

# Texas lawyers quick on the trigger



**ANNE  
LANG**

If the Texas horse industry doesn't quit shooting itself in the foot, it's going to be crippled for good.

During the five years that have passed since pari-mutuel wagering was reinstated after a 53-year hiatus, the thorough-

bred world has watched in frustration as the development of this promising new racing and breeding region has been repeatedly paralyzed by a variety of obstructions.

Momentum had picked up in recent months. With Class I track licenses in place for San Antonio and Houston, horsemen all across the country were looking toward Texas as the last possible salvation of a faltering national industry.

Anticipation peaked when the final Class I license was awarded to the \$97 million Lone Star Jockey Club, with its politically savvy track site located halfway between Dallas and Fort Worth.

In the wake of that action, an outsider might expect the losing license applicants to grudgingly concede and channel their energies toward other levels of participation. But in Texas horse factions, the old cowboy code of fighting to the finish is doggedly perpetuated.

Yes, the lawyers are at it again. No sooner was the ink dry on the final order granting the license to Lone Star than attorneys for all three losing candidates

were headed for the courthouse to petition for a rehearing.

This came as no surprise to state horsemen already wearily familiar with such sour-grapes tactics. When Sam Houston Race Park won the Harris County license, its defeated rival pursued every possible judicial avenue to sabotage Sam Houston's progress—ultimately backing off with a substantial out-of-court settlement.

Who benefitted from the nuisance suit? Not the Sam Houston group, which had to endure schedule setbacks and scramble for unbudgeted funds. Not the rejected applicants, who clinched their reputations as poor losers. And certainly not the Texas horsemen.

So who won? Just the handsomely compensated lawyers, as usual.

Triple the nuisance factor from that episode, and you've got the grim picture in North Texas. The legal options now available to Lone Star's opponents could result in months, even years, of delays. And once again—regardless of how the whole sorry mess plays itself out—the only winners are going to be the lawyers.

But this time, the lengthy wait for justice could trigger a disastrous, irreversible domino-effect.

Besides the obviously vulnerable Lone Star partners, standing to lose big-time are the state's other Class I tracks. Retama Park and Sam Houston are already in risky territory: each is relying on the sale of tax-free municipal bonds to finance construction.

However, both groups have been waiting for the North Texas track to

reach non-appealable status before mounting all-out campaigns to issue the bonds—their security linked to the establishment of a complete Class I racing circuit with no overlapping dates. With Lone Star's inclusion on hold, that day may be a long time in coming.

And if not even one of Texas' three Class I tracks can get up and running, the negative repercussions on local breeding activity can only be imagined.

The Texas horse industry has been particularly slow to recover from the devastating oil market crash, and it's questionable whether it could survive another setback of comparable magnitude. After all, what's at stake now—as then—is millions of dollars risked by large numbers of Texans.

Admittedly, the lawyers can't be held solely responsible for firing the bullets at Lone Star. They'd be the first to remind you that the losing candidates, their employers, handed them the guns.

But talk about shooting yourself in the foot: most of the lawyers have vested interests in the tracks they represent, which means they're not only helping to potentially destroy the very source of their inflated incomes, they're also undermining their own chances to partake in what could be a glorious offering of unlimited opportunities for all.

Shame on them. Shame on their clients. And shame on a legal system designed to ease the way toward annihilation of a 53-year-old dream.

*Anne Lang is the Texas breeding correspondent for Daily Racing Form.*