

Appellate Cases of James N. Higdon

Citations List

54. *Trotman v. Trotman*, 2012 WL 840335, (Tex.App.—San Antonio March 14, 2012). (No. 04-11-00701-CV) (Per Curiam – Order Dismissing Appeal on Motion of Appellant) (Kellie J. Trotman v. Duaine J. Trotman*) (Opposing Counsel: Gary A. Beahm).
53. *Hennigar v. Cunningham*, 2011 WL 5926696 (Tex.App.—Houston [14th Dist.] Nov. 29, 2011). (No. 14-10-00937) (Tracy Christopher, Justice –Affirmed; Memorandum Opinion) (Raymond C. Hennigar* v. Susan Cunningham)(Opposing Counsel: Karen A. Marvel).
52. *In re Shah*, 2011 WL 5252584 (Tex.App.—San Antonio November 2, 2011). (No. 04-11-000744-CV) Writ of Mandamus Denied, Memorandum Opinion (Per Curiam) (Unpublished). (Relator, Mohammad Ali Shah; Respondent, Judge Richard T. Price; Real Party in Interest, Maria Shadani Shah*) (Opposing Counsel: Cyrus F. Rea, II.)
51. *Hicks v. Hicks*, 384 S.W.3d 281, 2011 WL 2566302 (Tex.App.—Houston [14th Dist.] June 30, 2011). (No. 14-10-00577) (Adele Hedges, Chief Justice –Affirmed in part [attorney’s fees], Reversed and Remanded in part [military retired pay language]) (Kyle Edward Hicks* v. La’Kesha Marie Haynes Hicks)(Opposing Counsel: W. Leslie Shireman on appeal; Cecilia A. Brown in Trial Court; Appellant’s Trial Court Counsel was Jamie L. Graham and Judith A. Saldana; Appellant’s Brief filed by Judith A. Saldana; JNH was Expert Witness via Bill of Exception and Appellant’s Counsel in filing Reply Brief).
50. *In the Interest of T.J.W.*, 336 S.W.3d 267 (Tex.App.—San Antonio November 24, 2010). (No. 04-10-00010-CV) (Phyllis J. Speedlin, Justice – Reversed and Rendered and Suit Ordered Dismissed) (Interest of Timerlyn Janae Washington (Timothy J. Washington* v. Zina Walker Shellman) (Opposing Counsel: Gary A. Beahm on appeal; Timothy D. Walker in Trial Court. Appellant’s Trial Court Counsel was Diane M. Rivera).
49. *Jackson v. Jackson*, 319 S.W.3d 76 (Tex.App.—San Antonio April 14, 2010), (No. 04-09-00117-CV) (Catherine Stone, Chief Justice – Affirmed) (Jacqueline Jackson v. Lugene Jackson*) (Opposing Counsel: Dawn Laubach).

48. *Gillin v. Gillin*, 307 S.W.3d 395 (Tex.App.—San Antonio December 2, 2009), (No. 04-09-00119-CV) (Steven C. Hilbig, Justice – Reversed and Remanded with instructions) (Kevin Scott v. Lori Ann Gillin*) (Opposing Counsel: Gary A. Beahm on appeal; Theresa M. Connolly (and Gary A. Beahm) in Trial Court. Appellant’s trial counsel was Ashley C. Specia) ***Case with Issue of First Impression in United States.***

47. *Erubiel H. Garcia, Sr. v. Amy A. Geistweidt*, 2009 WL 1081064 (Tex.App.—San Antonio April 22, 2009). (No. 04-08-00251-CV) (Steven C. Hilbig, Justice – Affirmed; Memorandum Opinion) (Erubiel H. Garcia, Sr. v. Delores Lopez and Amy A. Geistweidt*) (Opposing Counsel: M. Dinorah Diaz.) (Represented both Defendants in Trial Court, but case against Attorney Amy A. Geistweidt severed so only her part appealed and considered in this appeal).

46. *Stephen Craig Horne v. Joyce Bergstrom f/k/a Wanda Joyce Horne*, 2008 WL 1882793 (Tex.App.—San Antonio April 30, 2008). (No. 4-07-00590-CV) (*Per curiam*; Unpublished.) (Settled by continued negotiation after mediation concluded on March 7, 2007 by Mediated Settlement Agreement on appeal; Jo Chris Lopez, Mediator.) (In the Matter of the Marriage of Stephen Craig Horne and Wanda Joyce Horne* and In the Interest of Stephen Craig Horne, Jr., An Adult Child), (Opposing Counsel: Brad LaMorgese on Appeal; Patrick Stolmeier in Trial Court.).

45. *In re Genard McCauley*, 2006 WL 1994526 (Tex.App.—San Antonio July 19, 2006). (No. 04-06-00363-CV). (Petition for Writ of Mandamus Denied without opinion – Unpublished.) (Per Curiam) (Genard McCauley v. Judge Rene Diaz (Linda McCauley Parsons)*) (Trial Court: Jodi Lopez Head; Opposing Counsel: Wallace T. Jacobs.).

44. *Phillip Mack Murray v. Pamela Sue Murray*, 2006 WL 1994449 (Tex.App.—San Antonio July 19, 2006). (No. 04-06-00044-CV). (Settled during Appellate Mediation on June 1, 2006 (Ben Chappell, Mediator.) (Phillip Mack Murray v. Pamela Sue Murray) (Opposing Counsel: Byron E. Barnett on Appeal and Remand; Dawn M. Laubach in Trial Court.).

43. *In re Christopher Pate*, 2005 WL 2756001, (Tex.App.—San Antonio Oct 26, 2005). (No. 04-05-00719-CV). (Per curiam – Petition for Writ of Mandamus – Denied without opinion – Unpublished.) (Christopher Pate v. Judge Karen Pozza (Nancy & Mark Eshelby)*) (Opposing Counsel: Robert E. Walsh.).

42. *Wakako Chaisson Fagan f/k/a Wakako Chaisson v. Yoshiko Chaisson*, 179 S.W.3d 35, 2005 WL 1629812 (Tex.App.—San Antonio July 13, 2005). (No. 04-04-00437-CV). (Catherine Stone, J. -- Affirmed.) (Wakako Fagan v. Yoshiko

- Chaisson*) (Opposing Counsel: Robert Golden and Charles Jefferson (Argued Case) on Appeal; Randall Parker in Trial Court.).
41. *In the Interest of V.C.T.*, 2005 WL 1397093 (Tex.App.—San Antonio June 15, 2005). (No. 04-03-00917-CV) Memorandum Opinion (Unpublished). (Duncan, Sarah, J. -- Affirmed.) (Gwendolyn Y. Treadwell v. Tracy T. Treadwell*) (Opposing Counsel: Gwendolyn Y. Treadwell, *Pro se* (Prior Counsel, Glen Deadman, Counsel in Trial Court, withdrew).)
 40. *Alice C. Guerrero v. Daniel E. Guerra*, 165 S.W.3d 778 (Tex.App.—San Antonio April 20, 2005). (No. 04-04-0097-CV). (Phyllis Speedlin, J. -- Affirmed.) (Alice C. Guerrero v. Daniel E. Guerra*) (Opposing Counsel: Gary L. Beahm.)
 39. *In re Jo Donel Brunin*, 2005 WL 839531 (Tex.App.—San Antonio April 13, 2005). (No. 04-04-00893-CV). (Alma L. Lopez, C.J. – Petition for Writ of Mandamus Granted On Motion for Reconsideration—Memorandum Opinion – Unpublished.) (Jo Donel Brunin* v. Judge Michael Peden (Steven Brunin)) (Opposing Counsel: Randy Gathany.). *Original opinion denying mandamus on December 29, 2004 at 2004 WL 2997908.*
 38. *In re Katherine E. Beaumont*, 2005 WL 711599 (Tex.App.—San Antonio March 30, 2005). (No. 04-05-00173-CV). (Per Curiam (Alma L. Lopez, C.J., Catherine Stone, J. and Sandee Bryan Marion, J.) – Petition for Writ of Mandamus Denied – Unpublished.) (Katherine E. Beaumont v. Judge Karen H. Pozza (Lee G. Beaumont)*) (Opposing Counsel: Charles H. Sierra on Appeal; Sarah Herrmann in Trial Court.).
 37. *Carl J. Santora, Jr. v. G. E. Harrington and G. E. Harrington Builders, Inc.*, 2004 WL 2715405 (Tex.App.—San Antonio December 1, 2004). (No. 04-04-00149-CV). (*Per curiam. – Settled and dismissed by Agreement*, Unpublished.) (Carl J. Santora, Jr. v. G. E. Harrington and G. E. Harrington Builders, Inc.) (Opposing Counsel: Daniel E. Kustoff and Melanie Phipps.) – Settled and Appeal dismissed.
 36. *Edward L. Preston, Jr. v. Lelia Stone (Preston)*, 2004 WL 1835765, 2004 Tex. App. LEXIS 7376 (Tex.App.—San Antonio August 18, 2004, *Memorandum Opinion -- Unpublished.*). (No. 04-03-00333-CV). (Karen Angelini, J. – Affirmed; Motion to Strike Granted.) (Edward L. Preston, Jr. v. Lelia Stone*) (Opposing Counsel: Randall A. Parker and Carmen A. Rojo.) **See also 15.**
 35. *In re Emily Albrink Fowler Hartigan*, 2003 Tex. LEXIS 216 (Tex.Sup.Ct. August 14, 2003). (No. 03-0560) (Per Curiam -- Petition for Writ of Mandamus Denied – *summarily without opinion.*) *Emily Albrink Fowler Hartigan v. Judge Stephen Ables (Christina Mitchell-Tomasini and Ralph E. Williamson and James N.*

Higdon, Higdon, Hardy & Zuflacht L.L.P. and Amy Geistweidt*) (Opposing Counsel: Emily Albrink Fowler Hartigan, *pro se.*).

34. *In re Emily Albrink Fowler Hartigan*, 107 S.W.3d 684 (Tex.App.—San Antonio April 9, 2003). (No. 04-03-00086-CV) (Catherine Stone, J. – Petition for Writ of Mandamus denied in part and conditionally granted in part – *Denied as to issues affecting HHZ Defendants.*) Emily Albrink Fowler Hartigan v. Judge Stephen Ables (Christina Mitchell-Tomasini and Ralph E. Williamson and James N. Higdon, Higdon, Hardy & Zuflacht L.L.P. and Amy Geistweidt*) (Opposing Counsel: Emily Albrink Fowler Hartigan, *pro se.*).
33. *In re Yoshiko Chaisson*, 2001 WL 1588126, 2001 Tex. App. Lexis 8266 (Tex. App.—Austin December 13, 2001). (No. 03-01-00481-CV) (Not designated for publication.). (Per Curiam -- Application for Writ of Mandamus and Prohibition denied.) Yoshiko Chaisson v. Judge Brenda Freeman Chapman* (Patti Wilk, Admrix, Est. of Aubin Joseph Chaisson, Jr., Dec'd.) (Opposing Counsel: Paul Finley, New Braunfels.).
32. *Rouch v. Continental Airlines, Inc. and Joe Delpero*, 70 S.W.3d 170 (Tex.App.—San Antonio November 7, 2001), pet. denied (No. 04-00-00280-CV). (Karen Angelini, J. – Affirmed.) Cindy Rouch v. Continental Airlines*. (Trial and Appellate Co-Counsel: John Hohman and John Gehring; Opposing Appellate Counsel: George P. Parker, Jr.) – (Did not choose to appeal to Tex.Sup.Ct., but Hohman/Gehring did and it was denied.).
31. *Ex parte Bonnie Olson Harper*, (Tex.App.—Austin November 1, 2001). (No. 03-01-00577-CV) (Not designated for publication.). (Per Curiam -- Application for Writ of Habeas Corpus—denied without opinion.) Bonnie Olson Harper v. Judge Brenda Freeman Chapman* (James Scott Harper). (Opposing Counsel: Edwin J. “Ted” Terry, Jr. and Karl E. Hays, Austin.).
30. *Charles T. Riedel v. Patricia A. Riedel*, 2001 WL 303319 (Tex.App.—San Antonio March 30, 2001). (No. 4-99-00759-CV) (Not designated for publication.). (Charles T. Riedel v. Patricia A. Riedel.*) (Paul Green, J. – Dismissed in part for want of jurisdiction, but otherwise affirmed.) (Opposing Counsel: S. Preston Douglass, Kerrville.).
29. *Marriage of Karen Broom and Hans Erik Arvidson*, 2001 WL 220058 (Tex.App.—San Antonio March 7, 2001). (No. 04-00-00214-CV) (Not designated for publication.). (Karen Broom v. Hans Erik Arvidson.*) (Karen Angelini, J. – Affirmed as Modified—Appellee recovers court costs as prevailing party.) (Opposing Counsel: Ralph E. Williamson.).

28. *In the Interest of Nichols Children*, 51 S.W.3d 303, 2000 WL 1877121 (Tex.App.—San Antonio October 18, 2000, no pet.). (No. 04-99-00926-CV) (Jessica Sue Scott f/k/a Jessica Sue Lowe* v. Rayford Arthur Nichols, Jr.) (Phil Hardberger, C.J. -- Reversed and rendered in part, reversed and remanded in part to determine attorney's fees.) (Opposing Counsel: Rayford A. Nichols, Jr., *pro se*).
27. *Deborah D. Koch v. Anthony H. Koch*, 27 S.W.3d 93, 2000 WL 867633 (Tex.App.—San Antonio June 30, 2000, no pet.). (No. 04-99-00602-CV) (Deborah D. Koch* v. Anthony H. Koch) (Alma Lopez, J. – Reversed and remanded with instructions.) (Opposing Counsel: Lawrence Macon.) (**See also 20.**).
26. *In re Marriage of Reinauer*, 2000 WL 377837 (Tex.App.—Amarillo April 10, 2000). (No. 07-99-0348-CV, no pet.) (Not designated for publication.) (Margaret Ann Cowan v. James Richard Reinauer*) (John T. Boyd, C. J. -- Affirmed.) (Opposing Counsel: James E. Wester, Amarillo.) (**See also 16.**).
25. *Havlen v. McDougall*, 22 SW3d 343, 24 Employee Benefits Cas. 1529, 43 Tex.Sup.Ct.J. 323, 2000 WL 19028 (Tex. January 13, 2000), *rev'g sub nom.* 980 SW2d 767 (Tex.App.—San Antonio 1998). (No. 98-1220). (James A. Baker, J. -- Reversed and trial court judgment reinstated.) (Vivian L. McDougall v. Harold Havlen*) (Opposing Counsel: Gary L. Beahm.) (**See also 18.**) *Case of First Impression.*
24. *Maberry v. Maberry*, __ S.W.3d __, 1999 WL 1072568 (Tenn.Ct.App. November 30, 1999). (M1999-01322-COA-R3-CV) (William B. Cain, J.) (Affirmed as modified; remanded for further necessary proceedings.) (Tina Nong Maberry v. Ricky Wayne Maberry.*) (Counsel for Tina (in trial court: James N. Higdon and Steven A. Cassetty of Gainesboro, TN): Richard M. Brooks of Carthage, TN; Opposing Counsel: Bobby J. Ellis of Gainesboro, TN.)
23. *Schneider v. Schneider*, 5 S.W.3d 925, 1999 WL 1040199 (Tex.App.—Austin November 18, 1999, no pet.). (No. 03-99-00060-CV). (Mack Kidd, J. -- Affirmed. (Karl E. Schneider v. Kay L. Schneider*) (Opposing Counsel: Gary A. Calabrese.) *Case with Issue of First Impression in United States.*
22. *In re Koch*, 1999 WL 624461 (Tex.App.—San Antonio August 12, 1999, orig. proceeding) (No. 4-99-00586-CV) (Not designated for publication.). (Per Curiam - - Application for Writ of Mandamus—Denied without opinion. (Deborah K. Koch v. Anthony H. Koch*) (Opposing Counsel: Lawrence Macon.). (**See also 25.**).
21. *In re C.G.C.*, 1999 WL 391880 (Tex.App.—San Antonio June 16, 1999, pet. for review denied Dec 23, 1999). (No. 04-99-00011-CV) (Not designated for

- publication.). (Phil Hardberger, C.J. -- Affirmed.) (Alan Robert Cohen v. Charles Graham Cohen and Robert Ethan Cohen*) (Opposing Counsel: Byron E. Barnett.).
20. *Vivian L. McDougall v. Harold Havlen*, 980 SW2d 767, 1998 WL 568716 (Tex.App.—San Antonio September 9, 1998), *rev'd*, 43 Tex.Sup.Ct.J. 323, 22 SW3d 343, 2000 WL 19028, 24 Employee Benefits Cas. 1529, 43 Tex.Sup.Ct.J. 323 (Tex. 2000). (No. 04-97-00413-CV). (Tom Rickoff, J. -- Reversed.) (Vivian L. McDougall* v. Harold Havlen) (Opposing Counsel: Gary L. Beahm.) (**See also 23.**) ***Case with Issue of First Impression.***
 19. *Chambers v. Bonner* -- (Tex.App.—El Paso May 1, 1997, no pet.) (No. 08-96-00123-CV) (Not designated for publication.). (David W. Chew, J. -- Reversed and remanded for new trial.) (Sandra Lorraine (Perryman) Chambers* v. Richard Andrew Bonner) (Opposing Counsel: Edwin J. “Ted” Terry, Jr., Austin.).
 18. *Matter of Marriage of Reinauer*, 946 S.W.2d 853 (Tex.App.-Amarillo March 13, 1997, pet. for review denied December 04, 1997, reh’g of pet. for rev. overruled February 19, 1998). (No. 07-96-0013-CV). (Brian Quinn, J. -- Affirmed in part and reversed and cause remanded in part.) (James Richard Reinauer v. Margaret Ann Cowan) (Opposing Counsel: James E. Wester, Amarillo.) (**See also 24.**)
 17. *Bloomer v. Bloomer*, 927 S.W.2d 118 (Tex.App.—Houston [1st Dist.] June 13, 1996, writ ref’d n.r.e.). (No. 01-91-01428-CV). (Davie L Wilson, J. -- Reversed and remanded with instructions.) (David A. Bloomer* v. Patricia Anne Bloomer) (Opposing Counsel: Ronald R. Pope, Houston.) ***Case of First Impression.***
 16. *Moore v. Moore*, 898 S.W.2d 355 (Tex.App.—San Antonio March 22, 1995, no writ) (No. 04-94-00071-CV) (Roger Steven Moore* v. Tammy LuAnn Moore) (Phil Hardberger, J. – Affirmed.) (Opposing Counsel: Bill Jolly.).
 15. *Preston v. Preston* -- (Tex.App.—San Antonio August 25, 1993, no writ) (No. 04-93-00047-CV).(Fred Biery, J. – Affirmed.) (Not designated for publication.). (Edward John Preston, Jr. v. Lelia Stone Preston*) (Opposing Counsel: Michael D. Bowles.).
 14. *Parliament v. Parliament*, 860 S.W.2d 144 (Tex.App.—San Antonio June 30, 1993, writ refused n.r.e.). (No. 04-92-00594-CV). (Ralph E. Parliament* v. Dottie Parliament) (Fred Biery, J. – Affirmed in part; reversed and rendered in part; reversed and remanded in part.) (Opposing Counsel: Eileen Flume.).
 13. *Scholl v. Home Owners Warranty Corp.*, 810 S.W.2d 464 (Tex.App.—San Antonio June 05, 1991, no writ) (No. 04-90-00558-CV) (Alfonso Chapa, J. –

- Affirmed as modified.) (Michael A. Scholl v. Home Owners Warranty Corp.*) (Opposing Counsel: Adam Poncio and Joel Pullen.).
12. *Thiel v. Thiel*, 780 S.W.2d 930 (Tex.App.—San Antonio November 22, 1989, no writ). (No. 04-89-00064-CV). (Blair Reeves, J. – Appellee’s motion to not abate Appellant’s appeal granted.) (John Thiel v. Eileen Thiel*) (Opposing Counsel: John E. Curney.).
 11. *Jordan v. Middleton*, 762 S.W.2d 339, 119 Lab.Cas. P 56,651 (Tex.App.—San Antonio December 14, 1988, no writ) (No. 04-88-00140-CV). (Alfonso Chapa, J. -- Reversed with instructions.) (Kenneth R. Jordan* v. Eileen Sandra Middleton) (Opposing Counsel: Byron E. Barnett.) ***Case with Issue of First Impression.***
 10. *United States of America, For the Use and Benefit of Howell Crane Service v. U.S. Fidelity & Guaranty Company*, 861 F.2d 110, 35 Cont.Cas.Fed. (CCH) P 75,601 (5th Cir. November 30, 1988) (No. 88-5531). (Jerre S. Williams, Circuit Judge – Reversed.) (Howell Crane Service v. U.S. Fidelity & Guaranty Company*) (Opposing Counsel: Susan M. Linden, Gregory J. Johansen, Kansas City, Mo.).
 9. *Perma Stone-Surfa Shield Co. v. Merideth*, 752 S.W.2d 224 (Tex.App.—San Antonio June 15, 1988, no writ) (No. 04-87-00195-CV) (Blair Reeves, J. – Affirmed in part, reversed and rendered in part.) (Perma Stone-Surfa Shield Co.* v. James and Dixie Merideth) (Opposing Counsel: Thomas F. Adkisson.).
 8. *Techcraft, Inc. v. Van Houten*, 709 S.W.2d 688 (Tex.App.—San Antonio February 19, 1986, no writ) (No. 04-85-00152-CV). (Pete Tijerina, J. -- Affirmed.) (Techcraft, Inc. v. Steven Van Houten*) (Opposing Counsel: William W. Sommers.).
 7. *Breen v. Breen*, 693 S.W.2d 495 (Tex.App.—San Antonio March 13, 1985, no writ) (No. 04-83-00322-CV). (Shirley Butts, J. – Reversed and ordered dismissed.) (Jerry Breen* v. Elizabeth Breen) (Opposing Counsel: Roger W. Wooldridge.).
 6. *Benson v. Benson*, (Tex.App.—San Antonio June 29, 1984, no writ) (No. 04-82-00391-CV). (Not designated for publication.). (Shirley Butts, J. – Affirmed.) (William Dow “Doc” Benson v. Georgia Fay Benson*) (Opposing Counsel: F.B. Lloyd, Jr., Alice.)
 5. *Texas Paper Stock Co. v. Corpus Christi Food City, Inc.*, 609 S.W.2d 259 (Tex.Civ.App.-Corpus Christi October 16, 1980, no writ) (No. 1597). (Nye, C.J.

- Affirmed.) (Texas Paper Stock Co. v. Corpus Christi Food City, Inc.*) (Opposing Counsel: Darrell L. Barger and James W. Wray, Jr., Corpus Christi.).
4. *Cherry Springs Ranch Inv., Ltd. v. Graham*, 599 S.W.2d 355 (Tex.Civ.App.-Waco April 30, 1980, no writ) (No. 6104) (McDonald, C.J. – Reversed and remanded.) (*Cherry Springs Ranch Inv., Ltd. v. Phillip H. Graham*) (Opposing Counsel: Samuel L. Boyd, Kerrville.).
 3. *Lawrence v. Hardy*, 583 S.W.2d 795 (Tex.Civ.App.—San Antonio November 22, 1978, writ denied n.r.e.) (No. 15984). (Carlos C. Cadena, J. – Affirmed.) (Burnis K. Lawrence v. W.T. Hardy*) (Opposing Counsel: None; no brief filed.).
 2. *Travelers Indem. Co. v. Landrum*, 572 S.W.2d 567 (Tex.Civ.App.-Austin October 04, 1978, no writ) (No. 12755) (Shannon, J. – Reversed and judgment rendered that plaintiff take nothing.) (Travelers Indem. Co.* v. Phillip W. Landrum and wife and American National Bank of Austin, Texas) (Opposing Counsel: James Y. Bryce, Austin.).
 1. *Dillard Department Stores, Inc. v. The Honorable Fred Shannon, Jr., Judge, District Court for the 131st Judicial District of Texas, Bexar County, Texas and Alma W. Thieme and Richard R. Thieme*, (Tex.Civ.App.—San Antonio March __, 1978) (No. B-7423) Application for Writ of Mandamus—Denied without opinion. (Dillard Department Stores, Inc. v. The Honorable Fred Shannon, Jr. and Alma W. Thieme and Richard R. Thieme*.) (Opposing Counsel: F. Terry Callahan.).