerable “best lawyer” lists.

He laughed at his wife’s recollection of her early brush with a large settlement negotiation. He couldn’t recall the particular case because “walking out of a meeting has happened a number of times.” Sometimes, he said, there is a settlement resolution; sometimes, a trial.

For every 30 to 40 potential lawsuits reviewed, the Branson firm – with seven attorneys – takes one client. The clients connect with the law firm in a variety of ways. >

www.flbranson.com



SERVING BUSINESS LAWYERS IN TEXAS

Other law firms often refer cases to the Bransons, which is how their firm came to represent the family and estate of Rosa Esparza, who fell to her death in July from the “Texas Giant” at Six Flags Over Texas. According to the lawsuit filed in September in Tarrant County District Court, safety measures on the rollercoaster, touted as the “tallest

“Traditional tort trial lawyers have a lot more experience than many of the traditional business litigation firms,” he added. The firm is actively pursuing litigation involving breach of fiduciary duty, business control disputes, business fraud, contract disputes, corporate litigation, false claims, insurance bad faith and professional liability.



Frank Branson conducts a news conference in his firm's mock courtroom.

steel-hybrid coaster in the world,” failed. Frank Branson told *ABC World News*, “The ride doesn’t have a proper restraint system.”

In its response to the lawsuit, Six Flags said it “relied upon the expertise” of manufacturer Gerstlauer Amusement Rides. “That’s pretty interesting,” Branson told *The Texas Lawbook*. He added that trade literature indicated Six Flags had participated in the design.

In another current case, involving a lawsuit by PlainsCapital Bank against Jackson Walker, the Branson firm was recommended by a banker friend. According to the lawsuit, the Texas-based law firm had “wholesale failed” to reasonably represent the bank in connection with a workout involving one of the bank’s borrowers.

Such business litigation, Branson said, shows a growing recognition by the business community that a trial lawyer is a good choice.

The plain-talking son of a high school football coach from the Fort Worth area is known for his creativity and tenacity.

“Giving up is a foreign concept to Frank. He’s a bulldog,” said retired federal judge T. John Ward of the Ward & Smith Law Firm in Longview. “I first met Frank 30-something years ago when we were adversaries.” Ward subsequently tried cases with Branson and added, “It’s a lot more fun to be co-counsel than an adversary.”

Tommy Townsend, executive director of the Texas Trial Lawyers Association, concurred that Branson is a “fierce advocate.”

“Frank is tough, but has a great sense of humor and a gentleness that’s always right below the surface,” Townsend said. “Debbie complements Frank beautifully with her grace and style. She’s remarkably generous and aware of the needs of others.” >

SERVING BUSINESS LAWYERS IN TEXAS

Frank Branson:

Education: 1967, B.A., Texas Christian University. 1969, J.D., Southern Methodist University. 1974, LL.M., Southern Methodist University.

Highlights of professional activities: Executive board member, Southern Methodist University Dedman School of Law. Past-president, Dallas Trial Lawyers Association and Southern Trial Lawyers Association.

Highlights of civic activities: Former trustee, Democratic National Committee. Former ambassador-at-large, Southern Methodist University.

Selected honors: 1987-present, Best Lawyers in America. 2011, Teddy Roosevelt “Man in the Arena” Award from Association of Plaintiff Interstate Trucking Lawyers of America. 2010-2013, Best Lawyers/U.S. News & World Report “Best Law Firms.” 2010, Dallas Bar Association Trial Lawyer of the Year.

He’s reading: The Liberation Trilogy by Rick Atkinson.

He says: “We have never hesitated to use our resources to go the extra mile for our clients.”

Debbie Branson described the life-and-law arrangement.

“We each came to the marriage with one child. We came to the marriage as lawyers. He had the firm established,” she said. “And so we started out doing what would work for us as lawyers and as a family. We can work together and also pursue separate interests at the same time.”

She acknowledged that many people question the couple about combining a marriage and a legal practice.

“It works for us. We enjoy working together,” she said.

He added that they count “fusses” on one hand.

A byproduct of their legal expertise, however, resulted in their putting more urgency into their parental warnings to “be careful” as their offspring were growing up. “At least, that’s what they tell us,” he said.

The couple met when he gave a speech to the Texarkana Bar Association about trial advocacy. As a local member, she was in the audience. Five years later, they married. Part of their success, they agreed, involves their different working styles.

“I put my head down, and I stay focused,” Debbie Branson said. To illustrate, she drew a straight line on the tablet in front of her on the conference table.

“Frank will go from here to that wall, bounce off the ceiling or that table,” she said, drawing a line that wandered around the tablet page and ended at the same point as her initial line.

“We get to the same place about the same time, but our approaches are different,” she said. “He’s very creative; I’m a doer.”

He acknowledged that he is direct when necessary but also contended that he often gets more information by going a little slower and taking an indirect approach. “I get all of the positive things I can out of a witness before I get to the damaging information,” Branson explained.

He also noted, “It’s hard to see the forest when you’re right in the middle of all the trees in trial. Debbie does a good job of keeping me focused on the big picture.”

Longtime friend Ward easily cited the key to Branson’s success: “Frank’s preparation is impeccable.”

Branson himself has adopted and adapted a version of the British Army’s “7Ps.” >

SERVING BUSINESS LAWYERS IN TEXAS

His personalized doctrine: **Previous Precise Planning Prevents Piss Poor Performance.**

A big part of the precise planning takes place in the Bransons' mock courtroom – complete with dark wood and built on one of the three floors the firm occupies in a midrise off Knox Street.

Debbie Dudley Branson:

Education: 1993, M.S., University of Texas at Dallas. 1980, J.D., University of Arkansas School of Law. 1977, B.S.E., Arkansas State University. She established the Judge Robert H. Dudley Endowed Scholarship in honor of her father, a 1958 graduate of the University of Arkansas School of Law.

Highlights of professional activities: Board of Governors, American Association for Justice. Past-president, Texas Trial Lawyers Association.

Highlights of civic activities: Chair, Board of Managers, Parkland Health & Hospital System. Advisory Council, UT Dallas Center for Children and Families. Past-president, Dallas Women's Foundation.

Selected honors: Gayle Pettus Pontz Award for excellence and achievement by a woman lawyer. 2012, 2013, Best Lawyers in America list.

She's reading: "Canada" by Richard Ford.

She says: "Many trials are won or lost before the lawyers even enter the courtroom."

"That's most unusual for a firm that size, but that's consistent with the preparation I've seen," Judge Ward said.

TTLA president-elect Michael Guajardo, a partner at Guajardo & Marks in Dallas who worked for the Branson firm for about eight years, said the courtroom symbolized how the Bransons conduct business.

"Frank has always gone the extra mile to provide the tools to make you successful," Guajardo said, adding the courtroom can "bring cases to life in a compelling way."

No doubt, the courtroom is a his-and-her office amenity. For example, she often uses it for focus groups; he typically uses it for practicing arguments.

But practice doesn't always bring expected results.

Frank Branson started the story about a past trial in Tucson. Their client was a dental assistant in her 20s, who traveled with her employer to an Indian reservation to provide care. When they were headed back, the dentist lost control of a Nissan Pathfinder, and the roof crushed in on the assistant. (The jury found the vehicle had a defective roof.) As a result, she was brain damaged and a quadriplegic.

"It's a horrible story," he said, as his wife added, "She was a young woman with a bright career path who was relegated to learning the ABCs with her mom."

The lawyers put the victim on the stand during the trial. Frank Branson began to question the woman and to take her through the ABCs.

"We would stop, and she would say what each letter stood for," he explained. "We get to 'R,' and she says 'R' is for rich. And she smiles. I cracked up. I just had to laugh with it and say to the jury, 'Ladies and Gentlemen, I did not know what 'R' was for.'"

Debbie Branson remembered, "It was one of those times when we think, 'Did that really happen?'" The rest of the story: The jury ruled in favor of the Bransons' client, with an award in the upper six-digits.

And while the Bransons' wins substantially outnumber the losses, the latter provide tough lessons and memories not easily shaken. >

SERVING BUSINESS LAWYERS IN TEXAS

Frank Branson recalled their handling of a medical negligence case in Lufkin. They could have settled before trial for several million dollars. A shadow jury, however, was convinced a trial would yield an award of \$20 million.

“The real jury found zero,” Branson said. His wife added, “It was truly devastating.”

He noted the impact of a loss: “It’s kind of a grieving process. But you refill your tank and go on.”

This day, still in the mock courtroom, Frank Branson pointed to a new 40-inch monitor in one corner and commented that he needed to practice using the touch screen. Branson explained the technology is similar to the 3-D graphics workstation that CNN implemented during its election coverage. Videos, diagrams and statistics can be presented and moved on the monitor with the touch of a finger.

Recognized as a pioneer in the use of technology in the courtroom, Branson said he has long been a believer in the truism “a picture is worth a thousand words.” So much so, he received the 2007 Mel Award from the Melvin M. Belli Society. The award, named for the California attorney called the “King of Torts,” annually honors an attorney for his or her “creative advocacy, spirit of innovation and paradigm-shifting techniques in the presentation of evidence.”

“We use a lot of technology,” Branson acknowledged. The firm has a separate corporate entity, housed within its Dallas offices, that employs a videographer, a computer generated graphics artist and a medical illustrator.

The suite has a video studio with television-quality capabilities and is cluttered with demonstrative evidence, including skeletons, anatomical silicon body dummies, medical illustrations and more. The studio team produces a variety of videos and animated re-creations, thanks to techniques perhaps more often found in Hollywood. Recent re-creations have shown

a house being blown up, a person catching fire, a Ferrari breaking in two, a car rolling over and other catastrophes.

The Law Offices Of Frank L. Branson & Selected High-Stakes Battles:

1984: \$10 million settlement for man who suffered life-altering injuries after a State Fair of Texas amusement park ride malfunctioned. Settlement included future safety improvements at the State Fair of Texas.

1990: \$11 million settlement for five cases related to the August 1988 crash of Delta Air Lines flight 1141 on takeoff from DFW International Airport.

2001: \$5.7 million jury verdict followed by a confidential settlement for a woman who was severely injured when American Airlines Flight 1420 crashed at Little Rock National Airport in June 1999.

2006: A \$7 million jury award for a collegiate soccer player from Frisco, Texas, whose career was cut short when he was severely injured in a SUV rollover accident. Jury ruled that the vehicle’s design was “unreasonably dangerous.”

2007: A \$20.8 million jury verdict for the widow and estate of a man who died after his vehicle was struck by an 18-wheeler carrying hazardous materials on Interstate 635 in Dallas. Recognized by The National Law Journal as one of the Top 100 verdicts of 2007.

2008: \$15 million settlement during trial stemming from a West Texas truck crash that killed three members of a family.

2010: \$34 million settlement for injuries suffered by a Dallas Cowboys assistant scout and a special teams coach in collapse of team practice facility.

2012: \$10.6 million jury award to a North Dallas physician whose partners in a specialized medical imaging center misappropriated funds and deceived him about finances. >

SERVING BUSINESS LAWYERS IN TEXAS



Frank and Debbie Branson have hosted former President Bill Clinton, as well as Hillary Rodham Clinton, in their Dallas home.

Greg Chard, who has been making computer animation re-creations for court cases for 22 years, said the Branson firm is “the best I’ve ever worked with.” And he added, “I’ve worked with 85 different law firms.”

The distinction, Chard continued, results from sophisticated and detailed demonstrative evidence.

In other words, it’s one thing to “tell” jurors; it’s another thing to “show” them.

Frank Branson related that he once attempted to rent a Delta Air Lines flight simulator to demonstrate what happened during a plane crash. He was refused but undaunted. He subsequently subpoenaed the teaching crew. The resulting video showed what happened in a 1988 crash that garnered national attention. The cockpit transcripts revealed ongoing personal conversations among flight attendants and pilots, who failed to lower the plane’s wing flaps at takeoff.

“Daunted” does not seem to be a word in the combined vocabularies of the Bransons. They not only have adapted their legal practice to changing technologies but also to the changing legal landscape.

For example, in 2003, Texas voters approved a constitutional amendment limiting awards

in medical malpractice lawsuits. Among the repercussions have been fewer lawsuits and more doctors moving to Texas. In 2012, the number of civil jury trials in Texas district courts hit a four decade low. According to statistics obtained earlier this year by *The Texas Lawbook*, 1,202 civil disputes were decided by juries in Texas district courts, down from more than 3,400 in 1996.

For Frank Branson, the limited ability to recover damages represents “the rawest deal the people of Texas have gotten maybe since the Alamo.”

For the Branson law firm, the changing environment and their expansion into business litigation has, among other things, meant more out-of-state cases.

In recent years, Branson noted, the firm hired Eric Stahl from Vinson & Elkins and Chip Brooker from Haynes and Boone, who have backgrounds in business litigation.

Debbie Branson added, “We talk a lot about current reality, where we are, where we want to go and how we’re going to get there.”



Former President Jimmy Carter poses with Debbie and Frank Branson.

Recent “reality” for her encompassed her reappointment as the chair of the board that is responsible for the governing policies and oversight of a \$1.2 billion budget for Parkland Hospital. She added that she gave the reappointment a “lot of thought” because the >

SERVING BUSINESS LAWYERS IN TEXAS

post is a “very high profile, politically charged, controversial and complex position.” But she felt strongly that she had a job to do and was determined to do it.

In accepting the initial appointment by Dallas County Judge Clay Jenkins, however, she had “no expectation or understanding about what I was getting into at all. Neither did anybody else.”



The now late Texas Gov. Ann Richards shares a moment with Frank Branson.

What prompted the changing chairmanship role was a series of articles, starting in 2010 in *The Dallas Morning News*, which alleged numerous deficiencies in patient care and hospital operations. The media investigations led to various internal and external assessments. In 2012, the interim chief executive was replaced by Bob Smith, also interim CEO and a retired vice president from Tenet Healthcare. In June of this year, inspectors began a government survey to determine whether Parkland would keep its state and federal funding.

On Aug. 7, the hospital conducted a news conference to announce it had passed the government survey and would retain its Medicare and Medicaid funding. Throughout the very public and troubled process, as well as at the celebratory news conference, Debbie Branson provided the face and voice of Parkland.

Judge Jenkins said, “I can’t thank her enough. We didn’t know what she was going to have to

lead us through. She is a very committed person. She’s tenacious toward a goal.”

He noted that Branson’s consensus-building capabilities were – and are – critical for Parkland. The recent survey was “only a milestone, not the end” in terms of challenges for the hospital and its board.

Smith credited Branson with his decision to accept the interim CEO position. He said he was impressed with her “extreme energy and passion” for Parkland’s mission to provide care to indigents and “marginalized” individuals.

He said her “gentle but firm hand” allowed the board to make “appropriate and timely decisions during a time of great stress.”

Smith complimented Branson for her availability, her inclusiveness, her selfless approach and her trustworthiness.

She commented that none of the above would have been possible without the support of her husband: “I’ve had a real generous, understanding partner.”

Frank Branson responded, “Each time she takes on one of these projects, she gives a lot of ‘Debbie’ to it. It makes a difference. She’s a neat lady, and she’s very capable. I’m proud of her.”

The couple’s mutual respect, collective tastes and individualism are reflected among the countless memorabilia and collectibles clustered throughout the Branson law offices.

In fact, the firm’s technological infrastructure is perhaps surpassed only by its striking furnishings and collections, which include paintings, sculptures and historic firearms. One of Frank Branson’s “Super Lawyers” listings described the office as “Dallas’ least-known museum.”

Branson explained the genesis of the various collections: “I went to law school after my junior year at TCU. It was a special program. I had to cut out a lot of electives, but history and government were two of my favorite subjects.” >

SERVING BUSINESS LAWYERS IN TEXAS



KDFW FOX Channel 4 in Dallas reported about lawsuits filed by the Branson law firm following the collapse of the Dallas Cowboys training facility during a May 2009 thunderstorm.

A tour of the law firm moved slowly because “everything has a story.” Handsome cases throughout the offices display a love of history and tradition. Among the weaponry is Geronimo’s rifle ... Buffalo Bill’s Bowie knife ... Bat Masterson’s gold-knobbed cane ... and other treasures, many dating to the Civil War.

Photos reflect the Bransons’ involvement in Democratic politics ... sailing on Ted Kennedy’s sailboat ... hunting with Bill Hobby ... posing at events with Bill and Hillary Clinton. A favorite keepsake – a small sculpture of a bull wrapped in a Texas flag – is a duplicate of a bespoke gift presented to the late Texas Gov. Ann Richards.

He enjoys fishing, playing golf and hunting. She enjoys “playing” at the couple’s place in Key West. “We go there and wear T-shirts and bathing suits,” she said.

George “Tex” Quesada worked at the Branson firm for about 15 years. Now with Sommerman & Quesada in Dallas, he said, “Debbie and Frank make a pretty effective ‘1-2 punch.’ They have complementary skills both in life and in the law, and it seems to work very well for them. Frank may be the hardest working lawyer I’ve

ever seen, second only to Debbie. Debbie is one of the quickest studies I’ve ever seen, second only to Frank.”

Quesada said that, in the time he worked for the firm, “every instance in which a decision had to be made to favor the client versus favoring the lawyers, the decision was always made in favor of the client. That is a lesson which I learned well and have tried to implement in my practice.”

He added, “It isn’t a case where one is playing the ‘good cop,’ while the other is the ‘bad cop.’ I’ve seen plenty of instances in which they were both the good cops or both the bad cops. It isn’t really a game to them. This is truly, truly a calling and a passion for them.”



The Branson law firm created this video as part of a truck accident lawsuit.

“Teamwork” is a word used often by the Bransons.

“We work like Fred Astaire and Ginger Rogers,” Frank Branson said. He then borrowed the quote popularized by the late Texas Gov. Richards: “Ginger Rogers did everything Fred Astaire did, except backwards and in high heels.”

Perhaps, however, Debbie Branson best summed up the partnership: “The truth is we have fun, whether we’re working or playing. We’re lucky.”

Please visit www.texaslawbook.net for more articles on business law in Texas.