

To the Friends and Family of Kilgore & Kilgore,

The legal industry is in the midst of a fundamental change; some say 2009 was the worst year for the legal industry in the last half century.⁽¹⁾ There have been deep spending cuts and broad staff reductions. While Kilgore's revenues were down in 2009, we saw explosive growth in employment related inquiries. For an interesting demonstrative exhibit, I refer you to an article recently published in the *American Observer*.⁽²⁾

Compared with 2008, Kilgore's website hits were up 28 percent; Kilgore's employment inquiries were up 31 percent; Kilgore's number of settlements was flat and the average settlement value was down. Cash strapped companies fought hard to limit severance payments to terminated employees. Sadly, long time employees were lucky to get 1-2 week's severance per year of service. In addition, terminated employees were often required to sign non-compete agreements in exchange for severance, which continues a trend of market consolidation at the expense of the employee.⁽³⁾ Controversial arbitration provisions continue to limit employee access to justice.⁽⁴⁾

Kilgore continues to innovate, leading the legal industry. To meeting the needs of our clients, we use flexible-fee and flat-rate-fee arrangements. As well, Kilgore increased its use of *virtual lawyers and staff* to broaden its legal capacity.

We at Kilgore see this time as a time for opportunity. We hope you do too.

Employment and Executive Matters

In 2009, Kilgore settled 41 employment cases and revenues from employment cases increased by 25 percent. Kilgore represented the mother of an employee slain by a co-employee, a former executive vice president of a Fortune 100 high-tech company on a non-compete issue, an award-winning computer software salesperson in a gender discrimination case, numerous individuals in cases of age discrimination and family medical leave act issues, a CEO from a manufacturing company, a director of a fund-of-funds investment advisor in renegotiating an employment agreement, and advised numerous brokers at top financial institutions as the world's economy staggered.

"I was terminated from the world's biggest fast food restaurant, which I had faithfully served for 31 years. Ted Anderson and his staff, especially Pat Milfeld, are to be commended for the victory they won for me, my family and all the people like myself who are abused by greedy employers. Our case settled one week before trial." Joel — 2010

"You wouldn't believe how happy I am now. I have moved up a few times in the last several years in my career. It is amazing to think back and look how far I have come. I think that you would be very proud. I used the money from the settlement towards an education and it continues to pay off. I learned so much from the whole experience as awful and embarrassing as it was." Shanda — 2010

Under the Americans with Disability Act, John Crouch won a ground-breaking precedent before the 5th Circuit Court of Appeals for his client in *Pinkerton v. US Department of Education*.⁽⁵⁾

Bess Masterson prevailed for employees in all four of the Texas Workforce Commission hearings she handled.

Investor Matters

Kilgore represented a number of investors in trials, winning two jury verdicts on behalf of representatives in multi-level marketing company, which was written about in the *Dallas Business Journal*.⁽⁶⁾ We also won a jury verdict for an investor in a beauty product company. Our clients await judgments from the Court in all of these cases. Kilgore was also retained by a trustee to represent a gas developer on an insurance claim.

A Dallas Leader in Law

Ted Anderson is the 2010 chair of the Executive Council, Labor and Employment Section, Dallas Bar Association.

ELECTRONIC FOOTNOTES

- Control + Click:** <http://www.law.com/jsp/LawArticlePC.jsp?id=1202445357887&slreturn=1&hblogin=1>
See: Partner Cuts Logical Place for Savings in 2010, Report Says, Drew Combs, *The American Lawyer* 3-0302010.
- Control + Click:** <http://cohort11.americanobserver.net/latoyaeqwuekwe/multimediafinal.html>
See: The Decline: The Geography of a Recession, L Egwuekwe, *American Observer* (02/05/20).
- Control + Click:** http://knowledgebase.findlaw.com/kb/2009/Jun/1215589_1.html
See: Consolidation at the Expense of Employers
- Control + Click:** <http://www.hq.org/article.asp?id=6859>
See: Arbitration Provisions Continue to Limit Access to Justice
- Control + Click:** <http://www.ca5.uscourts.gov/opinions/pub/06/06-10657-CV0.wpd.pdf>
See : *Pinkerton v. US Dept Agriculture*
- Control + Click:** <http://dallas.bizjournals.com/dallas/stories/2009/08/31/daily13.html>
See: Jury Returns Verdict Against AdvoCare (08/31/09)
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