

JAMES STEELE, et al.,
Plaintiffs,

vs.

GTECH CORPORATION,
Defendant.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

201st JUDICIAL DIISTRRICT

PLAINTIFFS’ AMENDED EXPERT DESIGNATIONS


To: Defendant, GTECH CORPORATION, by and through its attorney of record, Kenneth E. Broughton, Reed Smith, LLP, 811 Main Street, Suite 1700, Houston, Texas 77002.


Plaintiffs make these expert disclosures as required by Texas Rule of Civil Procedure 194.2(f) as follows:

A. Retained Experts

I. Ronald R. Butters, Ph.D.

- 1) Ronald R. Butters, Ph.D.
11356 Phoenix Circle
Naples, Florida 34119
Tel: 919-423-8866
E-mail: RonButters@mac.com
- 2) Dr. Ronald Butters will draw upon his knowledge of linguistics and the teaching of composition with particular reference to the recognition and avoidance of ambiguity in written documents to testify regarding the conclusions made by an ordinary reasonable speaker of contemporary American English when examining the language of Game 5 of the Fun 5’s scratch-off ticket.
- 3) The general substance of Dr. Butters’ opinions are as follows:
 - a. Ordinary reasonable speakers of contemporary American English would conclude from examining GAME 5 of the Texas Lottery Commission (TLC)’s 2014 “Fun 5’s” scratch-to-play game card that the purchasers had won a prize that the undisclosed parameters of the game may not have been designed to award. If a game player scratches off the box labeled “5X BOX” and finds a Money Bag “\$” symbol and then scratches off the “PRIZE” box, this will cause the game player to understand that he or she

has won a prize that is five times the amount exposed by scratching off the “PRIZE” box. The relevant language of the GAME 5 card is the independent sentence, “Reveal a Money Bag ‘’ symbol in the 5X BOX, win 5 times that PRIZE.”

- b. It is my understanding that the parameters of the game were designed to award players who revealed a Money Bag ‘’ symbol 5 times the amount in the “PRIZE” box only if they had won the first (tic-tac-toe) stage of the game by scratching off, from among the nine star-symbol boxes, “three ‘5’ symbols in any one row, column or diagonal.” However, the fact that the instructions are framed as two separate sentences indicates to readers that the two parts of the game are independent; that is, the player has two chances to win. Readers will not infer that an if-then relationship exists between them merely because two sentences are in collocation one after another.
- c. Moreover, the understanding that GAME 5 of the “Fun 5’s” is a two-ways-to-win game is reinforced for players because three of the other four games are two-ways-to-win games. Moreover, by adding clarifying language to the second sentence, e.g., the words “bonus,” “multiplier,” or “the PRIZE won” (instead of the allegedly ambiguous “that PRIZE”), the language of GAME 5 could easily have been written to accurately reflect the parameters of the game. With respect to this latter point, speakers will not understand “that PRIZE” to refer to ‘a prize that has been won in the tic-tac-toe first part of the game’, but rather ‘the prize that is revealed under the “PRIZE” box’. The word *that* is a deictic pronoun; the default referent for a deictic pronoun in ordinary speaker understanding is the nearest and least complicated antecedent. In this case, the nearest and most uncomplicated antecedent is “PRIZE in PRIZE box.” The idea ‘prize that you would have won if you had won the tic-tac-toe portion of the game’ is not the nearest antecedent, and it is far too complicated and cognitively obscure to act as a reasonable antecedent.

The methodology used by Dr. Butters to arrive at his opinions is as follows:

- d. My opinions are based upon the application of general principles of the science of linguistics, particularly the branches of linguistics called syntax, discourse analysis, semantics, and semiotics. In addition, I have drawn upon my experience as scholar, teacher, and administrator in university writing programs that are dedicated to the teaching and production of clear and coherent writing.

Dr. Butters is likely to develop additional mental impressions and opinions as additional discovery materials become available for his review. Dr. Butters may also develop additional mental impressions and opinions after reviewing the reports or testimony of Defendant’s experts. Dr. Butters will be made available for deposition if Defendant wishes to explore these additional mental impressions and opinions.

4) A). Dr. Butters has been provided with and has reviewed the following documents:

<u>File no.</u>	<u>Exhibit no.</u>	<u>Bates range</u>
001	13	GTECH 390-391
002	--	GTECH 918-923
003	26	GTECH 17-38
004	27	TLC 8374-8375
005	28	GTECH 95-101
006	96	GTECH 154-157
007	97	GTECH 183
008	98	GTECH 184-205
009	40	GTECH 854-878
010	101	TLC 5860
011	14-18	GTECH 599-603
012	19-21	GTECH 604-607
013	102	TLC 6506
014	103	TLC 6507
015	104	TLC 6532
016	105	TLC 8372-8373
017	108	TLC 6540-6541
018	106	TLC 7390-7392
019	114	TLC 6582-6583
020	115	TLC 6592
021	116	TLC 5750-5752
022	117	TLC 8376-8377
023	106	TLC 7392
024	118	TLC 7397-7398
025	--	TLC 6620-6621
026	--	TLC 6105
027	2	TLC 8356-8360
028	122	TLC 8361
029	--	TLC 6149
030	--	TLC 8378-8379
031	--	TLC 8390-8391
032	--	TLC 6210
033	125	TLC 7436
034	126	TLC 7435
035	--	TLC 6359
036	130	TLC 5753-5755
037	--	TLC 8380-8382
038	--	Fun 5's Ticket
039	82-91	Multiplier tickets

B). Dr. Butters is an emeritus linguistics professor in the English Department and the Linguistic Program at Duke University, Durham, North Carolina. He served as Chairman, the Director of Undergraduate Studies, and Director of First-Year Writing, and taught courses in advanced composition. In his teaching and his scholarly career, he also specialized in the history, structure, meaning, and use of American English. He is a past president of the International Association of Forensic Linguists, the American Dialect Society, and the Southeastern

Conference on Linguistics. In his testimony he will draw upon his knowledge of linguistics and the teaching of composition with particular reference to the recognition and avoidance of ambiguity in written documents. A copy of the current *curriculum vitae* for Dr. Butters is included as Exhibit "1".

II. Jacqueline Henkel, Ph.D.

- 1) Jacqueline Henkel, Ph.D.
The University of Texas at Austin
208 West 21st St., Stop B5500
Tel: 512-471-4942
E-mail: henkelj@austin.utexas.edu

- 2) Dr. Henkel will testify regarding the meaning of the instructions printed on the Fun 5's scratch-off ticket at issue, and a reader's interpretation of those instructions. In doing so, she will rely upon her expertise regarding the English language, including: English writing, writing instruction, and grammar; rhetorical analysis; English language linguistics; narrative theory; and discourse theory.

- 3) The general substance and methodology of Dr. Henkel's opinions are as follows:
 - a. The two sentences in the instructions of game 5 of the Fun 5's ticket are much more liable to interpretation as an either/or choice—as separate routes to a winning ticket—as opposed to winning the second part being dependent upon winning the first part.

 - b. Writers can shape readers' interpretive responses through repeated syntactic and semantic patterns. In this case, since ticket-holders are most likely to read the ticket like any other text—from left to right and from top to bottom—they will have read four sets of game instructions before encountering the fifth game. Like the fifth game, three of those sets of instructions take the form of two imperatives. In each case those two sentences represent two paths to a win—an either/or choice. Game 4 exemplifies the pattern: gamers can win by revealing three symbol 5's in a row *or* by finding two 5's and a star in one row. There is no suggestion that one need do both to win—that is, succeed in two rows. It thus makes sense that gamers would similarly interpret the instructions for Game 5. The language supports such an interpretation, and the instructions similarly outline different tasks in different parts of the game box (in two rows in Game 4, in a diagonal, column, or row and a lower row in Game 5).

 - c. If readers' expectations are shaped in one direction, then it is incumbent on the writer to clearly mark a change or break in another direction. For example, in this case, a break in the pattern might have been marked with

a suggestive title ("The Texas Two-Step 5") and an instructive heading marked with clarifying adverbs ("If you win in step one, you may then try your luck in step two! First . . ."). The creators might have additionally underscored the point through "visual rhetoric," by marking through the artwork that Game 5 was a distinctive or culminating game.

- d. Although someone might possibly construe the demonstrative determiner in the phrase "that prize" of the second sentence of Game 5 to refer to the "prize" revealed by winning tic-tac-toe according to the instruction of the first sentence, deictic analysis reveals this to be an unlikely reading. Readers/hearers are disposed to construe as relevant the (syntactically) nearest possible referent for a deictic element. In this case the nearest referent for "that prize" is actually in the same sentence, namely the "moneybag" prize revealed in the 5x box (and the prize box connected to it), a prize revealed within the scope of the second instruction alone. Beginning writers are often told to clarify pronouns or other devices with uncertain or multiple antecedents; this is called "vague reference," a term found in any grammar handbook. Once again, the two instructions make sense as independent paths to a win.
- e. If it were intended that a player had to win the first part of Game 5 (the tic-tac-toe) in order to be eligible to win 5X the prize in the second part of Game 5, there are various alternative ways in which the instructions could have been written to convey this intent.

Dr. Henkel is likely to develop additional mental impressions and opinions as additional discovery materials become available for her review. Dr. Henkel may also develop additional mental impressions and opinions after reviewing the reports or testimony of Defendant's experts. Dr. Henkel will be made available for deposition if Defendant wishes to explore these additional mental impressions and opinions.

4) Dr. Henkel has been provided with and has reviewed the Fun 5's Ticket, Plaintiffs' Third Amended Petition, and Plaintiffs' Responses to Defendant's Requests for Disclosures.

5) A copy of Dr. Henkel's current *curriculum vitae* is included as Exhibit "2".

B. Non-Retained Experts

I. W. Mark Lanier

W. Mark Lanier
The Lanier Law Firm, P.C.
6810 F.M. 1960 West
Houston, TX 77069
Tel. 713-659-5200

1) Mr. Lanier will offer opinions about reasonable and necessary attorneys' fees generally, fee agreements and related matters, and reasonable and necessary fees for this matter. Specifically, Mr. Lanier may offer opinions in areas including:

- a. the reasonable and necessary attorneys' fees that should be awarded for the handling of this matter;
- b. attorneys fee agreements generally;
- c. the custom and practice of compensation for attorneys handling matters such as this litigation;
- d. the Rules of Professional Conduct pertaining to attorneys' fees; and
- e. the applicable case law pertaining to attorneys' fees and contingency fee agreements.

Mr. Lanier may respond to any testimony offered by the Defendant's experts within an area of his expertise.

2) This case is ongoing and the results reached at present are preliminary in nature given that the case has not yet been concluded. At present, Mr. Lanier has developed certain mental impressions and opinions in this case, including that:

- a. The fee agreements executed with all plaintiffs are reasonable;
- b. The total of such fees is reasonable and the fees were necessarily incurred;
- c. The total of such fees is reasonable in relation to the costs of similar professional services performed at similar levels of competence by attorneys of similar experience in the relevant area; and
- d. That the amounts charged to Plaintiffs for the legal services rendered were reasonable at the time and place such services were provided. At present, Mr. Lanier has concluded that that the amounts charged to plaintiffs for the legal services provided and the amounts due and owing under the fee agreement, relative to the damages sought, were reasonable at the time and place such services were provided. The opinions Mr. Lanier holds include consideration of the following factors:
 - i. the time and labor required,
 - ii. the attorneys' experience, ability, and reputation,
 - iii. the nature of the employment,
 - iv. the responsibility involved,
 - v. the novelty and difficulty of the questions involved,
 - vi. the nature and character of the claims and defenses asserted,
 - vii. the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer,
 - viii. the fee customarily charged in the locality for similar legal services,
 - ix. the amount involved,
 - x. whether the fee is fixed or contingent, and
 - xi. the nature and length of the professional relationship with the client.

Because the work is ongoing in this case, Plaintiffs reserve the right to supplement these opinions as the case continues. The bases for these opinions include Mr. Lanier's education, experience and training, the case file including all pleadings and discovery, Rule 1.04 of the Rules of Professional Conduct and the applicable case law on attorneys' fees.

- 3) Mr. Lanier is expected to review the work undertaken in the case through the time of trial, including all motions and responses filed by the parties, counterclaims and defenses asserted, pleadings filed by the parties, the parties' discovery responses and production, and the depositions taken. Responsive information has been produced and/or is equally available to Defendant and will be provided for inspection upon reasonable request at a mutually convenient time.
- 4) A professional biography for Mr. Lanier is attached as Exhibit "3".

II. Richard L. LaGarde

Richard L. LaGarde
LaGarde Law Firm, P.C.
3000 Wesleyan Street, Suite 380
Houston, Texas 77027
Tel. 713-993-0660

- 5) Mr. LaGarde will offer opinions about reasonable and necessary attorneys' fees generally, fee agreements and related matters, and reasonable and necessary fees for this matter. Specifically, Mr. LaGarde may offer opinions in areas including:
 - f. the reasonable and necessary attorneys' fees that should be awarded for the handling of this matter;
 - g. attorneys fee agreements generally;
 - h. the custom and practice of compensation for attorneys handling matters such as this litigation;
 - i. the Rules of Professional Conduct pertaining to attorneys' fees; and
 - j. the applicable case law pertaining to attorneys' fees and contingency fee agreements.

Mr. LaGarde may respond to any testimony offered by the Defendant's experts within an area of his expertise.

- 6) This case is ongoing and the results reached at present are preliminary in nature given that the case has not yet been concluded. At present, Mr. LaGarde has developed certain mental impressions and opinions in this case, including that:
 - a. The fee agreements executed with all plaintiffs are reasonable;

- b. The total of such fees is reasonable and the fees were necessarily incurred;
- c. The total of such fees is reasonable in relation to the costs of similar professional services performed at similar levels of competence by attorneys of similar experience in the relevant area; and
- d. That the amounts charged to Plaintiffs for the legal services rendered were reasonable at the time and place such services were provided. At present, Mr. LaGarde has concluded that that the amounts charged to plaintiffs for the legal services provided and the amounts due and owing under the fee agreement, relative to the damages sought, were reasonable at the time and place such services were provided. The opinions Mr. LaGarde holds include consideration of the following factors:
 - i. the time and labor required,
 - ii. the attorneys' experience, ability, and reputation,
 - iii. the nature of the employment,
 - iv. the responsibility involved,
 - v. the novelty and difficulty of the questions involved,
 - vi. the nature and character of the claims and defenses asserted,
 - vii. the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer,
 - viii. the fee customarily charged in the locality for similar legal services,
 - ix. the amount involved,
 - x. whether the fee is fixed or contingent, and
 - xi. the nature and length of the professional relationship with the client.

Because the work is ongoing in this case, Plaintiffs reserve the right to supplement these opinions as the case continues. The bases for these opinions include Mr. LaGarde's education, experience and training, the case file including all pleadings and discovery, Rule 1.04 of the Rules of Professional Conduct and the applicable case law on attorneys' fees.

- 7) Mr. LaGarde is expected to review the work undertaken in the case through the time of trial, including all motions and responses filed by the parties, counterclaims and defenses asserted, pleadings filed by the parties, the parties' discovery responses and production, and the depositions taken. Responsive information has been produced and/or is equally available to Defendant and will be provided for inspection upon reasonable request at a mutually convenient time.
- 8) A *curriculum vitae* for Mr. LaGarde is attached as Exhibit "4".

III. Manfred Sternberg

Manfred Sternberg
Attorney at Law
4550 Post Oak Place Dr. #119
Houston, Texas 77027
Tel. 713-622-4300

- 9) Mr. Sternberg will offer opinions about reasonable and necessary attorneys' fees generally, fee agreements and related matters, and reasonable and necessary fees for this matter. Specifically, Mr. Sternberg may offer opinions in areas including:
- k. the reasonable and necessary attorneys' fees that should be awarded for the handling of this matter;
 - l. attorneys fee agreements generally;
 - m. the custom and practice of compensation for attorneys handling matters such as this litigation;
 - n. the Rules of Professional Conduct pertaining to attorneys' fees; and
 - o. the applicable case law pertaining to attorneys' fees and contingency fee agreements.

Mr. Sternberg may respond to any testimony offered by the Defendant's experts within an area of his expertise.

- 10) This case is ongoing and the results reached at present are preliminary in nature given that the case has not yet been concluded. At present, Mr. Sternberg has developed certain mental impressions and opinions in this case, including that:
- a. The fee agreements executed with all plaintiffs are reasonable;
 - b. The total of such fees is reasonable and the fees were necessarily incurred;
 - c. The total of such fees is reasonable in relation to the costs of similar professional services performed at similar levels of competence by attorneys of similar experience in the relevant area; and
 - d. That the amounts charged to Plaintiffs for the legal services rendered were reasonable at the time and place such services were provided. At present, Mr. Sternberg has concluded that that the amounts charged to plaintiffs for the legal services provided and the amounts due and owing under the fee agreement, relative to the damages sought, were reasonable at the time and place such services were provided. The opinions Mr. Sternberg holds include consideration of the following factors:
 - i. the time and labor required,
 - ii. the attorneys' experience, ability, and reputation,
 - iii. the nature of the employment,
 - iv. the responsibility involved,

- v. the novelty and difficulty of the questions involved,
- vi. the nature and character of the claims and defenses asserted,
- vii. the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer,
- viii. the fee customarily charged in the locality for similar legal services,
- ix. the amount involved,
- x. whether the fee is fixed or contingent, and
- xi. the nature and length of the professional relationship with the client.

Because the work is ongoing in this case, Plaintiffs reserve the right to supplement these opinions as the case continues. The bases for these opinions include Mr. Sternberg's education, experience and training, the case file including all pleadings and discovery, Rule 1.04 of the Rules of Professional Conduct and the applicable case law on attorneys' fees.

11) Mr. Sternberg is expected to review the work undertaken in the case through the time of trial, including all motions and responses filed by the parties, counterclaims and defenses asserted, pleadings filed by the parties, the parties' discovery responses and production, and the depositions taken. Responsive information has been produced and/or is equally available to Defendant and will be provided for inspection upon reasonable request at a mutually convenient time.

12) A *curriculum vitae* for Mr. Sternberg is attached as Exhibit "5."

C. Mixed Fact and Expert Witnesses

Witnesses identified by both Defendant and Plaintiffs as having knowledge of relevant facts may also express expert opinions based on their education, training, and experience. To the extent that any of them have opinions that are supportive of Plaintiffs' case, Plaintiffs hereby designate them as experts for purposes of those limited opinions. These potential mixed fact and expert witnesses include Joe Lapinski, Laura Thurston, Penny Whyte, Walter Gaddy, Dale Bowersock, Robert Tirloni, Gary Grief, and Dawn Nettles as well as the witnesses identified by Defendant in its Response to Plaintiffs' Request for Disclosure.

D. Additional Experts

Plaintiffs do not endorse the qualifications, if any, of Defendant's designated experts to render expert opinions at trial. Plaintiffs do not waive the right to challenge any and all opinions, offered by experts retained by the Defendant that are designated as expert witnesses or adverse expert witnesses, and who are not also specially retained by the Plaintiffs in this case.

Plaintiffs reserve the right to supplement this designation with additional designations of experts within the time limits imposed by the Court or any alterations of same by subsequent

Court Order or agreement of the parties, or pursuant to the Texas Rules of Civil Procedure and/or the Texas Rules of Civil Evidence.

Plaintiffs reserve the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by the other parties to the suit. Plaintiffs express their intention possibly to call, as witnesses associated with adverse parties, any of Defendant's experts.

Plaintiffs reserve the right to call un-designated rebuttal expert witnesses whose testimony cannot reasonably be foreseen until the presentation of the evidence against Plaintiffs.

Plaintiffs reserve the right to withdraw the designation of any expert and to aver positively that such previously designated expert will not be called as a witness at trial, and to re-designate same as a consulting expert, who cannot be called by opposing counsel.

Plaintiffs reserve the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the jury to determine material issues of fact, and which would not violate any existing Court Order or the Texas Rules of Civil Procedure.

Plaintiffs hereby designate, as adverse parties, potentially adverse parties, and/or as witnesses associated with adverse parties, all parties to this suit and all experts designated by any party to this suit, even if the designating party is not a party to the suit at the time of trial. In the event a present or future party designates an expert but then is dismissed for any reason from the suit or fails to call any designated expert, Plaintiffs reserve the right to designate and/or call any such party or any such experts previously designated by any party.

Plaintiffs reserve whatever additional rights they may have with regards to experts, pursuant to the Texas Rules of Civil Procedure, the Texas Rules of Civil Evidence, the case law construing same, and the rulings of the Trial Court.

Respectfully submitted,

/s/ Christopher L. Gadoury

THE LANIER LAW FIRM, P.C.

Chris L. Gadoury
SBN: 24034448
Ryan D. Ellis
SBN: 24087470
6810 F.M. 1960 West
Houston, Texas 77069
Telephone: (713) 659-5200
Facsimile: (713) 659-2204
Email: Chris.Gadoury@lanierlawfirm.com
Ryan.Ellis@lanierlawfirm.com

LAGARDE LAW FIRM, P.C.

Richard L. LaGarde
SBN: 11819550
Mary Ellis LaGarde
SBN: 24037645
3000 Wesleyan Street, Suite 380
Houston, Texas 77027
Telephone: (713) 993-0660
Facsimile: (713) 993-9007
Email: richard@lagardelaw.com
mary@lagardelaw.com

CO-COUNSEL FOR PLAINTIFFS

MANFRED STERNBERG & ASSOCIATES, P.C.

Manfred Sternberg
SBN: 19175775
4550 Post Oak Place Dr. #119
Houston, TX 77027
Telephone: (713) 622-4300
Facsimile: (713)622-9899
Email: manfred@msternberg.com

CO-COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2016, a true and correct copy of the foregoing was served on all counsel of record in accordance with the Texas Rules of Civil Procedure.

Kenneth E. Broughton
Francisco Rivero
Arturo Munoz
REED SMITH, LLP
811 Main Street, Suite 1700
Houston, TX 77002
Telephone: (713) 469-3819
Facsimile: (713) 469-3899
Email: kbroughton@reedsmith.com
frivero@reedsmith.com
amunoz@reedsmith.com

COUNSEL FOR DEFENDANT, GTECH CORPORATION

Leroy B. Scott
SCOTT ESQ.
3131 McKinney Ave., Ste. 600
Dallas, TX 75204
Telephone: (214) 224-0802
Facsimile: (214) 224-0802
Email: lscott@scottesq.com

COUNSEL FOR INTERVENOR, KENYATTA JACOBS

James D. Hurst
JAMES D. HURST, P.C.
1202 Sam Houston Ave.
Huntsville, TX 77340
Telephone: (936) 295-5091
Facsimile: (936) 295-5792
Email: jdhurst@sbcglobal.net

COUNSEL FOR INTERVENORS, JAFREH AND BECHTOLD

Clinton E. Wells JR.
MCDOWELL WELLS, L.L.P.
603 Avondale
Houston, TX 77006
Telephone: (713) 655-9595
Facsimile: (713) 655-7868
Email: cew@houstontrialattorneys.com

COUNSEL FOR INTERVENORS, BOGHOSIAN, WILSON, AND BAMBICO

Andrew G. Khoury
KHOURY LAW FIRM
2002 Judson Road, Ste. 204
Longview, TX 75606-1151
Telephone: 903-757-3992
Facsimile: 903-704-4759
Email: andy@khourylawfirm.com

COUNSEL FOR INTERVENORS, THOMAS GREGORY, ET AL.

Daniel H. Byrne
Lessie G. Fitzpatrick
FRITZ, BYRNE, HEAD & HARRISON, PLLC
98 San Jacinto Blvd., Ste. 2000
Austin, TX 78701
Telephone: (512) 476-2020
Facsimile: (512) 477-5267
Email: dbyrne@fbhh.com
lfitzpatrick@fbhh.com

COUNSEL FOR INTERVENORS, HIATT, ET AL.

Leonard E. Cox
P.O. Box 1127
Seabrook, TX 77586
Telephone: (281) 532-0801
Facsimile: (281) 532-0806
Email: Lawyercox@lawyercox.com

**COUNSEL FOR INTERVENORS,
YARBROUGH AND CLARK**

John H. Read, II
The Law Offices of John H. Read, II
1230 N. Riverfront Blvd.
Dallas, TX 75207-4013
Tel: 214-760-9999
Fax: 213-631-0721
Email: john@readlawoffices.com

**COUNSEL FOR INTERVENORS,
ESTRADA, ET AL.**

Jerry B. Register
JERRY B REGISTER P.C.
1202 Sam Houston Ave.
P.O. Box 1402
Huntsville, TX 77342
Tel: (936) 295-9109
Fax: (936) 295-4424
Email: jbreg@sbcglobal.net

**COUNSEL FOR INTERVENOR,
MICHAEL CRIST**

Christopher S. Hamilton
Andrea L. Fitzgerald
STANDLY AND HAMILTON, L.L.P.
325 N. St. Paul Street, Suite 3300
Dallas, Texas 75201
Tel: 214-234-7900
Fax: 214-234-7300
Email: chamilton@standlyhamilton.com
afitzgerald@standlyhamilton.com

**COUNSEL FOR INTERVENOR THOMAS
G. JONES**

Wes Dauphinot
DAUPHINOT LAW FIRM
900 Wes Abram
Arlington, TX 76013
Tel: 817-462-0676
Fax: 817-704-4788
Email: wes@dauphinotlawfirm.com

William Pratt
LAW OFFICE OF WILLIAM PRATT
3265 Lackland Road
Fort Worth, TX 76010
Tel: 817-738-4940
Fax: 817-738-4161
Email: lawofficeoffice@yahoo.com

**COUNSEL FOR INTERVENORS,
DIANE LACROIX AND DANIEL
LACROIX, JR.**

William S. Webb
KRAFT & ASSOCIATES, P.C.
2777 Stemmons Freeway, Suite 1300
Dallas, Texas 75207
Tel: 214-999-9999
Fax: 214-637-2118
Email: swebb@kraftlaw.com

**COUNSEL FOR INTERVENORS,
WILEY-BEAMON, ET AL.**

Paul T. Morin
PAUL T. MORIN, P.C.
503 W. 14th Street
Austin, Texas 78701
Tel: 512-499-8200
Fax: 512-499-8203
Email: PMorin@austin.rr.com

**COUNSEL FOR INTERVENOR,
AILEHS GAINES**

Eugene W. Brees
WHITEHURST, HARKNESS, BREES, CHENG,
ALSAFFAR & HIGGINBOTHAM, PLLC
7500 Rialto Blvd., Suite 250
Austin, TX 78735
Tel: 512-476-4346
Fax: 512-476-4400
Email: cbrees@nationaltriallaw.com

Richard Warren Mithoff
Warner V. Hocker
MITHOFF LAW
Penthouse, One Allen Center
500 Dallas, Suite 3450
Houston, TX 77002
Tel: 713-654-1122
Fax: 713-739-8085
Email: rmithoff@mithofflaw.com
Email: whocker@mithofflaw.com

**COUNSEL FOR INTERVENOR SANDRA
FLORES**

Blake C. Erskine
ERSKINE & MCMAHON, LLP
P.O. Box 3485
Longview, Texas 75606
Tel: 903-757-8435
Fax: 903-757-9429
Email: blakee@erskine-mcmahon.com

**COUNSEL FOR INTERVENORS,
NATHAN ADAMS AND JENNIFER
ADAMS**

Raymond L. Thomas
Olegario Garcia
Ricardo Pumarejo, Jr.
KITTLEMAN THOMAS, PLLC
4900-B N. 10th Street
McAllen, Texas 78504
Tel: 956-632-5056
Fax: 956-630-5199
Email: rthomas@ktattorneys.com
Email: ogarcia@ktattorneys.com
Email: rpumarejo@ktattorneys.com

**COUNSEL FOR INTERVENOR,
JOSE O. GARCIA**

/s/ Christopher L. Gadoury
Christopher L. Gadoury

CURRICULUM VITAE

Dr. Ronald R. Butters, Ph.D.
Professor Emeritus, English and Cultural Anthropology,
Duke University
•Former chair, Duke Linguistics Program
•Former chair, Duke Department of English

•Phone: (919) 423-8866
•Fax: (919) 287-2616
•e-mail: RonButters@mac.com
•web site: <http://trademarklinguistics.com/>
mailing address:
11356 Phoenix Circle
Naples, Florida 34119

March 21, 2016

Education

The University of Iowa, Iowa City, 1958–1962, degree: B.A. with Honors and Highest Distinction in English, June 1962. Phi Beta Kappa, 1961.
The University of Iowa, Iowa City, 1962–1967, degree: Ph.D. in English (with concentration in linguistics), August 1967.

Teaching and Administrative Experience

1967–1974, Assistant Professor of English, Duke University; 1974–90, Associate Professor of English, Duke University; 1990–2007, Professor of English, Duke University; 2000–2007, Professor of Cultural Anthropology, Duke University (secondary appointment). As of September 1, 2007, Professor Emeritus, Duke University.
Summer 1986, Visiting Professor of English Linguistics, University of Bamberg, (West) Germany (Fulbright award).
February 1989, Visiting Professor of English Linguistics, Cadi Ayyad University, Marrakech (Duke-in-Morocco Program).
September 2005, Visiting Professor, International Summer School in Forensic Linguistic Analysis, Lodz, Poland (“Linguistic and Semiotic Evidence in a Death Penalty Case” and “Linguist Issues in American Trademark Law”).
September 2006, Visiting Professor, International Summer School in Forensic Linguistic Analysis, Birmingham, England (“Linguist Issues in American Trademark Law: 2006” and “Linguistic and Semiotic Evidence in American Death Penalty Cases”).
1975–80, 1986–88, 1997–99, Director of Undergraduate Studies in English; 1981–84, Supervisor of Freshman Instruction in English; Spring 1992 and Fall 2000, Acting Chair, Department of English; 1992–95, Associate Chair, Department of English; July 1999–December 1999 and July 2005–July 2006, Interim Chair, Department of English.
1970–72, 1976–77, 1982–96, 1999–2003, 2005–2006, Chair, Duke University Linguistics Program.
1999–2007, Co-Director, North Carolina State University–Duke University Doctoral Program in English Sociolinguistics.
2010, Universitat Pompeu Fabra, Barcelona, Spain, May 10–12, 2010. [“Trademarks”: 9 hours of invited lectures.]
2011, Visiting Professor, International Summer School in Forensic Linguistic Analysis, Aston University, Birmingham, England, July.
2012, Universitat Pompeu Fabra, Barcelona, Spain, May 7–10, 2012. [“Trademarks”: 9 hours of invited lectures; “Patents”: 4 hours of invited lectures]

Teaching Areas

The structure of modern English and present-day usage; the history of the English language; sociolinguistics, including American dialects, languages in contact, and Caribbean linguistics; language and law, linguistics of trademarks; discourse analysis, pragmatics, and semiotics; introduction to literature.

Editorial and Professional Experience

- 1969–76, Member of the Associate Editorial Board, *Papers in Linguistics*; 1979, editorial referee, *American Speech*; 1980–81, member of the Editorial Advisory Committee, *American Speech*; 1983–90, member of the Editorial Advisory Board, *Jewish Language Review*; 1985–90, member of Editorial Board, *Journal of Metaphor and Symbolic Activity*; 1981–95, editor, *American Speech*; 1996–2007, General Editor, American Dialect Society Publications and Editor of Publication of the American Dialect Society (PADS, the monograph series); 2007–10, co-editor, *The International Journal of Speech, Language and the Law*.
1999–, Editorial Advisory Board member, *New Oxford American Dictionary*.
2013–, Editorial Advisory Board member, *International Journal for the Semiotics of Law/Revue Internationale De Semiotique Juridique*.
2014–, Scientific Advisory Board member, Catalyst Behavioral Sciences

Publications and Presentations

1. Articles and Chapters of Books (those marked * were also presented at the indicated scholarly gatherings)
- *“Lexical Selection and Linguistic Deviance,” *Papers in Linguistics* 1.1 (1969), 170–81. [revision of paper read at the Southeastern Conference on Linguistics meeting in Gainesville, FL, 1969]
 - “On the Interpretation of ‘Deviant Utterance’,” *Journal of Linguistics* 6.1 (Feb. 1970), 105–10.
 - “Dialect Variants and Linguistic Deviance,” *Foundations of Language* 7.2 (1971), 239–54.
 - *“On the Notion ‘Rule of Grammar’ in Dialectology,” *Papers from the Seventh Regional Meeting, Chicago Linguistic Society, Apr. 16–18, 1971* (Chicago: Chicago Linguistics Society), 307–15.
 - “A Linguistic View of Negro Intelligence,” *The Clearing House* 46.5 (1972), 259–63. Repr. in *Current Readings in Urban Education*. Ed. by Richard R. Heidenreich (Arlington VA: College Readings, Inc., 1972), 223–27.
 - “Competence, Performance, and Variable Rules,” *Language Sciences* 20 (1972), 29–32.
 - “Results of Questionnaire [Concerning Variation Theory],” *Lectological Newsletter* no. 1 (1972), 1–11. [with Derek Bickerton, Henrietta Cedergren, David Sankoff, Gillian Sankoff, Charles-James N. Bailey, & Ralph Fasold]
 - *“Acceptability Judgments for Double Modals in Southern Dialects,” *New Ways of Analyzing Variation in English*. Ed. by Charles-James N. Bailey and Roger W. Shuy (Washington, DC: Georgetown Univ. Press, 1973), 276–86. [papers from the First Annual NWAWE Conference]
 - *“Black English {-Z}: Some Theoretical Implications,” *American Speech* 48.1–2 (1973 [1975]), 37–45. [revision of paper read at the Linguistic Society of America Winter Meeting in St. Louis, MO, 1971]
 - “The Basics in Grammar,” *Arizona English Bulletin* 18.2 (1976), 42–44.
 - “Variability in Indirect Questions,” *American Speech* 49.3–4 (1974 [1977]), 230–34.
 - “Why Teach Modern Grammar?” *Questions English Teachers Ask*. Ed. by R. Baird Shuman (Rochelle Park, NJ: Hayden, 1977), 143–54.
 - “More on Indirect Questions,” *American Speech* 51.1–2 (1976 [1980]), 57–62.
 - “Narrative go ‘say’,” *American Speech* 55.4 (1980), 304–7.
 - *“Unstressed Vowels in Appalachian English,” *American Speech* 56.2 (1981), 104–10. [revision of paper (“Towards a Unified Perspective on Final Unstressed Vowels in Appalachian English”) read at the South Atlantic Section, American Dialect Society, 1978] Repr. in *Dialect and Language Variation*, ed. by Harold B. Allen and Michael D. Linn (Orlando: Academic Press, 1986), 198–204.]
 - “Remedial English, Social Dialects, and the Academically ‘Elite’ University,” *Duke Univ. Academic Skills Center Working Papers*, 1980.
 - “A Comment on Sociolinguistics and Teaching Black-Dialect Writers,” *College English* 43.6 (1981), 633–36.
 - *“Do ‘Conceptual Metaphors’ Really Exist?” *The SECOL Bulletin* 5.3 (1981), 108–17. [first read as a paper at the Southeastern Conference on Linguistics meeting in Richmond, VA, 1981]
 - “Another Point of View,” *Faculty Newsletter, Duke University* 2.7 (Apr. 1981), 9.
 - “Dropping the /h/ from *who*,” *American Speech* 57.2 (1982), 43.
 - “More on *duck butter*,” *American Speech* 57.2 (1982), 107.
 - “Quotative *like*,” *American Speech* 57.2 (1982), 149.
 - “On Language,” *The New York Times Magazine*, 25 July 1982.
 - “Dialect at Work: Eudora Welty’s Artistic Purposes,” *Mississippi Folklore Register* 16.2 (1982), 33–40.
 - “Sunbelt English,” *The New York Times Magazine*, 21 Aug. 1983, 11–12.
 - “Syntactic Change in British English ‘Propredicates,’” *Journal of English Linguistics* 16 (1983), 1–7.
 - “Final Vowels in English,” *The SECOL Review* 7.2 (1983), 1–12.

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

- “-Ologies, -isms, and Dictionary Making,” *The Guide* (Sept. 1983), 26–27. Repr. in the Los Angeles *Herald-Examiner*, 12 Sept. 1983.
- “Talkin’ Like a Native,” *The Guide* (Nov. 1983), 21.
- “Three Traps that Prevent One From Thinking Straight,” How to Think Straight Series, Office of the President, Duke Univ., Jan. 1984.
- *“When is English ‘Black English Vernacular?’” *Journal of English Linguistics* 17 (1984), 29–36. [first read as a paper at the Tenth Annual NWAWE Conference, Philadelphia, 1981]
- “-Ologies and -ologists,” *American Speech* 59.3 (1984), 266–67. [Stewart Campbell Aycock, 2nd author]
- “Understanding the Patient: Medical Words the Doctor May Not Know,” *North Carolina Medical Journal* (July 1985), 415–17. [Jeremy Sugarman, first author]
- “Old Curiosity Shop,” *American Speech* 60.3 (1985), 249. [on *There you go!* as an affirmative interjection]
- “More on Irony Versus Sarcasm,” *The Metaphor Research Newsletter*, 4.2 (1985), 4–7.
- *“Existential and Causative *have . . . to*,” *American Speech* 61.2 (1986), 184–90. [Kristin Stettler, 2nd author] [first read as a paper at the 14th Annual NWAWE Conference, Georgetown Univ., 1985]
- “More Medical Words the Doctor May Not Know,” *North Carolina Medical Journal* (Dec. 1985), 384. [Jeremy Sugarman, first author]
- *“The English of Blacks in Wilmington, N.C.,” *Language Variation in the South: Perspectives in Black and White*. Ed. by Michael Montgomery and Guy M. Bailey (Univ. of Alabama Press, 1986), 255–64. [Ruth M. Nix, 2nd author; read in Columbia, SC, 1981; invited conference paper]
- “Levels of Usage,” chapter 11b of *The Heath Handbook*, 11th edition (1986), 118–23. [Revision of 10th edition, chapter 8d]
- “Query: *Sorry ‘excuse me’*,” *American Speech* 61.1 (1986), 60.
- “*Hubba-hubba*: Its Rise and Fall,” *American Speech* 61.4 (1986), 363–65. [Phyllis Randall, first author]
- “Thomas Wolfe’s ‘Esymplastic’ Power,” *American Speech* 62.1, (1987), 83–84.
- “For the Nonce,” *American Speech* 62.2 (1987), 176–77. [Cynthia Y. Krueger, first author]
- “Old Curiosity Shop,” *American Speech* 60.2 (1987), 184. [on *wake* ‘hold a wake for’ as transitive verb]
- “Media Watch: Subreption of Pronouns,” *American Speech* 62.2 (1987), 190–91.
- “More on Singular *y’all*,” *American Speech* 62.2 (1987), 191–92. [Stewart Campbell Aycock, 2d author]
- “Query: *Crash space*,” *American Speech* 62.3 (1987), 241.
- *“Verbal *-s* as Past-Time Indication in Various Narratives,” *Papers from the Seventh Annual Spring Linguistic Colloquium, Linguistic Circle of the Univ. of North Carolina, 21 Mar. 1987* (Chapel Hill: UNC Curriculum in Linguistics), 9–18.
- “American Instances of Propredicate *do*,” *Journal of English Linguistics* 20 (1987), 212–16. [Kazuo Kato, first author]
- *“Linguistic Convergence in a North Carolina Community,” *Variation in Language: NWAWE-XV at Stanford—Proceedings of the Fifteenth Annual Conference on New Ways of Analyzing Variation*. Ed. by Keith M. Denning et al. (Stanford: Department of Linguistics, Stanford Univ., 1987), 52–60.
- “The Problem of Special-Admission Undergraduates,” *The Academic’s Handbook*. Ed. by A. Leigh DeNeef, Craufurd D. Goodwin, and Ellen Stern McCrate (Duke Univ. Press, 1988), 166–71. Repr. in *The Academic’s Handbook*, 2nd ed. Ed. by A. Leigh DeNeef and Craufurd D. Goodwin. (Duke Univ. Press, 1995), 211–15. [Christopher Kennedy, 2nd author]
- “Lesson,” *Collective Wisdom: A Sourcebook of Lessons for Writing Teachers*. Ed. by Sondra J. Stang and Robert Wittenberg (Random House, 1988), 348–49.
- *“The Historical Present as Evidence of Black/White Convergence/Divergence,” *Proceedings of the Sixth International Conference on Methods in Dialectology, Bangor, Wales, 1987*. Ed. by Alan R. Thomas (Clevedon, England: Multilingual Matters, 1988), 637–49.
- “Foreword,” *Displacing Homophobia*. Ed. by Ron Butters, John Clum, and Michael Moon. *South Atlantic Quarterly* 88 (Winter 1989): 1–5.
- “Cisatlantic *have done*,” *American Speech* 64 (1989): 96.
- “Are *permafrost* and *vernalization* Loan Translations from Russian?,” *American Speech* 64 (1989), 287–88. [Viktor V. Kabakchi, first author]
- “*Proactive*: A New Meaning?,” *American Speech* 65 (1990): 274.
- “*Highlighter*: A Legally Generic Name?,” *American Speech* 65 (1990): 340.
- *“Multiple Modals in United States Black English: Synchronic and Diachronic Aspects,” *Verb Phrase Patterns in Black English and Creole*. Ed. by Walter F. Edwards and Donald Winford (Detroit: Wayne State Univ. Press, 1991), 165–76. [revision of a paper read at the 16th Annual NWAWE Conference, Austin, TX, 1987]
- “More on *short end of the stick*,” *American Speech* 66 (1991): 336.

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

- “Whose Language Is It, Anyway? It Belongs to Thee,” *The Winter’s Tale: An Interstate Adventure* (New York: Cornerstone Theater Co., 1991), 5.
- *“Current Issues in Variation Theory,” *Verhandlungen des Internationalen Dialektologenkongresses Bamberg 1990*, Proceedings of the First International Congress of Dialectologists/Seventh International Conference on Methods in Dialectology, Bamberg, Germany 29 July–4 Aug. 1990. Ed. by Wolfgang Viereck. (Stuttgart: Franz Steiner Verlag, 1993), 3–36. [invited plenary lecture. 31 July]
- *“If the Wages of Sin Are for Death: The Semantics and Pragmatics of a Statutory Ambiguity,” *American Speech* 68 (1993): 83–94. [Revision of a paper read at the meeting of the Law and Society Association (session on Linguists in the Judicial Process), Philadelphia, May 1992.]
- “Free Speech and Academic Freedom,” *The Academic’s Handbook*, 2nd ed. Ed. by A. Leigh DeNeef and Craufurd D. Goodwin. (Durham, NC: Duke Univ. Press, 1995), 81–90.
- “Historical and Contemporary Distribution of Double Modals in English,” *FOCUS ON: The United States. Varieties of English Around the World* (Manfred Görlach, General Editor), vol. 16. Ed. by Edgar Schneider (Amsterdam: Benjamins, 1996), 265–88. [Barbara Fennell, first author]
- *“The Divergence Controversy Revisited,” *National Language Institutes Around the World—Diversity in Language Issues*. Proceedings of the First International Symposium, The National Language Research Institute of Japan, 20–21 Jan. 1994 [invited paper]. (Tokyo: The National Language Research Institute, 1996), 118–34.
- *“Auntie(-man)/tanti in the Caribbean and North America,” *Language Variety in the South Revisited*. Ed. by Cynthia Bernstein et al. (Tuscaloosa: Univ. of Alabama Press, 1997), 261–65. [Revision of a paper read at the Conference on Language and Variation in the South, Auburn University, Apr. 1993; invited paper].
- *“Dialectology and Sociolinguistic Theory,” *Issues and Methods in Dialectology*. Selected Papers from the Ninth International Conference on Methods in Dialectology, Bangor, Wales, 31 July 1996. Edited by Alan Thomas. (Bangor, Wales: Department of Linguistics, University of Wales Bangor, 1997), 1–13. [invited plenary lecture]
- *“What Did Cary Grant Know About ‘Going Gay’ and When Did He Know it?: On the Development of the Popular Term *gay* ‘Homosexual’,” *Dictionaries: Journal of the Dictionary Society of North America* 19 (1998), 188–204. [revision of a paper read at The Dictionary Society of North America, Cleveland, Ohio, 22 July 1995; and at The Third Lavender Languages and Linguistics Conference, American University, Washington, DC, 15–17 Sept. 1995; and as an invited lecture, Dept. of Linguistics, University of Iowa, Iowa City, Iowa, 28 Sept. 1995].
- “Two Notes: The Origin of *jaywalking*; The Pronunciation of Foreign Loanwords in English,” *Comments on Etymology*, October 1999, 20–21.
- “‘What Is About to Take Place Is a Murder’: Construing the Racist Subtext in a Small-Town Virginia Courtroom,” *Language in Action: New Studies of Language and Society*. Essays in Honor of Roger Shuy. Ed. by Peg Griffin, Joy Peyton, Walt Wolfram, and Ralph Fasold (Cresskill, NJ: Hampton Press, 2000), 373–99.
- *“Semantic and Pragmatic Variability in Medical Research Terms: Implications for Obtaining Meaningful Informed Consent,” *American Speech* 75 (2000): 149–68. [Jeremy Sugarman and Lyla Kaplan, 2d and 3d authors]
- “Washington Listens to Linguists,” *Newsletter of the American Dialect Society* 32.2 (May 2000), 4. [Kirk Hazen, 1st author]
- “The ‘Real’ Meaning of *millennium*,” *American Speech* 75 (Summer 2000): 111–12.
- *“Conversational Anomalies in Eliciting Danger-of-Death Narratives,” *Southern Journal of Linguistics* 24.1 (2000): 69–81. [Revision of a paper read at the Southeastern Conference on Linguistics LXII, Spring Meeting, Oxford Mississippi, 4–6 April 2000.]
- “The Internationalization of American English: Two Challenges,” *American Speech* 75 (Fall 2000): 283–5.
- *“Chance as Cause of Language Variation and Change,” *Journal of English Linguistics* 29 (Sept. 2000), 201–13. [Revision of a paper read at the Tenth International Conference on Methods in Dialectology, St John’s Newfoundland, August 1999.]
- *“Literary Qualities in Sociolinguistic Narratives of Personal Experience,” *American Speech* 76 (Fall 2001), 227–35. [American Dialect Society Presidential Address, January 2001.]
- “Data Concerning Putative Singular *y’all*,” *American Speech* 76 (Fall 2001), 335–36.
- *“‘We didn’t realize that lite beer was supposed to suck!’: The Putative Vulgarity of *X sucks* in American English,” *Dictionaries: Journal of the Dictionary Society of North America* 22 (2001): 130–44. [Revision of a paper read at the meeting of the American Dialect Society, January 6, 2000.]
- “Grammar,” *History of American English*, Cambridge History of the English Language, vol. 6. Ed. by John Algeo (Cambridge: Cambridge Univ. Press, 2001), 325–39.
- “Preface,” *Handbook of Perceptual Dialectology, Volume II*, ed. by Dennis Preston and Daniel Long. (Amsterdam/Philadelphia: John Benjamins, 2002), xv–xvi.

- *“Linguistic Change in Words One Owns: How Trademarks Become ‘Generic’,” *Studies in the History of the English Language II*, ed. by Anne Curzan and Kim Emmons. Topics in English Linguistics. (Berlin/New York: Mouton de Gruyter, 2004), 111–23. [Jennifer Westerhaus, second author] [Revision of a paper read at the 2nd Conference on the History of the English Language, University of Washington, Seattle, 23 March 2002].
- *“How Not to Strike it Rich: Semantics, Pragmatics, and Semiotics of a Massachusetts lottery ticket,” *Applied Linguistics* 25.4 (2004), 466–90. Reprinted (abridged) in *Language in Use: A Reader*, ed. Patrick Griffiths, Andrew John Merrison, and Aileen Bloomer (Routledge, 2010), 47–58. [Revision of a paper read at the Southeastern Conference on Linguistics, Memphis, Tennessee, 19 April 2002]
- “Focusing and Diffusion / Konzentration und Diffusion,” chapter 31 in *Sociolinguistics/Soziolinguistik • An International Handbook of the Science of Language and Society / Ein internationales Handbuch zur Wissenschaft von Sprache und Gesellschaft*, 2nd compl. rev. and extend.; ed. by Ulrich Ammon, Norbert Dittmar, Klaus J. Mattheier, and Peter Trudgill (Berlin: Walter de Gruyter, 2005), 283–88.
- “Sociolinguistic Variation and the Law,” chapter 12 in *Sociolinguistic Variation: Theories, Methods and Applications*, ed. by Robert Bayley and Ceil Lucas (Cambridge: Cambridge University Press, 2007, 318–37).
- *“Changing Linguistic Issues in U.S. Trademark Litigation,” in *Proceedings of the Second European IAFFL Conference on Forensic Linguistics/Language and the Law*, ed. by M. Teresa Turell, Jordi Cicres, and Maria Spassova (Barcelona: Publicacions de l’IULA, No. 19, 2007), 29–42.
- *“A Linguistic Look at Trademark Dilution,” *Santa Clara Computer & High Technology Law Journal* (vol. 24, no. 3, 2008), 101–13. [Revision of an invited presentation at the Conference on Trademark Dilution: Theoretical and Empirical Inquiries, High Tech Law Institute, Santa Clara University School of Law, Santa Clara, California, October 5, 2007]
- “Trademarks and Other Proprietary Terms,” chapter 16 in *Dimensions of Forensic Linguistics*, ed. by John Gibbons and M. Teresa Turell (Benjamins, 2008), 231–47.
- “The Expert as Dictionary in American Trademark Litigation: the Putative Genericness of *Opry*,” *Southern Journal of Linguistics* 13.2 (2009): 13–29. [Jackson S. Nichols, second author].
- *“The Forensic Linguist’s Professional Credentials,” Symposium on Ethical Issues in Forensic Linguistic Consulting, *International Journal of Speech, Language, and the Law* (2009), 16.2: 237–52. [Revision of a presentation at the annual meeting of the Linguistic Society of America, Organized Session on “Ethical Issues in Forensic Linguistic Consulting,” San Francisco, California, January 2009.]
- “Trademarks: Language that One Owns,” in *The Routledge Handbook of Forensic Linguistics*, ed. by Malcolm Coulthard and Alison Johnson (Routledge, 2010): 351–64.
- “In the Profession: Forensic Linguistics,” *Journal of English Linguistics* 39 (2011): 196–202.
- “Imaginative Leaps in Trademark Law,” in *Proceedings of The International Association of Forensic Linguists’ Tenth Biennial Conference, Aston University, Birmingham, UK, July 2011*, ed. by Samuel Tomblin, Nicci MacLeod, Rui Sousa-Silva, and Malcolm Coulthard (Birmingham, UK: Centre for Forensic Linguistics, Aston University, 2012): 283–89. <<http://www.forensiclinguistics.net/iafl-10-proceedings.pdf>>.
- “Ethics, Best Practices, and Standards,” in *Proceedings of The International Association of Forensic Linguists’ Tenth Biennial Conference, Aston University, Birmingham, UK, July 2011*, ed. by Samuel Tomblin, Nicci MacLeod, Rui Sousa-Silva, and Malcolm Coulthard (Birmingham, UK: Centre for Forensic Linguistics, Aston University): 351–61. [invited plenary lecture: Retiring President’s Closing Address]
- “Linguistic Issues in Copyright Law,” in *The Oxford Handbook of Language and Law*, ed. by Lawrence Solan and Peter Tiersma (Oxford: Oxford University Press, 2012): 463–77.
- *“Semiotic Interpretation in Trademark Law: The Empirical Study of Commercial Meanings in American English of {} ‘Checked Pattern’,” in *Law, Culture, and Visual Studies*, ed. by Anne Wagner, and Richard K. Sherwin (Dordrecht, Heidelberg, London, and New York: Springer: 2013), 261–82. [Revision of a presentation at the annual meeting of the American Name Society, Boston, MA, January 2004; session on commercial names, R. Butters, chair]
- “Forensic Linguistics: Linguistic Analysis of Disputed Meanings: Trademarks,” in *The Encyclopedia of Applied Linguistics*, ed. by Carol A. (Wiley Online Library, 2013), <<http://onlinelibrary.wiley.com/doi/10.1002/9781405198431.wbeal0114/full>>.
- “Internet Traps and the Creation of Linguistic Crimes: Perverted Justice as Broadcast Entertainment,” in *Ens queda la paraula. Estudis de lingüística aplicada en honor a M.Teresa Turell*, ed. by Raquel Casesnoves, Montserrat Forcadell, and Núria Gavaldà. (Barcelona: Publicacions de l’IULA, 2014), 223–40. [Phillip Carter, second author, Tyler Kendall, third author].
- “Using Lexicographical Methodology in Trademark Litigation: Analyzing Similatives,” *Dictionaries: The Journal of the Dictionary Society of North America*, 36 (2015): 115–30.

2. Books and Monographs

- The Death of Black English: Divergence and Convergence in White and Black Vernaculars*. Bamberger Beiträge zur Englischen Sprachwissenschaft, 25. Frankfurt am Main / Bern / New York: Peter Lang, 1989.
- Displacing Homophobia: Gay Male Perspectives in Literature and Culture*. Ed. by Ronald R. Butters, John M. Clum, and Michael Moon. Durham and London: Duke Univ. Press, 1989. [reprinting, with modifications, of *SAQ* 88.1 (1989); this book won the 1989 Conference of Editors of Learned Journals Best Special Issue award]
- Dynamics of a Sociolinguistic System: English Plural Formation in Augusta, Georgia*, by the late Michael Miller. Ed. By Ronald R. Butters, William A. Kretzschmar, Jr., and Claiborne Rice. Thousand Oaks, CA: Sage Publications, 1999. [Special issue of the *Journal of English Linguistics*]

3. Textbooks

- Composition Guide, Duke University*, Sept. 1983. 15 pp. 2d ed. Aug. 1984; 3d ed. Aug. 1985; 4th ed. 1986 (with George D. Gopen), 29 pp.; appeared as *Guidelines for Composition* (with George D. Gopen), 1987–94, 32 pp. [first appeared as “Stylesheet for Writing,” Sept. 1982, 8 pp.]

4. Reviews and Review Articles

- Richard J. O’Brien, ed., *Report of the Twenty-Second Annual Round Table Meeting on Linguistics and Language Studies*, Georgetown Univ. Press, 1971; *American Speech* 41 (1969 [1973]), 287–92.
- William Orr Dingwall, ed., *A Survey of Linguistic Science*, Univ. of Maryland Linguistics Program, 1971; and *Linguistics in the 1970’s*, Center for Applied Linguistics, 1971; *American Speech* 45 (1973), 122–29.
- Charles-James Bailey, *Variation and Linguistic Theory*, Center for Applied Linguistics, 1973; *Language Sciences*, April 1976, 32–35.
- Walt Wolfram and Donna Christian, *Appalachian Speech*, Center for Applied Linguistics, 1978; *Language* 55 (1979), 460–63.
- Paul Ricoeur, *The Rule of Metaphor*, tr. by Robert Czerny, Univ. of Toronto Press, 1977; and Samuel R. Levin, *The Semantics of Metaphor*, Johns Hopkins Press, 1977; *Journal of Linguistics*, September 1980, 263–69.
- Arthur Hughes and Peter Trudgill, *English Accents and Dialects*, University Park Press, 1979; *American Speech* 56(1981), 234–36.
- Crawford Feagin, *Variation and Change in Alabama English*, Georgetown Univ. Press, 1979; *Language* 57 (1981), 735–38.
- “Review Essay: Current Trends in Variation Theory,” *Language Problems and Language Planning*, Fall 1985, 215–27.
- Cleath Brooks, *The Language of the American South*, Univ. of Georgia Press, 1985; *South Atlantic Review*, Nov. 1986, 183–85.
- W. J. Pepicello and Thomas A. Green, *The Language of Riddles: New Perspectives*, Ohio State Univ. Press, 1984; *International Journal of the Sociology of Language*, 65 (1987), 112–15.
- Viv Edwards, *Language in a Black Community*, Multilingual Matters, 1986; *Language Problems and Language Planning*, 11 (1987), 220–24.
- Mark Newbrook, *Sociolinguistic Reflexes of Dialect Interference in West Wirral*, Lang, 1986; *English World-Wide*, 8 (1987), 304–7.
- Dennis Preston, *Perceptual Dialectology*, Foris, 1989; *Language in Society* 20 (1991), 294–99.
- Henry Lewis Gates, Jr., *The Signifying Monkey*, 1988; *The SECOL Review* 16 (1992), 204–7.
- Max Travers and John F. Manzo, eds., *Law in Action: Ethnomethodological and Conversation Analytic Approaches to Law* (Socio-Legal Studies Series), Aldershot, Hants, England & Brookfield, Vermont, USA: Dartmouth/Ashgate, 1997; *Forensic Linguistics: The International Journal of Speech, Language, and the Law* 7 (2000), 262–66.
- Joshua A. Fishman, ed., *Handbook of Language and Ethnic Identity*, New York & Oxford: Oxford Univ. Press, 1999; *Language* 76 (2000), 921–23.
- Edward Finegan and John R. Rickford, eds. *Language in the USA: Themes for the Twenty-first Century*, Cambridge University Press, 2005; *Language* 83.4 (2007), 883–86.
- Roger W. Shuy, *Linguistics in the Courtroom: A Practical Guide*, Oxford University Press, 2006; *Language in Society* 37.2 (April 2008), 300–4.

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

- Chris Hutton, *Language, Meaning and the Law*. Edinburgh University Press. 2009. *Journal of Sociolinguistics*, 15.4 (September 2011): 532–547.
- Christine Mallinson, Becky Childs, and Gerard Van Herk, eds., *Data Collection in Linguistics: Methods and Applications*, Routledge, 2013. *American Speech* 90.1 (February 2015): 106–117.
- Roger W. Shuy, *The Language of Bribery Cases*, Oxford University Press, 2013. *International Journal of Speech, Language, and Law* 22.1 (2015): 125–130.

5. Brief Reviews

- Maurice Leroy, *Main Trends in Modern Linguistics*, Univ. of California Press, 1967; *South Atlantic Quarterly*, Summer 1968, 569–70.
- John Lyons, *Noam Chomsky*, The Viking Press, 1970; *Richmond Times-Dispatch*, July 11, 1971.
- Leonard R. Palmer, *Descriptive and Comparative Linguistics: A Critical Introduction*, Crane, Russak and Company, 1971; *Choice*, July–Aug. 1973, 654.
- Paul R. Turner, ed., *Bilingualism in the Southwest*, Univ. of Arizona Press, 1973; *Choice*, Nov. 1973, 1434.
- Martyn F. Wakelin, *English Dialects*, Humanities Press, 1972; *Choice*, Feb. 1974, 1862.
- Bruce L. Liles, *An Introduction to Linguistics*, Prentice-Hall, 1975; *Choice*, Oct. 1975, 994.
- Gordon Winant Hewes, *Language Origins: A Bibliography*, Mouton, 1975; *Choice*, Apr. 1976, 204.
- Joey Lee Dillard, *American Talk: Where Our Words Came From*, Random House, 1976; *Choice*, May 1977, 364.
- Ronald Wardhaugh and H. Douglas Brown, eds., *A Survey of Applied Linguistics*, Univ. of Michigan Press, 1978; *Choice*, June 1977, 527.
- Carroll E. Reed, *Dialects of American English*, 2nd ed., Univ. of Massachusetts Press, 1977; *Choice*, Dec. 1977, 1354.
- Paul D. Brandes and Jeutonne Brewer, *Dialect Clash in English: Issues and Answers*, The Scarecrow Press, 1977; *Choice*, Dec. 1977, 1354.
- James C. Raymond and I. Willis Russell, eds., *James B. McMillan, Essays in Linguistics by his Friends*, Univ. of Alabama Press, 1978; *Choice*, July/Aug. 1978, 684.
- Eva M. Burkett, *American English Dialects in Literature*, The Scarecrow Press, 1978; *Choice*, Mar. 1979, 53.
- James D. McCawley, *Adverbs, Vowels, and Other Objects of Wonder*, Univ. of Chicago Press, 1979; *Choice*, Jan. 1980, 138.
- Andrew Ortony, ed., *Metaphor and Thought*, Cambridge Univ. Press, 1979; *Choice*, Apr. 1980, 96.
- Thomas Pyles, *Selected Essays on English Usage*, ed. by John Algeo, Univ. of Florida Press, 1970; *South Atlantic Quarterly*, Autumn 1980, 460–1.
- Raven I. McDavid, Jr., *Dialects in Culture*, ed. by William A. Kretzschmar, Jr., et al., Univ. of Alabama Press, 1970; *South Atlantic Quarterly*, Winter 1981, 113–15.
- Albert Valdman and Arnold Highfield, eds., *Theoretical Orientations in Creole Studies*, Academic Press, 1980; *Choice*, Sept. 1981, 159.
- George Lakoff and Mark Johnson, *Metaphors We Live By*, Univ. of Chicago Press, 1980; *South Atlantic Quarterly*, Winter 1982, 128–29.
- Richard A. Spears, *Slang and Euphemism: A Dictionary*, Jonathan David Publisher, 1981; *Choice*, May 1982, 55–56.
- Hugh Rawson, *A Dictionary of Euphemisms and Other Doubletalk*, Crown Publishers, 1981; *American Speech* (58) 1983, 60.
- Jim Quinn, *American Tongue and Cheek: A Populist Guide to Our Language*, Pantheon, 1981; *American Speech* (58) 1983, 60.
- Donald Koster, ed., *American Literature and Language: A Guide to Information Sources*, Gale Research Co., 1982; *American Speech* (58) 1983, 188.
- Robert Fiengo, *Surface Structure: The Interface of Autonomous Components*, Harvard Univ. Press, 1980; *American Speech* (58) 1983, 188.
- Wm. E. Kruck, *Looking for Dr. Condom*, Publication of the American Dialect Society, no. 66; *South Atlantic Quarterly*, Summer 1983, 348.
- Derek Bickerton, *Roots of Language*, Karoma Press, 1981; *South Atlantic Quarterly*, Autumn 1983, 456–58.
- Walter M. Brasch, *Black English and the Mass Media*, Univ. of Massachusetts Press, 1981; *South Atlantic Quarterly*, Winter 1983, 106–7.
- Dennis Baron, *Grammar and Good Taste*, Yale Univ. Press, 1982; *South Atlantic Quarterly*, Autumn 1984, 471–72.
- Wolfgang Viereck, Edgar W. Schneider, and Manfred Görlach, *A Bibliography of Writings on Varieties of English*, John Benjamins, 1984; *American Speech* (60) Spring 1985, 88.
- Raymond Chapman, *The Treatment of Sounds in Language and Literature*, Blackwell, 1984; *South Atlantic Quarterly*, Spring 1986, 208–9.
- Laurence Urdang, et al., *-Ologies and -Isms*, 3rd. ed., Gale Research, 1986; *American Speech* 61 (1986), 280.
- Wayne Dynes, *Homolexis*, Gay Academic Union, 1985; *American Speech* (63) 1988, 175–76.
- Barbara Leeds, *Fairy Tale Rap: "Jack and the Bean Stalk" and Other Stories*, 1990; *American Speech* 66 (1991), 104.
- Judith N. Levi and Anne Graffam Walker, eds., *Language in the Judicial Process*, 1990; and Roger W. Shuy, *Language Crimes: The Use and Abuse of Language Evidence in the Courtroom*, 1993; *American Speech* 68 (1993), 109–12.

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

Joseph E. Holloway and Winifred K. Vass, *The African Heritage of American English*, 1993; *Anthropological Linguistics* 36 (1994), 274.
Traute Ewers, *The Origin of American Black English: Be-forms in the HOODOO Texts* (1996); *Language* 74 (1998), 384.
James Milroy and Leslie Milroy, *Authority in Language: Investigating Standard English*. Third edition, 1999. *American Literature* 72 (2000), 668–69.

6. Conference Papers and Invited Lectures (unpublished only; published conference papers are listed in [1] above)

- “Concerning Linguistic Studies of Literary Style,” North Carolina State Univ. Graduate English Society, 26 Feb., 1971 [invited lecture].
- “On the Nature of Linguistic Data,” Univ. of North Carolina Linguistics Circle, 14 Oct. 1971 [invited].
- “The Psychological Reality of Sociolinguistic Models,” Georgetown Univ. Sociolinguistics Seminar, 6 Dec. 1972 [invited].
- “What is ‘Data’ in the Expanding Domain of Linguistics?” Conference on “The Expanding Domain of Linguistics,” Univ. of Texas at Austin, 26–27 Mar. 1973 [invited].
- “Have (to),” Linguistic Society of America Summer Meeting, Ann Arbor, Michigan, July 1973.
- “Linguistic Variation in Wilmington, N.C.,” Southern Anthropological Society, Blacksburg, Virginia, Apr. 1974.
- “Getting a Linguistics Program Started?” South Atlantic Modern Language Association, Dec. 1974 [invited].
- “A Linguistic View of the Basics in English,” Symposium on “What’s Behind the Basics,” Univ. of North Carolina at Greensboro, 1976 [invited].
- “What’s Worth Teaching in the Language Arts,” North Carolina State Department of Human Resources, Division of Youth Services, First Annual Teachers Conference, Raleigh, NC, 1977 [invited].
- “ARGUMENT IS WAR: Lakoff and Johnson on *Metaphors We Live By* Once in a While,” Department of English, Univ. of Tennessee at Knoxville, 25 Nov. 1980 [invited].
- “How to Read What You are Trying to Write,” Duke Univ. East/West Conference, 25 Sept. 1980 [invited].
- “Can White Folks Speak Black English?” Virginia Commonwealth Univ. Linguistics Circle, Richmond, 4 Dec. 1981 [invited].
- “Dialect Interference in the Writing Process,” State of North Carolina Department of Public Instruction Reading/Writing Institute, Wake Forest Univ., 22 June 1982 [invited].
- “Benjamin Franklin, Orthoepist,” Philological Association of the Carolinas, Chapel Hill, NC, 2 Mar. 1984.
- “Problems of Scholarly Publishing in the Field of Dialectology,” Midwestern Modern Language Association, 1 Nov. 1984 [panel discussion; invited].
- “Language and Law: Applied Linguistics,” Southeastern Conference on Linguistics, Univ. of South Carolina, Columbia, 1985.
- “The Linguist as Expert Witness,” Conference on Language in the Judicial Process, Georgetown Univ., 27 July 1985 [interest group leader; invited].
- “Come Here Till I Punch You on the Nose,” American Dialect Society, Chicago, 1985. [Beth Day, 2d author]
- “From Tape and Questionnaire: Labovian and Post-Labovian Methodologies,” Philological Association of the Carolinas, Charleston, SC, 1986.
- “Linguistic Convergence in a Southern Community,” Univ. of North Carolina at Chapel Hill, 18 Mar. 1986 [invited].
- “Sociolinguistic Convergence and Divergence,” Universität Bamberg, 28 May 1986 [invited].
- “Sociolinguistic Convergence in the American South,” Universität Freiburg, 2 June 1986 [invited]; Universität Stuttgart, 19 June 1986 [invited]; Universität Bamberg, 18 June 1986 [invited]; Technical Univ. of Aachen, 7 July 1986 [invited].
- “The Death of Black English?” Univ. of Georgia, Athens, 29 May 1987 [invited].
- “The Double Modal in U.S. Black English,” Sixteenth Annual NWAWE Conference, Univ. of Texas, Austin, 1987.
- “The Death of Black English,” South Atlantic Modern Language Association, Atlanta, 1987.
- “The Future of Black English: The Status of the Convergence/Divergence Controversy,” Department of Linguistics, Univ. of South Carolina, Columbia, 1988 [invited].
- “Current Issues in Convergence and Divergence,” Texas A&M Univ., 1988 [invited].
- “Linguistic Profit,” Southeastern Conference on Linguistics, Norfolk, VA, 1989.
- “The Death Penalty Verdict: Language, Race, and Bigotry in a Rural Southern Courtroom,” Eighteenth Annual NWAWE Conference, Duke Univ., 1989.
- “Incorporating Dialect Diversity into the English Classroom,” NCTE, Baltimore, 1989. [discussant]

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

- “Oldest Living Confederate Widow Tells More Than She Knows: Dialect, Fiction, and Capital Crimes,” Philological Association of the Carolinas, Myrtle Beach, SC, 1990 [invited plenary lecture].
- “Linguistic Dimensions of the Death Penalty in the American South,” Law and Society Association (session on Legal Applications of Scholarly Knowledge: Linguists as Expert Witnesses), Oakland, CA, 1990 [invited].
- “Issues in Language and Law,” Institut für Englische Philologie, Freie Universität Berlin, 19 July 1990 [invited].
- “‘What is About to Take Place Is a Murder’: Construing the Racist Subtext in a Small-Town Virginia Courtroom,” North Carolina State Univ. Linguistics Forum, Raleigh, North Carolina, 1 Feb. 1991.
- “The Slang Meanings of *suck* in American English: What a Trial Judge and Jury Might Need to Know,” Thirteenth Annual Spring Linguistic Colloquium, Linguistic Circle of the Univ. of North Carolina, Chapel Hill, March 1993.
- “Appropriating the Exotic Identity: Sociolinguistic Perspectives on the Moroccan-American Triple Bind,” Conference on “Croisement des Cultures: Monde Arabe–USA,” Cadi Ayyad Univ., Marrakech, Morocco, 16 Apr. 1993 [invited].
- “This Case Sucks!: Free-Speech Issues in Anti-Drug Propaganda and Public High Schools,” Law and Society Association (session on Linguists in the Judicial Process), Chicago, May 1993.
- “The Imitation of Dialect for Illegal Purposes: An Empirical Study,” Twenty-Second Annual Conference on New Ways of Analyzing Variation in English and Other Languages, Oct. 1993 [Thomas Espy, and Kent Altsuler, 2nd authors].
- “The Imitation of Dialect for Illegal Purposes: An Empirical Study,” Triangle Linguistics Club, Research Park, NC, Oct. 1993 [invited paper; Thomas Espy, and Kent Altsuler, 2nd authors].
- “The Imitation of Dialect for Illegal Purposes,” Law and Society Association (session on Linguists in the Judicial Process), Phoenix, AZ, June 1994.
- “How Private is Your Toilet? Anatomy of a Harmful-Speech Debate,” Fourth Annual Lavender Languages and Linguistics Conference, The American Univ., Washington, DC, 27 Sept. 1996 [Jason D. Hall, 2d author].
- “Why Dictionaries Can’t Deal Adequately with *redskins*,” Dictionary Society of North America, Madison, WI, May 1997.
- “What Patients Really Know about the Terms Used in Obtaining Informed Consent: False Comfort, Unreasonable Fear, and ‘Medical Research,’” Third Biennial Conference, International Association of Forensic Linguists, Duke Univ., Durham, NC, 5 Sept. 1997 [Jeremy Sugarman, 2d author, and Lyla Kaplan, 3d author].
- “Variation and Terms for ‘Medical Research’: Unreasonable Fear Versus Informed Consent,” American Dialect Society Annual Meeting, New York City, 10 Jan. 1998. [Lyla Kaplan, 2d author, and Jeremy Sugarman, 3d author]
- “Legal and Ethical Considerations in Informed Consent Discussions: Lexical Choice for Terms Relating to ‘Medical Research,’” Law and Society Association, Aspen, Colorado, June 1998. [Lyla Kaplan, 2d author, and Jeremy Sugarman, 3d author]
- “Virtuous Prescriptivism,” American Dialect Society Annual Meeting, Los Angeles, 9 January 1999.
- “Language and Law: Three Case Studies in Forensic Linguistics,” Department of Linguistics, Univ. of Georgia, 23 April 1999. [invited lecture]
- “Pushing the *Envelope*: Talking Fancy Across Gender and Region,” 28th Annual Conference on New Ways of Analyzing Variation in English and Other Languages, Toronto, October 1999. [Boyd Davis, first author]
- “‘We didn’t realize that lite beer was supposed to suck!’: The Putative Amelioration of *X sucks!* in American English,” American Dialect Society, January 6, 2000.
- “Variation in Interpretation: Ideological Responses to a ‘Harmful’ Flier—Part II: Public Responses,” 29th Annual NWAWE Conference, Michigan State Univ., October 2000.
- “Emma Gets her Driving License: Life Imitating Art in Oral Narratives,” South Atlantic Modern Language Association, Birmingham, Alabama, 12 November 2000.
- “Literary Qualities in Sociolinguistic Narratives of Personal Experience,” American Dialect Society Presidential Address, January 2001.
- “Linguistics Across the Curriculum,” Southeastern Conference on Linguistics,” Knoxville, Tennessee, 6 April 2001 (invited panel member).
- “The Role of Linguistics in Regional Humanities Centers,” Southeastern Conference on Linguistics,” Knoxville, Tennessee, 6 April 2001 (invited panel member).
- “Genericness in Lexicography, General Linguistics, and American Trademark Law,” Fifth Biennial Conference, International Association of Forensic Linguists, University of Malta, July 2001.
- “Electronic Searches as Sources of Data for Social Variation in the Lexicon,” 3rd UK Language Variation and Change Conference, University of York, July 19–22, 2001.

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

- “Current Sociolinguistic Issues in African American Vernacular English,” International Association of University Professors of English, Jubilee Conference, University of Bamberg, Germany, July 29- August 4, 2001 (invited paper).
- “Genericness in Lexicography, General Linguistics, and American Trademark Law,” 30th Annual Conference on New Ways of Analyzing Variation in English and Other Languages, Raleigh, NC, October 2001. [invited paper].
- “The Emergence of Hispanic English in the Rural South,” Southeastern Conference on Linguistics, Memphis, Tennessee, 20 April 2002. [4th author, with Beckie Moriello, Walt Wolfram, and Michael Oles]
- “Trademark, Metaphor, and Synecdoche in Dictionary Labeling,” Dictionary Society of North America, Durham, North Carolina, May 2003. [Jennifer Westerhaus, first author]
- “Trademark Genericide in Specialized Communities,” Sixth Biennial Conference, International Association of Forensic Linguists, University of Sydney, Sydney, Australia, July 2003. [Jennifer Westerhaus, first author]
- “Variation in Southern Trademarks: Regionalisms that One May Can Own,” Third Conference on Language Variation in the South, Tuscaloosa, Alabama, April 17, 2004.
- “Global Influence on the Rate of Trademark Genericide,” Law and Society Association, Chicago, IL, May 29, 2004. [Jennifer Westerhaus, 1st author]
- “Evidence of the Rehearsal of a Videotaped Confession as Support for a Diminished Capacity Defense in USA Death-Penalty Trials,” Cardiff University Conference on Forensic Linguistics, Gregynog Hall, University of Wales, July 5, 2004.
- “Fay Etrange of Kuntzville: Names in Queer Novels before Stonewall,” American Name Society, Oakland, CA, January 6, 2005.
- “The Linguist as Dictionary,” Southeastern Conference on Linguistics, Raleigh, NC, April 9, 2005. [Jackson Nichols, 1st author]
- “The Credentials of Linguists Testifying in American Trademark Litigation,” Law and Society Assoc., June 3, 2005.
- “The Dictionary Treatment of Similatives,” Dictionary Society of North America, Boston, MA, June 9, 2005. [Sarah Hilliard, 2nd author]
- “Similatives in Recent English: The Case of *whisper quiet*,” First International Conference on the Linguistics of Contemporary English, Edinburgh, Scotland, 25 June 2005.
- “What Can Go Wrong When Linguists Testify in American Trademark Litigation,” International Association of Forensic Linguists, Cardiff, Wales, July 3, 2005. [Jackson Nichols, 2nd author]
- “The Credentialing of Linguists Who Testify in American Trademark Litigation,” Language and the Law: East meets West, Department of English Language, University of Lodz, Poland, September 12–14, 2005.
- “The American Linguistic Consultant in American Trademark Litigation: Current Issues,” European Forensic Linguistic Conference, Barcelona, Spain, September 14, 2006. [invited plenary lecture]
- “Discourse Analysis: Instant Messages and ‘Sexual Predator’ Prosecutions,” Department of Linguistics, University of Florida, Gainesville, March 1, 2007. [invited lecture]
- “Forensic Linguistics and American Trademark Law,” Department of Linguistics, Georgetown University, Washington, DC, April 10, 2007. [invited 90-minute lecture]
- “The discourse of operatives working to catch sexual predators in IM messages,” Department of Linguistics, Georgetown University, April 11, 2007. [invited lecture]
- “Legal Evidence and Lexicographical Methodology: *Life’s Good*,” Dictionary Society of North America, Chicago, June 2007.
- “Discourse Analysis of Instant Messages Used as Incriminating Evidence in ‘Sexual Predator’ Prosecutions,” International Association of Forensic Linguists, Seattle, July 2007. [Tyler Kendall & Phillip Carter, 2nd and 3rd authors]
- “*Perverved Justice*: The Instant Messages of Some Convicted ‘Sexual Predators’, ” Law and Society Association, Berlin, Germany, July 2007. [Phillip Carter and Tyler Kendall, 2nd and 3rd authors]
- “IM Traps and Broadcast Surprises: Perverved Justice on NBC-TV,” Georgetown University Round Table Conference in Linguistics, Washington, DC, March 14–16, 2008. [Phillip Carter and Tyler Kendall, 2nd and 3rd authors]
- Co-chair (with Edward Finegan, University of Southern California), Organized Session on “Ethical Issues in Forensic Linguistic Consulting,” Linguistic Society of America, San Francisco, California, January 2009.
- “The Forensic Linguist’s Professional Credentials,” Organized Session on “Ethical Issues in Forensic Linguistic Consulting,” Linguistic Society of America, San Francisco, California, January 2009. [session organized by Edward Finegan and Ronald Butters]

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

- “Forensic Linguistics and Linguistics Scholarship,” Southeastern Conference on Linguistics, Tulane University, New Orleans, Louisiana, April 6–9, 2009 [invited plenary lecture]
- “A Harmless Drudge at Work: The Thoroughly Tedious Etymology of *crack* ‘smokable cocaine,’” Dictionary Society of North America, Bloomington, Indiana, May 2009.
- “Resolving Unresolvable Ambiguity in an Expert Witness's Testimony: A Court Reporter’s Impossible Task in An American Death-Penalty Trial,” International Association of Forensic Linguists, Amsterdam, The Netherlands, July 2009. [Tyler Kendall, second author]
- “Forensic Linguistics,” Universität Bamberg, Germany, April 27, 2010. [invited lecture]
- “The Divergence Controversy Revisited,” Universität Regensburg, Germany, April 29, 2010. [invited lecture]
- “Trademarks as Linguistic Objects,” Masaryk University, Brno, Czech Republic, May 3, 2010. [invited lecture]
- “ ‘I am a needy petite woman’: Judging the Real Age of Participants in IM Sex Talk ‘Enticement’ Conversations.” Aston University, Birmingham, England, May 5, 2010. [invited lecture]
- “Trademarks as Linguistic Objects in Civil Litigation,” Aston Univ., Birmingham, England, May 6, 2010. [invited lecture]
- “*Chocolate chip* and the Silent Subreption of the Lexicon: A Forensic Linguist at Work,” Dictionary Society of North America, Montreal, May 2011.
- “Imaginative Leaps in Trademark Law,” International Association of Forensic Linguists, Aston University, Birmingham, England, July 2011.
- “Ethics in Forensic Linguistics,” International Association of Forensic Linguists, Aston University, Birmingham, England, July 2011. [invited plenary lecture]
- “Linguistics, Trademarks, and Deceptive Advertising,” Georgetown University Linguistics Department, November 7, 2011. [invited lecture]
- “ ‘I’m Off to Save Prostates!’: A Linguist Cautions the FTC about Humor and Deception in Advertising,” Department of Linguistics, University of California at Davis, April 25, 2012.
- “ ‘I’m Off to Save Prostates!’ The Role of Antic Humor in Putatively Deceptive Pomegranate Juice Advertisements,” West Coast Roundtable on Language and Law, July 27, 2012, Simon Fraser University, Burnaby, Vancouver, Canada.
- “I’m Off to Save Prostates!”: Linguistics and Advertising in the Undergraduate Linguistics Curriculum, Southeastern Conference on Linguistics, Spartanburg, South Carolina, April 5, 2013.
- “Down on the *pharm*: ‘Convenience’ Abbreviations in Authoritative Dictionaries,” Dictionary Society of North America, Athens, Georgia, May 25, 2013.
- “Likelihood of Linguistic Confusion of Trademarks in Two US Language Communities: The Case of *Casique* versus *Casica*,” International Association of Forensic Linguists, Mexico City, June 26, 2013.
- “Reading Images: Semiotic Linguistic Analysis in Civil Litigation,” West Coast Roundtable on Language and Law, California Appellate Project, San Francisco, CA, August 2, 2013.
- Prominence, Markedness, and Salience: Linguistic Analysis of the Use of Allegedly Proprietary Language in Advertising,” Southeastern Conference on Linguistics, Myrtle Beach, South Carolina, March 29, 2014.

Other Professional Activities

Southeastern Conference on Linguistics: Member of the Executive Committee, 1969–70, 1984–86; Member of the Nominating Committee, 1972–74; Program Committee Member, 1981–84; Vice-President, 1982; President, 1983; Local Arrangements Committee Chair, Spring meeting, Duke Univ., 23–24 Mar. 1984.

Secretary of the Linguistics Section, South Atlantic Modern Language Association, 1970; Chairman 1971.

National Endowment for the Humanities Grant: Linguistic Variation in the Spoken English of North Carolina, 1973–74.

Chairman, South Atlantic Section, American Dialect Society, 1979; Nominating Committee member 1980–82.

Consultant, Alamance County Schools Junior High Program for Gifted Students, 29 Oct. 1980. Consultant, Lexington Senior High School English Program, 1981. Consultant, Project on Linguistics in the Undergraduate Curriculum, Linguistic Society of America, 1985–86. Consultant, “English and the American South,” Tennessee Humanities Council, Apr. 1989.

Consultant on historical dialects of American English for Journey Communications, Alexandria, VA, 1993 (dialects of actors portraying figures in the life of Thomas Jefferson—production for PBS). Consultant for various publishers, including NCTE, Duke Univ. Press, Scott Foresman, D.C. Heath, Univ. of Alabama Press, Univ. of Wisconsin Press, Pergamon Press, Blackwell, Cambridge Univ. Press, and Prentice-Hall. Consultant, various years, to other universities (promotion and tenure decisions). National Endowment for the Humanities research proposal evaluator, various years beginning 1984.

CURRICULUM VITAE of Ronald R. Butters, March 21, 2016

Panel Member, Soundings, "The State of the Language," National Humanities Center's weekly public affairs radio program (distributed in five parts to 250 U.S. radio stations and the Voice of America), Spring 1983. Second panel, "American English Today," broadcast Fall 1984.

Member of Advisory Committee, Compendium of Non-Mainstream English, Center for Applied Linguistics, Washington, DC, 1984–86.

Advance Placement Examination reader in English Literature, Educational Testing Service, Princeton, NJ, June 1985.

National Science Foundation research proposal evaluator, various years beginning 1987.

Member, Executive Committee, Modern Language Association Division on Language Theory, 1988–1993. Chair, 1991.

Visiting Scholar, Center for Applied Linguistics, Washington, DC, 1 Dec. 1988–1 June 1989.

Program Organizer (for the American Dialect Society) of the Joint Conference of the American Dialect Society and the Society for Caribbean Linguistics, Trinidad, 27–30 Aug. 1986. Organizer, "Linguistics and Legal Issues," American Dialect Society and the Linguistic Society of America, Chicago, 5 Jan. 1991. Organizer, Eighteenth Annual Conference on New Ways of Analyzing Variation in English and Other Languages, meeting at Duke Univ., 20–22 Oct. 1989. Organizer, "Linguists in the Judicial Process," Law and Society Association (meeting in Chicago, May 1993). Organizer, Triangle Linguistics Club, Research Triangle Park, North Carolina (with Walt Wolfram, North Carolina State Univ., and Randy Hendrick, Univ. of North Carolina, Chapel Hill), 1994–. Organizer, "Language in the Judicial Process," Law and Society Association (meeting in Phoenix, June 1994). Organizer, "Special Symposium: Linguistic Theory in the 1980s," Southeastern Conference on Linguistics, 1985. Local Arrangements Committee Chair, International Association of Forensic Linguists (September 1997 meeting). Local arrangements committee chair, meeting of the Dictionary Society of North America at Duke University, Durham, North Carolina, May 29–31, 2003. "The Forensic Linguist's Professional Credentials," Organized Session on "Ethical Issues in Forensic Linguistic Consulting," Linguistic Society of America, San Francisco, California, January 2009. [session organized by Edward Finegan and Ronald Butters].

Member of the Delegate Assembly, Modern Language Association (for the Division on Language Theory), 1991–94.

American Dialect Society Delegate to the American Council of Learned Societies, 1992–96.

Vice President, American Dialect Society, 1997–98; President 1999–2000.

Member of the Advisory Board, Linguistic Atlas of the Middle and South Atlantic States, 1981–.

Member of the Advisory Board, United States Dictionaries Program, Oxford Univ. Press, 1997–.

Vice President, International Association of Forensic Linguists (IAFL), 2007–8. Acting President, IAFL, 2008–9. President, IAFL, 2009–11; Member of the IAFL Executive Committee, 2011–15.

Member, Linguistic Society of America Committee on Professional Ethics (current).

Professional Organizations and Memberships

American Dialect Society (past president), American Name Society, Dictionary Society of North America, International Association of Forensic Linguists (past president), Linguistic Society of America, Southeastern Conference on Linguistics (founding member and past president), International Language and Law Association (founding member), *Who's Who in America* 1995–.

Ronald R. Butters, Testimony Record, March 22, 2012–March 22, 2016.

1. ICU Medical, Inc., vs. Rymed Technologies, Inc. United States Patent and Trademark Office Trademark Trial and Appeal Board. Trial testimony, June 12, 2012.
2. FieldTurf v. TENCATE, United States District Court for the Northern Division of Georgia, Rome Division. Deposition testimony, August 7, 2012.
3. Capitol Commission, Inc., v. Capitol Ministries. United States District Court, Eastern District of North Carolina, Western Division, deposition testimony, Raleigh, NC, November 21, 2012.
4. Invisible Fence, Inc., vs. Fido's Fences, Inc., United States District Court, Eastern District of Tennessee, deposition testimony, July 8, 2013.
5. Shurtape Technologies, LLC, v. 3M Company, United States District Court for the Western District of North Carolina, Statesville Division, deposition testimony July 19, 2013.
6. POM Wonderful LLC Marketing and Sales Practices Litigation. United States District Court for the Central District of California, deposition testimony September 13, 2013.
7. Pro-Football, Inc., v. Amanda Blackhorse, Marcus Briggs-Cloud, Phillip Glover, Jillian Pappan, and Courtney Tsotogh, United States District Court for the Eastern District of Virginia, Alexandria Division, deposition testimony, January 22, 2015, Naples, Florida.
8. Energy Heating, LLC, and Rocky Mountain Oilfield Servicers, LLC, v. Heat-On-The-Fly, LLC, and Superheaters North Dakota, LLC, United States District Court, Northwestern District of North Dakota, deposition testimony March, 27, 2015, Washington, DC.
9. Luxco, Inc., Opposer, v. Consejo Regulador Del Tequila, A.C., Applicant, United States Trademark Trial and Appeal Board. Trial testimony, 6 May 2015.
10. Koninklijke Philips Electronics v. Hunt Control Systems, Inc., United States District Court for the District of New Jersey, Civil Action No 11-CV-3684 ES-MAH, deposition testimony September 25, 2015.
11. Energy Heating, LLC, and Rocky Mountain Oilfield Servicers, LLC, v. Heat-On-The-Fly, LLC, and Superheaters North Dakota, LLC, United States District Court, Northwestern District of North Dakota, trial testimony, August 25, 2015, Fargo, ND.
12. Lights Out Holdings, LLC, and Shawne Merriman v. Nike, Inc., United States District Court, Southern District of California, deposition testimony December 17, 2015.

JACQUELINE M. HENKEL

512-471-4942
henkelj@austin.utexas.edu

Department of Rhetoric and Writing
Department of English
208 West 21st Street, Stop B5500
The University of Texas at Austin
Austin, Texas 78712-1038

CURRICULUM VITAE

EDUCATION:

Ph.D., University of Minnesota, 1985, English Language and Literature
M.A., University of Minnesota, 1984, English Language and Literature
B.A., St. Cloud State University, 1976, High Honors, English

WORK EXPERIENCE:

Associate Professor, Department of Rhetoric and Writing, University of Texas,
2013-present
Associate Professor, Department of English, University of Texas, 1991-present
Assistant Professor, Department of English, University of Texas, 1984-91

HONORS AND GRANTS:

Faculty Research Award, awarded fall 2015
University of Texas Liberal Arts Honors Rapoport-King Award (supervision of a
winning English honors thesis), spring 2012
University of Texas Dean's Fellowship, spring 2007
Faculty Research Award, spring 2006
Liberal Arts Instructional Technology Grant for English Language-Linguistics
Web Site, summer 2003
UTeach Course Development Grant, 2002
Liberal Arts Instructional Technology Service Grant, 2001
Nominee, Modern Language Association Prize for a First Book, 1997
National Endowment for the Humanities Summer Stipend, 1988
University of Texas Research Institute Summer Research Award, 1988
University of Texas Research Institute Summer Research Award, 1986

BOOK:

The Language of Criticism: Linguistic Models and Literary Theory.
Cornell: Cornell UP, 1996.

REFEREED OR REVIEWED ARTICLES:

"Represented Authenticity: Native Voices in Seventeenth-Century
Conversion Narratives." *The New England Quarterly* 87.1 (2014):
5-45.

"Linguistics and Language." *The Johns Hopkins Guide to Literary Theory and Criticism*, 2nd ed. Ed. Michael Groden, Martin Kreiswirth, and Imre Szeman. Baltimore: Johns Hopkins UP, 2005. 602-09. Reprinted in *Contemporary Literary and Cultural Theory: The Johns Hopkins Guide*. Ed. Michael Groden, Martin Kreiswirth, and Imre Szeman. Baltimore: Johns Hopkins UP, 2012. 297-303.

"Linguistic Models and Recent Criticism: Transformational-Generative Grammar as Literary Metaphor." *PMLA* 105 (1990): 448-63. Reprinted in *The Politics of Critical Language*, ed. Herbert Lindenberger. New York: Publications of the Modern Language Association of America, 1990.

"A Comment on 'Deconstruction and Linguistic Analysis.'" *College English* 50 (1988): 454-57.

"Speech-Act Theory Revisited: Rule Notions and Reader-Oriented Criticism." *Poetics* 17 (1988): 503-30.

SOLICITED PUBLICATION:

"Forum: Defining Interdisciplinarity." *PMLA* 111 (1996): 278-79.

PROCEEDINGS PUBLICATIONS:

"Speech-Act Theory Revisited: Rule Notions and Reader-Oriented Criticism." *Poetics* 17 (1988): 503-30. "Promises According to Searle: Some Problems with Constitutive Rules." *1983 Mid-America Linguistics Conference Papers* (1984): 181-94.

"Mitigation, Indirection, and Women's Speech: A Speech Act Approach." *1982 Mid-America Linguistics Conference Papers* (1983): 76-90.

REVIEW:

"Review of Jonathan Culler's *Framing the Sign: Criticism and Its Institutions*." *Journal of Literary Semantics* (1990): 205-07.

ARTICLE IN PREPARATION:

"Rhetoric about Grammar in Rhetoric and Composition." (7,000 words.)

CURRENT BOOK PROJECT:

"The Rhetoric of Conversion in Early America," a project on seventeenth century Puritan missionary and religious materials, especially those pertaining to Native American Conversion.

INVITED CONFERENCE PAPERS:

"Represented Authenticity: Native Voices in 17th Century Conversion Narratives." International Society for the History of Rhetoric, McGill University, Montréal, Quebec, July 25, 2009.

"Monequassun's Confession: Speech, Silence, and Authenticity in Native Conversion Narratives." A Linguist Looks at Literature: Second Conference Workshop on Linguistics and Literature, University of Texas, Austin, Texas, April 26, 2007.

"Literature and Linguistics: Retrospect and Prospect." A Linguist Looks at Literature: Conference Workshop on Linguistics and Literature, University of Texas, Austin, Texas, May 9, 2005.

"The Relation of Pragmatics to Rhetorical Theory." Midwest Modern Language Association Convention, Minneapolis, Minnesota, November 4, 1993.

"Linguistics and Deconstruction: Jacques Derrida's Linguistics." Modern Language Association, Washington, D.C., December 29, 1989.

"Linguistics and Literary Criticism: Is Interdisciplinary Work Possible Within Literary Theory?" Relativisms, the History of Science, and Literary Theory, University of Texas, Austin, Texas, April 15, 1988.

"What It Means to Mitigate." Linguistic Society of America, San Francisco, California, December 30, 1987.

"Promises According to Searle: Some Problems with Constitutive Rules." Mid-America Linguistics Conference, University of Colorado, Boulder, Colorado, October 14, 1983.

"Academic Discourse: Form, Function, Politics." Midwest Modern Language Association Convention, Cincinnati, Ohio, November 6, 1982.

"Mitigation, Indirection, and Women's Speech: A Speech Act Approach." Mid-America Linguistics Conference, University of Kansas, Lawrence, Kansas, October 23, 1982.

CONFERENCE SESSIONS ORGANIZED:

Three sessions on "The Sociolinguistics of Literature" ("Codes and Registers"; "Writing Systems"; "Representing Languages and Dialects"). Modern Language Association, Chicago, December 28-30, 1995.

CHAired CONFERENCE SESSIONS:

"Nontraditional Gender Roles." Symposium About Language and Society III, Austin, Texas, April 7, 1995.

"Verbal Play and Postmodernism." Modern Language Association, New York, December 28, 1992.

"The History of Reading II." Modern Language Association, San Francisco, California, December 29, 1991.

INFORMAL (UNIVERSITY OF TEXAS) PRESENTATIONS (PARTIAL LIST):

"The Death of the Red Pen." University Writing Center, fall 2015

Four sessions for prospective writing tutors: "Prescriptive and Descriptive Rules"; "How to Work with Students on (Things We Call) Error"; "Working with Students on Sentence Style"; "English Language Learners in Writing

Centers." University Writing Center Tutor Training Workshop, summer 2015.

"Descriptive and Prescriptive Rules." University Writing Center, spring 2015.

"Linguistic Approaches to Grammar." Composition Studies Seminar (DRW), spring 2008.

"Linguistics and Rhetoric." Supervised Teaching Seminar (DRW), spring 2007. Panelist, "Teaching Philosophy Statements." Professionalization Workshop (DRW) fall 2007.

"Language Politics and Teaching Linguistics." Foreign Language Education Workshop, fall 2003.

"Women's Language." Seminar on Feminist Theory (ENG), fall 2000. Panelist, "Women in the Academy." Graduate Student Conference, fall 2000.

"French Feminism." Seminar on Feminist Theory (ENG), spring 1999.

"J. L. Austin's Speech Act Theory." Household Names (ENG), fall 1998.

"Language Attitudes and Paradigms of White Ethnicity." Foreign Language Education Workshop, fall 1997.

"Reflections on White Ethnicity." TA Development Workshop (ENG), fall 1997.

"Feminist Pedagogy." TA Development Workshop (ENG), spring 1997.

"Teaching Language and Gender." TA Development (ENG), fall 1996.

"What It Means to Mitigate: Mitigation, Gender, and Verbal Dominance." Women's Studies Research Seminar (ENG), spring 1988.

TEACHING:

Graduate English/Rhetoric Courses:

Introduction to English Linguistics (E382J)

Language Politics (E396L)

Language Theory and Politics (E396L)

Linguistics and Literary Criticism (E382L)

Linguistics for Students of Literature and Rhetoric (E387M)

Sociolinguistic Perspectives on Language and Gender (E396L)

Conference Courses and Directed Research (E391L, E691L, LIN395):

Advanced Readings in Sociolinguistics; Language and Gender; Linguistics and Literary Theory; Readings in Cultural Criticism;

Readings in English Grammar and Writing; Readings in Language Theory; Readings in Linguistics and Literature; Readings in Literary Theory; Readings in Narrative Theory Readings in Sociolinguistics; Readings in Text Linguistics and Narrative; Readings on Bakhtin; Readings on the Linguistics of Writing; Readings on Speech Act Theory; Research Design; Russian Formalism and the Prague School; Teaching Introductory Linguistics

Theses: Master's Thesis (E/FLE/LIN398R) and Dissertation (E399W)

Undergraduate Courses:

Advanced Writing (RHE325M)

American English (E/LIN321L)
 American Speech Styles and Dialects (E324)
 English Grammar (E360K)
 The English Language and its Social Context (E376L, E364T)
 Grammar for Writers, Editors, and Teachers (RHE368E.2)
 Honors Language and Gender (679HA)
 Honors Introduction to Twentieth Century Literary Criticism (376HA)
 Introduction to Twentieth Century Literary Criticism (E321K)
 Language and Gender (E376L/WS345)
 Masterworks of Literature for Foreign Students (E316F)
 Masterworks of Literature: American (E316K)
 The Politics and Practice of American English (E376L/RHE379C)
 The Twentieth Century Short Story (E348)
 Representing Captivity (UGS302)
 Women in Captivity (E370W/WGS345)

STUDENT SERVICE:

Directed and Co-Directed Dissertations:

Turner, Tim (ENG; with Frank Whigham), "Dangerous Language: The Poetics of Suffering in English Renaissance Literature," at present
 Freeman, Traci (ENG), "'I See You': Reflections of the Female Subject in Contemporary Memoirs," spring 2004
 Erard, Michael (ENG), "Writing and Representation in Linguistics," fall 2000 (runner-up for "Best Dissertation in English")
 Vanhentenryck, Catherine (ENG), "Discourse in Drama: Comedy, Dialogue, and Performance," fall 1993
 Schmidt, John (ENG; with Tom Cable), "Walt Whitman and the Development of American Free Verse," summer 1987

Current Dissertation Committees:

Harrison, Hannah (DRW), "The Rhetoric of American Agrarianism," in progress
 Foley, Marjorie (DRW), title TBD on Tea Party rhetoric, in progress

Prospectus committees:

Tilma, Gerald (ENG), "Syntactic and Stylistic Differences Between Male and Female Characters in Old English Poetry," in progress
 Wells, Jazmine (DRW), "Mothering Behind Bars: Incarceration Letters," in progress

Recent Dissertation Committees:

Hawkins, Tekla (DRW), "Fanfiction as Playable Media," spring 2015
 Battistelli, Todd (DRW), "Appeals to Reason: Negotiating Rhetorical Propriety and Dialectical Constraints in Church-State Separation Discourse," spring 2014
 Psonak, Kevin (ENG), "The Literary History of English Pronouns," spring 2012

- Moulder, Amanda (DRW), "'For as soon as one child is raised, we have another in our arms': Locating Kinship Ties in Cherokee Women's Rhetoric and Rhetorical Education," spring 2010
- Boade, Erin (DRW), "The Rhetoric of Civil Rights and Black Power," summer 2009
- Herring, Rodney (DRW), "Manners of Speaking: Linguistic Capital, Composition Pedagogy, and American Literary Realism," summer 2009
- Segura, Tatiana (Slavic), "Gender, Ethnic, and Cultural Identities in a Study Abroad Program," fall 2008
- Chu, Hyung-Hwa (FLE), "ESL Learners Reading and Discussing Literature in the Target Language," spring 2008
- Cole, Kristin (ENG), "*Rum, Ram, Ruf, and Rym*: Middle English Alliterative Meters" fall 2007
- Warren, James (ENG/DRW), "Knowledge-Building in Literary Studies," spring 2006

Earlier Dissertation Committees:

- Fourteen additional dissertation committees in Clinical Psychology, English, Rhetoric, Foreign Language Education), and Philosophy

Directed and Co-Directed Master's Theses:

- Wise, Shannon (FLE), "Fela Kuti: A Case Study of Playing with Language, Linguistic Identity, and Power," spring 2008
- Rickard, Margaret (ENG), "Representations of Race in the Dialects of Kate Chopin's Louisiana Stories," spring 1999
- Migrock, Joanna (DRW), "Enthusiasm and Disillusionment: The Potentials of Computer-Mediated Communication for Women and How They Fail to be Realized," summer 1997 (portion won the James Kinneavy prize)
- Butler, Clay (FLE; with Keith Walters), "'I'm Sorry, This is Lydia': An Analysis of the Apology Speech Act," fall 1996
- Erard, Michael (LIN; with Carlotta Smith), "Writing and Scientific Representation in Linguistics," summer 1996
- Reiser, Lynn (FLE), "Modeling Classroom Conversation," summer 1995
- Burton, Elizabeth (ENG; with Lee Baker), "Intensification in Uyghur: The Case of Ozi," spring 1995
- Carey, Greg (ENG), "The Disruptive Structure of *Let Us Now Praise Famous Men*: A Montage of Contradiction," spring 1991
- White, Laura (ENG), "The Interaction of Role and Gender in Two Small Decision-Making Groups," spring 1990
- Adams, Larin (ENG), "Speech-Act Theory After Derrida: The Principle of Near-Expressibility," fall 1989
- Andrew Troup (ENG), "Mukarovsky, Culler, Pratt: Mirror Images of Three Critical Models," fall 1988

English and Rhetoric Honors Theses:

Brown, Danielle (DRW; with Patricia Roberts-Miller), "The Cost of Waking Up: Economic Cults and the Rhetoric of Religion," spring 2016
 Robertson, Raanan (ENG), "The Search for Language Standardization: Jonathon Swift, Language Academies, and Literary Perceptions of Linguistic Perfection," spring 2012

DEPARTMENT SERVICE:

Executive Committee (DRW), 2014-present
 Trimble Undergraduate Writing Prize Committee (DRW), 2016
 Kinneavy Graduate Writing Prize Committee (DRW), 2014-2016
 Committee on the Major (DRW), 2014-2015
 Graduate Continuing Fellowship Committee (ENG), 2014
 Undergraduate Program Committee (chair; ENG), 2003-05; 2009-present
 Travel Committee (ENG), 1998-99; 2005-11
 Graduate Program Committee (ENG), 2002-05; 2010-11
 Dean's Fellowship and Teaching Load Committee (ENG), 2005-09
 Commencement Committee (ENG), 2003-05; 2008-09
 Executive Committee (ENG), 1986-87, 1991-98, 2001-05; 2008-09
 Computer Use Committee (ENG), 2005-06
 English Department Chair Selection Committee (ENG), 2005
 Hospitality Committee (ENG), 2005
 Faculty Mentoring Committee (ENG), 2004-05
 Associate Chair (ENG), 2003-05
 Sophomore Literature Committee (ENG), 2003-05
 Website Committee (ENG), 2003-05
 Graduate Program Ad Hoc Committee on Language Requirements (ENG), 2002
 Governance Committee (ENG), 2000-02
 Graduate Admissions Readers Committee (ENG), 2000-02
 Executive Committee Promotions Overseer (ENG), 2001
 Graduate Advising Committee (ENG), 1999-00
 Qualifying Exam Review Committee (ENG), 1997
 Graduate Advising Committee (ENG), 1996-97
 Honors and Awards Committee (ENG), 1994-96
 Ph.D. Qualifying Exam Committee Chair (ENG) , 1993-94
 Ph.D. Qualifying Exam Committee and Exam Review Committee (ENG), 1992-93
 Honors Program Committee (ENG), 1988-89, 1991-93
 Graduate Placement Committee (ENG), 1991-92
 Registration and Add/Drop Advising (ENG), 1984-92
 Upper-Division Course Committee (ENG), 1989-90
 Lower-Division English Policy Committee (ENG), 1988-89
 Upper-Division Advising Committee (ENG), 1988-89
 Departmental Lectures Committee (ENG), 1988
 Undergraduate Course Committee (ENG), 1985, 1988

Acting Director, Committee on English for Foreign Students (ENG), 1985,
 summer 1987
 Undergraduate Advising Committee (ENG), 1985-87
 Judge, Undergraduate Prize for Literary Criticism (ENG), 1986
 Teaching Assistants and Assistant Instructors Committee (ENG), 1985
 Committee on English for Foreign Students (ENG), 1984-85

COLLEGE AND UNIVERSITY SERVICE:

Curriculum Design and Assessment Committee, spring 2016-present
 DRW-UTeach Liason, 2015-present
 Foreign Language Education Graduate Studies Committee, 1992-present
 UTeach High School Observation (Anderson HS), spring 2014
 UTeach Recruitment Committee, 2005-06; 2013
 Committee on Research on Human Subjects, 2001-09
 Ad Hoc Committee to Evaluate English UTeach, fall 2007
 UTeach Seminars on Curriculum Development, spring 2001
 Undergraduate Research Fellowship Review Committee, Office of the Vice-
 President for Research, 1996
 Assistant Director, University of Texas Junior Fellows, 1986-89

PROFESSIONAL SERVICE:

National Fellowship Committee:
 Fellowship reviewer, American Council of Learned Societies, 1998-2001
 Editorial Board:
Texas Studies in Language and Literature, term 1992-98
 Modern Language Association Committee:
 Chair, Executive Committee, Division on Linguistic Approaches to
 Literature, term 1992-97
 Manuscript Review (partial list):
 Allyn and Bacon, Longman, Macmillan, Prentice-Hall, *Texas Studies in
 Language and Literature*, University Press of America

COMMUNITY SERVICE:

Interview Committee for the Austin High School Global Studies Director,
 summer 2014
 Testimony, Texas State Board of Education, spring 2008
 Expert Witness, Governor's Commission for College Ready Texas, 2007-08
 Radio interview (KUT) on women's language, fall 1991

Bio for Mark Lanier

Attorney, Author, Teacher, Pastor and Expert Story Teller, **Mark Lanier** is no stranger to the public platform. Since he founded The Lanier Law Firm in 1990, Mark has earned international recognition as one of the top trial attorneys in the United States with firm offices in Houston, New York and Los Angeles supporting his work for clients across the country.

Mark's courtroom experience is significant and diverse, including:

- In March 2016, he secured an astounding verdict when a federal jury in Dallas awarded his clients \$502 million in a products liability case over defective hip implants against defendant DePuy Orthopaedics Inc., a subsidiary of health care giant Johnson & Johnson.
- Mark scored another headline-grabbing verdict in April 2014 of more than \$9 billion against Takeda Pharmaceutical Co. Ltd. and Eli Lilly & Co. over the diabetes drug Actos.
- From the very beginning of his career, Mark has proved again and again that he is not one to slow down or rest on the laurels of his recent victories. Early in 1993, he made a huge impact in the world of courtroom litigation by winning a \$473 million verdict for a small oil company in a business fraud case against one of the nation's largest oil providers
- His winning verdict of \$253 million in the nation's first trial over the painkiller Vioxx, *Ernst v. Merck*, set the tone for similar cases nationally.
- Mark followed up the record Vioxx verdict with two wins totalling more than \$50 million over the same drug.
- He obtained a precedent-setting settlement for a national sugar association trade group and several of the largest U.S. Sugar manufacturers regarding a false promotion lawsuit against one of the world's leading distributors of artificial sweeteners.
- He also was responsible for reaching a nine-figure settlement for syringe manufacturer Retractable Technologies in an antitrust case against Becton Dickinson & Company, which served as the basis for the movie "*Puncture*," starring Chris Evans.
- His \$118 million verdict on behalf of 21 asbestos victims is considered one of the largest asbestos liability awards in U.S. history.
- Securing a settlement for 130 Ingersoll Rand Plc employees in a lawsuit over unpaid bonuses related to the sale of an Ingersoll Rand subsidiary.

Mark's peers and the media consistently recognize him among the country's leading legal minds:

- *Trial Lawyer of the Year* by *The National Trial Lawyers* and *The Trial Lawyer* magazine; as well as the *Lawdragon Top 500*.
- In 2015, he earned the *American Association of Justice's Lifetime Achievement Award*.
- *The New York Times* described him as "one of the top civil trial lawyers in America."
- *The National Law Journal* has twice named him one of the nation's *Top 10 Trial Attorneys*, as well as one of the *100 Most Influential Lawyers in America*. The same publication also named Mark and The Lanier Law Firm to the annual *Plaintiff's Hot List*.
- Mark also is the recipient of the coveted *Clarence Darrow Award*.
- He is regularly named in *Chambers USA: America's Leading Lawyers for Business*, where he also received special recognition as a national leader in product liability and mass tort cases.
- Mark has been listed in *The Best Lawyers in America* list for more than a decade, including previously being named the *2013 Top Class Action Attorney in America*.
- The same publication also recognized him as Houston's *2016 Lawyer of the Year for Mass Tort Litigation/Class Actions*.

- The Lanier Law Firm also has been repeatedly named on the annual list of *Best Law Firms* published by *U.S. News & World Report*.
- Mark's additional professional honors include his recognition as a *Litigation Star* by *Benchmark Litigation*; *The Trial Lawyer* magazine's *America's 100 Most Influential Trial Lawyers*;

In addition to national recognition, Mark has earned multiple accolades from his legal peers in Texas. In a state-wide attorney survey published in *Texas Monthly* magazine, he has earned selection to the annual *Texas Super Lawyers* list since it debuted in 2003, including being named one of the *Top 10 Attorneys in Texas*. *Texas Lawyer* newspaper has selected Mark as one of the state's *Top 5 "Go To" Personal Injury Plaintiff Attorneys* three different times, in addition to naming him the *Top "Go To" Personal Injury Attorney* in Texas. In 2015, he earned the Texas Bar Foundation's *Ronald D. Secrest Outstanding Trial Lawyer Award*. *Texas Best Lawyers* magazine also has named him on their annual listing for more than a decade. Mark received further recognition in the *Verdict Search/Texas Lawyer Top 50 Verdicts of 2012*. *Texas Lawyer* also named him as one of the *Top 25 Attorneys of the Past Quarter Century* while recognizing The Lanier Law Firm as the *2015 Litigation Department of the Year*.

What the news clips can't measure or define is Mark's commitment and his passion for his clients. Often motivated by injustice and a sense of fair play, he has sought to even the score whether representing individuals or large corporations. The Lanier Law Firm represents clients from all over the world in courtrooms across the United States.

Mark's courtroom work has resulted in feature articles in *The Wall Street Journal*, *The New York Times*, *Los Angeles Times*, *The Boston Globe*, *Bloomberg News* and the *Houston Chronicle*, among many others. He also is a frequent guest on news shows such as CNBC's "*Squawk Box*" and Fox News' "*Your World with Neil Cavuto*". Mark also is a regular co-host and contributor to Fox Business News' highly rated "*Varney and Company*" with Stuart Varney.

Mark is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization. He is licensed to practice in all Texas state and federal courts, New York state courts and the U.S. Supreme Court. Mark frequently instructs other attorneys in seminars held across the nation about his trial techniques and how to better try cases. He regularly serves as a featured lecturer at many of the nation's top law schools, including Harvard Law School, Stanford Law School, Pepperdine University School of Law, University of Chicago Law School and Texas Tech University School of Law. Mark was elected to the *American Bar Association's Fellows of the American Bar Association* and was named a *Life Fellow* of the same organization in 2012.

A strong supporter of his alma mater, Mark did two years of undergraduate work at Texas Tech University, then returned to earn his law degree from Texas Tech University School of Law in 1984. He remains active at Texas Tech by serving on the law school's Foundation Board. He was selected as the *Texas Tech University School of Law Distinguished Alumnus* for 2005 and also was awarded the Texas Tech University's *Distinguished Alumni Award* in 2016.

Mark is enthusiastically involved in government and community activities outside the practice of law. Chairmen, company presidents and senior executives from major American corporations and universities often call on him for his respected business views on national and international issues.

In 2011, Mark was also bestowed the distinguished *Ambassador of Peace* award by the Guatemalan government. He has received honorary doctor degrees from Pepperdine University, St. John's University, and Trinity Evangelical Divinity School.

Mark also is the founder of the Lanier Theological Library (www.LanierTheologicalLibrary.org), one of the nation's largest private theological collections. He teaches a weekly, 700-plus-member Sunday school class

focusing on Biblical Literacy at Champion Forest Baptist Church in Houston. Mark is the founder of the Christian Trial Lawyers Association, a non-profit organization whose goal is to create a network of principled attorneys to minister to others through civic-minded endeavours. He serves on the boards of the American Schools of Oriental Research (ASOR) and the Albright Institute. An accomplished author, Mark recently published the book, *Christianity on Trial* (IVP 2014).

Mark is the father of five wonderful children and lives in Houston with his wife, Becky.

Richard L. LaGarde

LaGarde Law Firm, P.C.
3000 Wesleyan, Suite 380
Houston, TX 77027
(713) 993-0660 (office)
(713) 443-3569 (cell)
Richard@LaGardeLaw.com

Summary

- Over 30 years of experience as a first-chair trial lawyer in the state and federal courts of Texas and Louisiana;
- Lead trial lawyer in both domestic and international arbitrations;
- Selected as a "Super Lawyer" by Texas Monthly magazine in 2003-2005 and 2007-2011;
- Past President of the Houston chapter of the American Board of Trial Advocates;
- Past President of the Houston Trial Lawyers Association;
- Board-certified in both civil trial and personal injury trial law, a distinction achieved by less than 0.5% of Texas attorneys;
- Peer-reviewed reputation for honesty and professionalism;
- Known by clients and opponents as being a pragmatic problem solver; and,
- Licensed to practice law in Texas, Louisiana, and Florida.

Areas of Litigation Experience

- Oil & Gas
- Admiralty & Maritime
- International Arbitration
- Business Torts
- Contract Disputes
- Personal Injury
- Wrongful Death
- Breach of Contract
- Insurance Coverage
- Partnership Disputes
- Business Interruption Claims
- 18-Wheeler Collisions
- Shareholder Disputes
- Labor & Employment Claims
- Products Liability
- Subrogation
- Property Damage
- Industrial Accidents
- Business Fraud
- Trade Secrets
- Environmental Claims
- Aviation Disasters
- Maritime Accidents
- Vehicular Accidents

Experience

September 1992 to
Current

LaGarde Law Firm
Houston, TX
Shareholder

- Obtained temporary injunction for Fortune 500 oil service company to prevent three management level employees from bringing trade secrets to industry competitor;
- Recovered major losses related to auction rate securities for Houston oilfield service company;
- Successfully defended Oklahoma-based exploration company in five suits brought in three East Texas counties by dissatisfied landowners (all cases dismissed without a penny having been paid);
- Defended Lafayette exploration company in suit involving plugging and abandonment costs for offshore well and decommissioning costs for production platform;
- Represented Houston exploration company in suit over negligent installation of steel jacket for offshore production platform;
- Represented Oklahoma-based exploration company in suit to recover damages for loss of production platform during Hurricane Rita;
- Defended Houston oil service company in collective action brought by former employees under Fair Labor Standards Act;
- Represented Louisiana exploration company in declaratory judgment action to determine meaning of “early termination” clause in IADC drilling contract;
- Obtained arbitration ruling for Louisiana exploration company against joint venture partner in contract dispute;
- Represented Louisiana exploration company in arbitration over production rights in co-owned zone;
- Recovered damages for Dallas exploration company in international arbitration against Chinese National Petroleum Company due to breach of agreement to jointly develop leases in Peru;
- Represented Louisiana oil service company in arbitration against Houston hedge fund over failure to perform payment obligations under purchase agreement; and,
- Represented hundreds of individuals in products liability, personal injury, and wrongful death claims in both Texas and Louisiana.

- January 1986 to
September 1992
- Fisher, Gallagher, Perrin, & Lewis
Houston, TX
Partner
- Recovered damages for Louisiana operator for loss of well due to defective wireline;
 - Recovered damages for Texas operator for loss of well due to failure of low grade casing mismarked as high grade casing;
 - Recovered damages for Louisiana operator for loss of reserves due to faulty perforation; and,
 - Represented hundreds of individuals in products liability, personal injury, and wrongful death claims.
- August 1982 to
December 1985
- Vinson & Elkins
Houston, TX
Associate
- Represented syndicates at Lloyds of London in coverage disputes over “Cost of Control” insurance;
 - Represented world’s largest shipbuilding company in suit over allegedly defective winch control system;
 - Recovered damages for marine insurance company due to failure of London brokers to obtain re-insurance on drillship lost in blowout;
 - Represented international steel manufacturer in suit involving allegedly defective structural steel used in drilling rig masts; and,
 - Defended international tire company in litigation over allegedly defective multi-piece truck tire rims.
- August 1981 to
August 1982
- Louisiana Supreme Court
New Orleans, LA
Law Clerk
- Law Clerk to the Honorable James Dennis (now sitting on Fifth Circuit Court of Appeals).

Education

- B.A. 1977, Louisiana State University
- J.D. 1981, Louisiana State University (Top 10%)

MANFRED STERNBERG, J.D.

4550 POST OAK PLACE DR. SUITE 119

HOUSTON, TEXAS 77027

TELEPHONE: (713) 622-4300

=====

CAREER SUMMARY

Manfred has been practicing law in Houston, Texas for almost 30 years maintaining an active civil law practice focusing on commercial litigation and corporate counsel. Manfred has been Board Certified in Consumer and Commercial Law by the Texas Board of Legal Specialization since 1993. He has experience dealing with a broad range of business operations issues and representing consumers and businesses in a variety of legal matters.

PROFESSIONAL EXPERIENCE

Manfred Sternberg & Associates, P.C.

1991 - Present

Board Certified Consumer and Commercial Law Attorney- Licensed to practice law in Texas and Louisiana.

Shell Western E&P, Inc.,

1985-1991

Landman, and Associate Attorney - at two law firms focused on oil and gas properties and commercial litigation in Houston, Texas

EDUCATION

B.A. History - Tulane University, 1982

J.D. Paul M. Hebert Law Center at Louisiana State University, 1985

PROFESSIONAL ACTIVITIES

Member:

Texas Bar Association

Board Certified Consumer and Commercial Law, Texas. Board of Legal Specialization

Louisiana Bar Association

Hilshire Village Board of Adjustment