

Attorneys say Railey could face default

DALLAS (AP) — The attorney representing the family of Margaret "Peggy" Railey said Monday that former Methodist minister Walker Railey has a week to respond to a damage suit or face a possible default judgment.

Railey may have been served in California on Feb. 16 with a copy of the lawsuit filed Feb. 2 by his mother-in-law, Billie Jo Nicolai, which would mean he had until Monday to respond.

But Railey's attorney, Doug Mulder, said that service was not proper. And Nicolai's attorney, Bill Arnold, said he would wait another week before seeking a default judgment, based on a separate notice served through the Texas secretary of state's office.

"If he's not going to respond to either of them, I'll just do one motion for default judgment," Arnold said, referring to a judgment in which a judge could rule against Railey and award damages.

Nicolai asked for an unspecified amount of damages in her suit against Railey, accusing him of the April 21, 1987, near-fatal choking attack that left his wife in a coma.

Railey was not charged in the assault. Police said they are still investigating the case, which went before a grand jury in July. Railey was subpoenaed by the grand jury last July, exercising his Fifth Amendment right against self-incrimination 43 times.

Alcohol servers learn how to avoid lawsuits

By Mary-Lynne Rice
Staff Writer

With the development of the Texas Safety Association's Responsible Alcohol Service Program, the more than 1 million alcohol servers in Texas can learn how to prevent customer intoxication and avoid litigation in DWI suits involving their patrons.

RASP is a modified version of an alcohol responsibility program developed by the National Public Service Research Institute. Dr. Maury Dennis, Texas A&M professor and coordinator of safety training, and Dr. Roy G. Moss of Sam Houston State University tailored the program to meet specific Texas regulations.

Dennis said RASP takes a new approach to alcohol awareness and DWI prevention. "There have been a number of efforts through the years to train the person (drinker) him or herself," he said.

"But then you're asking a person who's under the influence, whose brain is affected by alcohol, to make a rational decision," he said.

The alcohol servers program aims training at the alcohol server instead of the drinker.

Texas law states that an already-intoxicated person shall not be served alcohol, Dennis said. But that leaves the subjective judgment of determining the point and level of intoxication to the server, who, without proper training, may not be qualified to judge.

"They can only go strictly on outward signs of intoxication," he said. "But once someone is intoxicated, there are limited options.

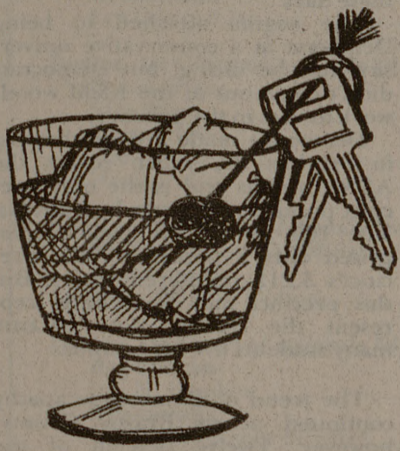


Illustration by Carol Wells

"Early research shows that if you train the servers, they are more likely to pick up cues and adjust serving patterns. Preferably, they will work on adjusting service patterns to prevent intoxication from happening."

Restaurants, bars or stores that continue to serve alcohol to intoxicated patrons or allow them to drive have found themselves named in court cases increasingly often for negligence.

In a case taken to the Texas Supreme Court, a man injured in an accident by an intoxicated driver coming from an El Chico restaurant sued both the driver and the restaurant. Although the restaurant's legal liabilities were questioned, the Court allowed the case to stand.

"They ruled not on the merits of the case," Dennis said, "but that there was the right to institute it."

In accordance with the Texas Legislature's September ruling, however, restaurant and bar owners and managers are not held liable in patrons' court cases if their employees have completed an approved alcohol server training program.

"If people are going to be involved in a business where they will be selling a potentially dangerous drug (alcohol)," Dennis said, "they should take reasonable action to preclude the danger. We're trying to stress what's reasonable."

Dennis and Moss's program is written for TSA-approved trainers who will train individual alcohol servers. Each trainer attends a two-day workshop, and then contacts restaurants and bars in areas near them to offer the program to employees.

RASP includes instruction in:

- Drunken driver statistics.
- At-risk groups.
- Alcohol's effects on behavior.
- Anti-drunken driving laws.
- Preventing intoxication.
- Intervention techniques.
- Alcoholic Beverage Commission laws and regulations.
- Alcohol consumption.
- High risk hours.
- Blood alcohol content.
- Server liability laws.

Those wanting additional information on becoming RASP participants should contact Robert Draper, vice president for highway and driver safety, at the Texas Safety Association, P.O. Box 9345, Austin, 78766-9345.

City council member confronts police

DALLAS (AP) — Off-duty police officers gathered signatures Tuesday at polling places across Dallas in a drive to abolish a citizens review board, but said they abandoned their efforts at one site after being confronted by a City Council member.

"In at least one of the polling places, we had to leave because (Mayor Pro Tem) Diane Ragsdale and some of her cohorts started to create problems, so we just decided to leave because it was not worth it," said Dallas Police Association President Monica Smith.

"Ms. Ragsdale started an argument, trying to convince people not to sign the petitions, and rather than getting it to escalate, we pulled out," Smith said. "You are not going to win an argument with her. . . . We did not feel we wanted to be in a position to argue with a city councilman."

Smith said the confrontation occurred at the Metropolitan Street polling place in South Dallas and there were reports of others.

The council member denied that there had been a confrontation.

"That's not true," Ragsdale said.

"This gentleman wanted to know from me what to do. He wanted to know about the issue because, you know, many of them — actually, some of our citizens, seniors — really don't know."

"They do not realize what they are doing. They attempted to circumvent their policy makers."

But one DPA spokesman said Ragsdale grabbed one man trying to sign a petition.

"She was telling people not to sign the petitions and we even had one instance where Diane physically, right in the middle of a citizen sign-

ing a petition, physically grabbed him, pulled him across the street and told him not to sign our petition," said the association's Larry McGowan.

Smith said signatures were being collected at polling places citywide by about 1,400 off-duty officers, 200 to 300 firefighters and their families.

The DPA's campaign to abolish the Dallas Citizens Police Review Board has drawn opposition from a coalition of black business, community, church and elected leaders.

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2.02 cts.	7,750 ⁰⁰	15,000 ⁰⁰	1.23 cts.	2,850 ⁰⁰	5,000 ⁰⁰
1.65 cts.	1,950 ⁰⁰	4,000 ⁰⁰	1.22 cts.	3,175 ⁰⁰	5,800 ⁰⁰
1.51 cts.	2,975 ⁰⁰	6,000 ⁰⁰	1.10 cts.	3,250 ⁰⁰	6,500 ⁰⁰
1.18 cts.	2,325 ⁰⁰	4,500 ⁰⁰	1.05 cts.	2,675 ⁰⁰	4,600 ⁰⁰
1.17 cts.	2,525 ⁰⁰	2,600 ⁰⁰	1.02 cts.	2,075 ⁰⁰	4,000 ⁰⁰
1.15 cts.	2,985 ⁰⁰	5,600 ⁰⁰	1.02 cts.	2,850 ⁰⁰	4,650 ⁰⁰
1.12 cts.	1,875 ⁰⁰	4,000 ⁰⁰	1.01 cts.	1,275 ⁰⁰	2,400 ⁰⁰
1.12 cts.	1,350 ⁰⁰	2,600 ⁰⁰	1.00 cts.	2,950 ⁰⁰	8,800 ⁰⁰
1.09 cts.	2,750 ⁰⁰	5,500 ⁰⁰			
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1.04 cts.	2,850 ⁰⁰	5,200 ⁰⁰			
1.01 cts.	1,975 ⁰⁰	4,500 ⁰⁰			
1.01 cts.	1,890 ⁰⁰	4,000 ⁰⁰			
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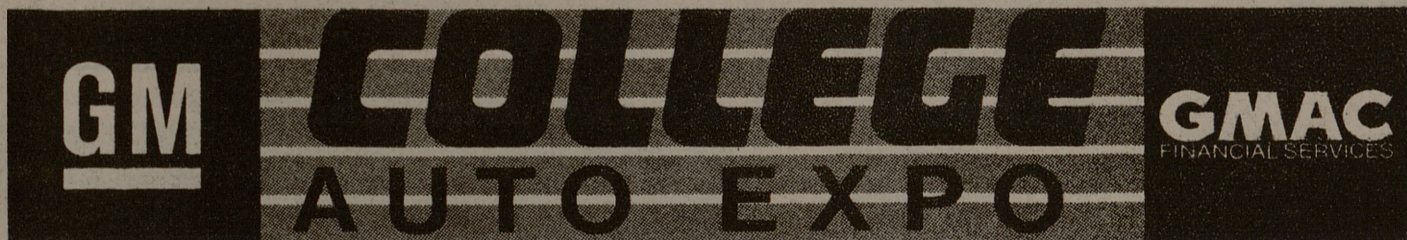
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